

HOUSE OF ASSEMBLY

Thursday 5 October 2000

The SPEAKER (Hon. J.K.G. Oswald) took the chair at 2.30 p.m. and read prayers.

ADELAIDE CEMETERIES AUTHORITY BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the bill.

BALLOT RESULT

Mr LEWIS: I rise on a point of order, sir. I attempted to contact you to discuss this matter with you before the House began sitting today. I ask you, as a matter of procedure under standing orders, whether it is possible for the House to know the result of the ballot conducted in the House late in yesterday's sitting.

The SPEAKER: It has never been the practice of the House to provide those figures. I took the assurances of the Clerk and the two scrutineers last evening. I am not even sure that the relevant piece of paper is in existence any more; I could check, but, even if it was, it would be my feeling that I would adhere to the practice of the House and probably not reveal those figures. In reality, I do not think the numbers involved even exist now.

Mr CLARKE: I rise on a point of order, sir. You said that it was the 'practice of the House'. In your election as Speaker at the beginning of this parliament, in fact the figures were known. It was a secret ballot, and the results were declared and known to the House, so I cannot see why the results of yesterday's ballot cannot be revealed.

The SPEAKER: The House is the master of its own destiny, and if the House wants figures released it can so direct that they be released. We are not sure whether the numbers were released as a result of the Presiding Officer's vote or whether the figures became generally known around the chamber. I say again that it is for the House to decide in the future whether or not it wants the numbers of ballots released. In this case I took—

An honourable member interjecting:

The SPEAKER: I do not have a problem one way or the other, except that as it has never been the practice in the past I do not think the record that was passed to the Speaker and read to the House by names is even in existence now. Also, I may add that it was never the responsibility of the chair, based on past practices, to release the figures. I announced the names of the successful candidates, and that was all that was required at the time.

Mr CLARKE: I rise on a further point of order, sir. I ask that the vote of yesterday's ballot be recorded in the records of the parliament.

The SPEAKER: I think we need a motion of the House at some time or other to formalise it. I do not think a request from one member is sufficient. At an appropriate time the House may consider moving a motion that in future the figures be recorded, but this is not the appropriate time.

OLYMPIC GAMES

The Hon. J.W. OLSEN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. OLSEN: South Australia, like the rest of the country, was caught up in Olympic excitement over the past few weeks. A world-class event such as the Sydney Olympics is special, not just because of the sporting feats that are on display but because of the uplifting and unifying qualities of sport.

I am sure I am not alone in recognising the feelings of confidence and pride that have swept through the entire nation over the past few weeks. This pride was not only in the performances and achievements of Australia's elite athletes but also in the way in which Australia has again proved the excellence with which it can administer such a major world-class event.

Of course, South Australia played a significant part in this aspect of the games, with the flawless hosting of a number of matches as part of the Olympic soccer tournament, culminating in that spectacular quarter final between the United States and Japan.

More than 111 000 South Australians attended the matches at Hindmarsh Stadium, which I understand was over 90 per cent booked out. The quarter final received live television coverage to Japan, with an estimated audience of 55 million, and a delayed telecast to the United States, with an estimated audience of 45 million people. It is also important to note that the coach of the Italian team, Marco Tardelli, was glowing in his praise of Hindmarsh Stadium and the quality of the pitch.

Talk of the Olympics was buzzing throughout Australian and South Australian homes and workplaces. People everywhere were monitoring the progress of our athletes and following their achievements.

I guess it is difficult for us to imagine the sacrifice that our elite athletes must make to reach the pinnacle of their sport. Years of training, discipline and commitment—all these things—culminated in representing Australia at the Olympics. This year's games were special, for they gave Australians the chance to compete at the highest level in front of their home crowd—a crowd willing them on to greater heights.

Australia's Olympics team at the Sydney Olympics comprised 628 athletes, the largest Australian team ever. This included 51 South Australian athletes, also the largest contingent of South Australians to participate in an Olympics Games, who returned to the state five gold, five silver and four bronze medals.

The South Australian government is proud to support our elite athletes through a variety of programs, recognising the importance of sport in the daily lives of so many South Australians. There were some fantastic stories at this year's Olympics. Brother and sister archers, Simon and Kate Fairweather, competed this year, with Simon being South Australia's first gold medallist in Sydney. That was Simon's third Olympic Games—and what a spectacular performance it was.

A husband and wife team competing in pole vaulting, Viktor and Tatiana, were also chosen to represent Australia. I am sure we can all still vividly remember the scenes of Tatiana's attempts to secure gold by breaking the world record—the crowd right behind her, cheering her on. Unfortunately, she could not quite reach the height, but her silver medal was a tremendous achievement nonetheless.

I would also like to congratulate our other medallists: Brett Aitken for his gold in the 60 kilometre Madison track cycling race, and for the fact that he chose to come back to Adelaide for the parade rather than participate in a cycling event in Victoria today; Kerrie Pottharst, gold in the women's beach volleyball; Katie Allen, Juliet Haslam and Allison Peek for their gold in the women's hockey; Mark Woodforde, silver in the men's doubles tennis; Kate Slatter, silver in the rowing; Ryan Mitchell and Sarah Ryan, silver in the medley relay swimming; Carla Boyd, Jo Hill and Rachel Sporn, silver in the women's basketball; Selina Follas and Simone Morrow for their bronze in the women's softball; Robert Newberry, bronze in the diving; and Craig Victory, bronze in the men's hockey.

I am delighted that all the hard work and commitment over the years has paid off and trust that the sense of achievement and personal satisfaction has made all that work worthwhile. I also hope that our athletes can take pride in the knowledge that they are excellent role models for young South Australians. The government has long been an advocate of sport as a healthy lifestyle choice for our young people. Athletes are people we can admire and look up to and who demonstrate that participating in your chosen sport, at whatever level, is something that can bring enormous personal satisfaction. It is something we, as a government, encourage in our young people and I thank our elite athletes for being such a positive role model for young South Australians.

It is also important to recognise the important work of the officials who accompany our athletes to the games. Support staff are a crucial part of any successful Olympic team and it was great to see that 27 South Australians were chosen as officials for the Australian Olympic team. It would be remiss of me to forget the fantastic work of our hundreds of volunteers who took up the Olympic spirit and assisted in the staging of the games. I am delighted that the volunteers were able to participate in the parade today and the reception, despite some significant opposition earlier in the week.

The Hon. M.D. Rann: Who from?

The Hon. J.W. OLSEN: The opposition was from Telstra and the AOC initially, which refused to allow them to march.

The Hon. M.D. Rann: The volunteers made their games.

The Hon. J.W. OLSEN: And that is why we insisted that the volunteers should participate. Just as the excitement is nearly over, our attention will now turn to our Paralympians—with the Paralympics beginning in just two weeks. I urge all South Australians to get behind these athletes—as 24 South Australians will be competing along with 15 coaches who will be involved. In closing, I would like to reaffirm the South Australian government's commitment to sport at all levels in South Australia, from providing world-class facilities for international competitions, to ensuring that our school students are encouraged to participate in fitness and sporting activities, as well as getting encouragement from people such as Kate Slatter, a silver medallist in the rowing.

My government acknowledges the integral part that sport has played in Australian life. I am sure that all South Australians who enjoy their sport will join me in congratulating the achievements of our athletes at this Olympic Games.

QUESTION TIME

The SPEAKER: Before calling questions, I advise the House that any questions for the Minister for Environment and Heritage will be taken by the Deputy Premier.

NATIONAL WINE CENTRE

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Premier. What action will the Premier take against the Chief Executive Officer of the National Wine Centre following revelations by the Auditor-General that two consultants were employed by her in serious breach of guidelines, without tender and being paid well in excess of their original agreement? In a series of reports the Auditor-General has criticised the government's arrangements for the employment of consultants, costing the state tens of millions of dollars. In his report yesterday the Auditor-General identified two consultants employed by the Chief Executive Officer of the Wine Centre who were engaged without due process for periods that went well beyond their terms of employment, one eventually being paid \$228 000 and the other \$160 000.

In response to the Auditor-General finding serious breaches for employing consultants within the Department of the Premier and Cabinet, the Premier told this House in December 1997 that strict new guidelines had been issued for employing consultants. Yesterday the Auditor-General warned that new guidelines had never been actioned.

The Hon. J.W. OLSEN (Premier): I am pleased to advise the House that this matter was brought to my attention only recently. I have written to the Chairman of the National Wine Centre board, Mr Rick Allert, asking for an explanation from the Chief Executive Officer, and I will be happy to report to the House when I receive that explanation.

WOMEN'S AND CHILDREN'S HOSPITAL

Mr HAMILTON-SMITH (Waite): My question is directed to the Premier. Can the Premier give a guarantee that the Women's and Children's Hospital will not close its women's emergency section? I understand that the Leader of the Opposition has indicated in a press release that it will be closing, despite hospital claims to the contrary.

The Hon. J.W. OLSEN (Premier): The Leader of the Opposition got caught out today—caught four square. The Leader of the Opposition went out and issued a press release calling on me, as Premier, to give a guarantee that emergency services at the Women's and Children's Hospital would not be closed or downgraded. I can give you the guarantee, because it was never in doubt. If the Leader of the Opposition had just lifted up the telephone to make one call to check with the Administrator he would have known that there was no matter to be considered, because the board last Tuesday made a decision on a recommendation from a consultant to reject it. A consultant giving advice to the board, consulting parties, put some options up. It went to the board Tuesday, and they knocked it out and said, 'It's not on.' Yet on Thursday the Leader of the Opposition has the hide to go to the media and issue a press release indicating what happens to emergency mums in our public hospital system. Had the Leader of the Opposition done one jot of work, making just a simple telephone call, he would not have been caught out as he is today. Repeatedly we see this opposition put out stories that have half truths in them. They are silent on matters. They set directions that do not bear resemblance to the real facts of the matter. The Women's and Children's Hospital has put out a release this afternoon, having received media inquiries after the Leader of the Opposition's press release.

Mr Foley interjecting:

The SPEAKER: The member for Hart will come to order.

The Hon. J.W. OLSEN (Premier): Here is the member for Hart trying to protect his Leader, whom he wants to knock off.

Mr Foley interjecting:

The SPEAKER: Order! The member for Hart will contain himself.

The Hon. J.W. OLSEN: The Women's and Children's Hospital was so concerned about the inaccuracy of the Leader of the Opposition's statement that it took the unprecedented step of releasing a press release today indicating that what the Leader of the Opposition had said at his press conference and in the press release was fundamentally flawed, absolutely wrong; and a simple bit of homework, a telephone call, would have put those facts in context. It is symptomatic. This is another example and symptomatic of this opposition. This is an opposition that can recycle a press release 13 times—same answer, same issue 13 times. Well, today, Media Mike has been caught out.

NATIONAL WINE CENTRE

The SPEAKER: I call the Leader of the Opposition.

Members interjecting:

The Hon. M.D. RANN (Leader of the Opposition): I will not talk about used car salesmen. Will the Premier, as the minister responsible for the National Wine Centre, reveal to the House the identity of the two consultants who the Auditor-General found were improperly employed by the centre's chief executive and were paid \$228 000 and \$160 000 respectively, and what were they employed to do? Does the Premier know the identity of those consultants?

The SPEAKER: Order! The leader is now commenting.

The Hon. J.W. OLSEN (Premier): We are back to type. It took only until the second question time. I will be happy to get the information for the leader.

Members interjecting:

The SPEAKER: Order, the member for Hart!

Mr Foley interjecting:

The SPEAKER: Order! I call the member for Schubert.

PARTNERSHIPS 21

Mr VENNING (Schubert): My question is directed to the Minister for Education and Children's Services.

Mr Foley interjecting:

The SPEAKER: Order! I warn the member for Hart.

Mr VENNING: Will the minister advise the House of the level of school and preschool community response to Partnerships 21 and its success in South Australian school communities? Australian Education Union Council delegates recently endured a lecture on the evils of Partnerships 21 and its damaging effects on school communities by a no more learned gentleman than the self-confessed man who would be the education premier. I ask the minister to clarify for members the simple and undisputable facts about Partnerships 21.

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): I thank the member for Schubert for his question. Yes, unfortunately, it is true because the Leader of the Opposition, and I understand the member for Taylor, were recently both invited to speak to the AEU inner sanctum on, among other matters, Partnerships 21 and Labor's view of education as they see it. I have never had the pleasure of such an invitation and I must admit that I will not hold my breath waiting for one, either. I am sure the gathered disciples

there fed very well on the negative carping that they heard from the Leader of the Opposition. In fact, it was the former President of the AEU who reminded the Leader of the Opposition that it was not the government which they blamed for the decimation of teachers but the Labor government of the early 1990s which sacked 800 teachers in 1991. Let me tell you she was not too happy about it and reminded the Leader of the Opposition of that fact.

I am advised that some delegates were seen to drift off to sleep during the leader's address. Apparently they were trying to whip up the union's Partnerships 21 loathing meter, if it could be whipped up any further, which I tend to think it could not be. To members of this House and to members of the South Australian community, I say, 'Go out and talk to teachers; go out and talk to school community members; go out and talk to those members who are on governing councils of Partnerships 21, and hear about the real successes going on in those schools and about what this partnership is doing for education in this state. And, when you think you have done enough, go out and talk again and again,' because members will find that 75 per cent of most schools receiving extra money through this are spending it on additional teachers and additional SSO hours. They are reducing the size of classes and putting extra help into those classes from the additional funds that they receive from Partnerships 21, and that simply was not possible before this system and before this partnership.

The proof of this success is the greater flexibility which is now being experienced and which is absolute in the schools. It is being embraced by parents and teachers alike in our schools, contrary to what the ALP, the Democrats and union delegates would like to have the community believe. Their talk is cheap and ill-informed and is simply wrong.

Countless international education systems have turned over to this form of partnership. Only last week when I was in Scotland I addressed a conference on Fusion 2000—Information Technology in Distance Education and I visited schools there. They have been on local management for 10 years. When I asked whether they would like to go back to the old system, every principal and teacher to whom I spoke said, 'No way. We would never go back to that system.' It is wrong for the Leader of the Opposition to say that this is the wrong way to go. It is too easy for the leader to carp about how the government is doing it wrongly, but the only thing that is right in all this is that the government has actually done it.

It is spurious to talk of schools going broke and being in crippling debt. It is ridiculous if that is the best attraction that they can come up with because parents, teachers and the school community do not believe them. Unfortunately, we will never get the same sort of support from the teachers' union. That would be far too level-headed and sensible. Indeed, it is a shame that the union does not follow the lead of many of its teachers, who have repudiated its carping and are taking up Partnerships 21 with great zest.

I am disgusted, as are many educators, in the leader's giving a lecture, claiming that Partnerships 21 is nothing more than school-based apartheid. I believe that he owes the school and education community an apology. If that was not enough, more fatal errors followed. He might wish to consider his position, if he came to government, of sacking the present CEO of education, the man who is the most respected educational administrator in Australia; yet the leader says that he would get rid of him. Unfortunately, we

have come to expect this sort of negative carping from the leader.

Nearly half our schools in South Australia are now Partnerships 21 schools. They are enjoying the additional flexibility that has occurred because of that partnership with the government. It is and has always been a transparent exercise. As models such as this are developed, refinements can be made as they go along, as has happened in all other places that have developed this model. Put simply by the South Australian Association of State School Organisations:

The call for an inquiry into Partnerships 21 only reflects that there is a tendency among opponents of progress to thwart anything that threatens the comfort of the status quo. The AEU is at war with schools, parents and students and we call for a retreat from its trenchant battle against P21 in the interests of making public schooling in South Australia such that excellence is not a goal but a standard, and achievement for all is not a dream but a benchmark.

In closing my answer to the question, I notice that, in the Leader of the Opposition's electorate and that of the member for Taylor, about 50 per cent of schools and preschools are already in Partnerships 21. I find that interesting, particularly as the leader has demonstrated that he is way off the mark on Partnerships 21. This is a very successful partnership and I am very pleased to say that schools are taking it up, using the flexibility, using the additional funds that have been generated to lower class sizes, to improve the standard of education in this state, and I expect that a lot more schools will take this up between now and the next school year.

The SPEAKER: It was not the chair's intention to interrupt the minister during his reply and I direct my remarks to the cameramen and news reporters behind them. I remind them that their news editors signed a document that states clearly that they will film members on their feet when speaking and nothing else. I remind them of that and the implications of that. I direct that they do not run to air other film that they have taken.

BUDGET STRATEGY

Mr FOLEY (Hart): My question is directed to the Premier. Given the Auditor-General's analysis of the government's budget strategy drawing attention to the government's repeated failure to achieve budget balance, what will the government do to bring its budget under control and achieve a balance between revenue and spending?

Members interjecting:

The SPEAKER: Order!

Mr FOLEY: Thank you, sir. Would you like me to repeat the question, sir?

The SPEAKER: No, I would not like the honourable member to repeat the question.

An honourable member interjecting:

The SPEAKER: Order!

Mr FOLEY: The Auditor-General states that since the current Premier took office government outlays have risen in real terms and will continue to rise by nearly 20 per cent (or over \$500 million in real terms) between 1997-98 and 2003-2004, and that the budget will continue to be in deficit—this is the Auditor-General saying this—until 2003-2004 and will therefore have added to state debt. The Auditor-General also states:

Discretionary use of dividends and returns from financial institutions and deferral of discretionary outlays such as past superannuation liability funding have been required to achieve the underlying balanced budget targets.

The Hon. J.W. OLSEN (Premier): Some of the questions from the member for Hart never cease to amaze me. He received yesterday an Auditor-General's Report that would not have pleased him all that much, because the Auditor-General's Report has given very substantial support to the government's activities in a number of policy areas.

Mr Conlon interjecting:

The SPEAKER: The member for Elder will come to order.

The Hon. J.W. OLSEN: Yes, some of our outlays have gone up, and I make no apology for putting more money into health and education and allocating more money to police. If the honourable member wants to criticise us for putting more money into education, health and law and order, so be it, but we do it quite openly; it is in the budget papers. Let me pick up part of the Auditor-General's Report. The member for Hart talks about the discretionary funding, but the Auditor-General refers to the benefit and says that we will save \$210 million next year on interest payments alone. What does the member for Hart have to say about that? Silence—absolute silence! The member for Hart is the biggest interjector in the parliament, but at the moment he has gone silent.

Mr Foley interjecting:

The Hon. J.W. OLSEN: If the honourable member wants to talk about budgets in the red, I can talk about the CFS that had a \$13 million debt, the \$4.5 billion worth of unfunded superannuation liabilities under his government and the \$8.2 rolled into \$8.9 billion worth of debt that we inherited, or I could also talk about the fact that when we came to government the previous Labor government had been spending \$300 million a year more than it was earning. The member for Hart has the temerity, the hypocrisy and the hide to come into this parliament and talk about—

Mr FOLEY: Mr Speaker, I rise on a point of order.

The SPEAKER: Order! The honourable member has a point of order.

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. Ingerson interjecting:

The SPEAKER: Order! The member for Bragg will come to order.

Mr FOLEY: My point of order is that the Premier is incorrect. As he knows, the Auditor-General has said—

The SPEAKER: Order! There is no point of order.

Mr FOLEY:—that his budget is in the red.

The SPEAKER: Order! I warn the member for Hart for the second time for shouting down the chair. I suggest that he takes very seriously this warning about his constantly trying to override the chair. The member for Hart has been warned for the second time today. The Premier.

The Hon. J.W. OLSEN: When do opposition members have no substance to their argument?

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: We have seen it when they stand as the member for Hart just did waving a book, which he knows is against standing orders. The member for Hart in a press conference today walked in and said, 'Look at this red book. It's a red warning sign, the cover for the opposition.' The media took him to some task over that—and rightly so, I might add.

An honourable member interjecting:

The Hon. J.W. OLSEN: Yes. It was a TV shot, not a shot of substance. When the member for Hart starts interjecting and waving books around, you know there is no policy

substance or depth to the argument. I point out to the member for Hart—and it is in the Auditor-General's Report—that if he were not so selective he would see that net debt has gone down to about \$3 billion and that the Auditor-General said that we had a return on our asset sales in the upper end of the market—the upper end of expectations.

So, the Auditor-General has actually said that the return that we achieved was a good result for South Australia. The fact that we are saving some \$210 million each year on interest is substantial. We can now resubmit those funds: instead of going out to banks overseas, those funds are available for education, health, law and order, roads and the environment. That is what we are doing. The Governor's speech indicated yesterday that we had to get the finances right: once you get the finances right, you can then invest in a range of social infrastructure in a community. And that is exactly what we intend to do.

After 10 years of pain, after 10 years of having to put up with the opposition's inadequacies as administrators of the finances of this state, we have it stabilised. There is new hope and new optimism. In talking about the opposition and its whingeing, whining, carping approach, I will just quote—

Ms Key interjecting:

The Hon. J.W. OLSEN: I am glad the member for Hanson has tuned in. I will quote something to you from a few years ago:

I see whingeing and whining as a substitute for a lack of ideas and a lack of guts.

Who would you suggest might have uttered those words, Mr Speaker? It was none other than the Leader of the Opposition. Well, Labor has no ideas to get this state moving. It did not have the guts to solve the problem, and it has whinged and whined since. There is no policy initiative, no new idea and no substance to what it is on about. For the member for Hart to have the temerity to stand up in this place today, as he has done, based on an Auditor-General's report which, by and large, is mild, and an Auditor-General's report which, by and large, has given support for what we have achieved in this government, he is left without anything with which to fly. The honourable member is disappointed and, as a result of that disappointment, he takes the next step of theatre to overcome the lack of substance.

TAFE, HOSPITALITY TRAINING

Mr MEIER (Goyder): Can the Minister for Education and Children's Services advise the House of the success of TAFE students employed to provide corporate catering at the Olympic Games and how their achievements have added to South Australia's reputation for excellence in the delivery of hospitality training?

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): As we celebrate the achievements of the athletes and the volunteers who contributed to the success of the Sydney Olympic Games, I think it is very timely that we recognise the efforts of the students of Regency TAFE who were part of the game's massive catering effort.

Mr Clarke: And Adelaide TAFE.

The Hon. M.R. BUCKBY: And Adelaide TAFE, as the honourable member says. As members of the House know, Regency Institute of TAFE'S hotel school and Adelaide Institute were part of a successful consortium with gM2000/Sodhexo to provide corporate catering at the Sydney 2000 Olympics. Their contract was to prepare food for some 23 corporate suites at the sponsors' hospitality centre in the

Homebush Olympic Village. More than 500 students and staff travelled to Sydney to be part of the catering team, and these students were given a wonderful opportunity to gain valuable paid experience at the highest level of hospitality to all the major sponsors of the Olympics, including Telstra, Coca-Cola, BHP and AMP. I understand that the students acquitted themselves with great professionalism. They were a credit to their state and the quality of training that they received at the Regency hotel school.

All members of this House would appreciate that the organisation involved in catering for the Olympic corporate suites is quite staggering. In fact, the suites range in capacity from 300 to some 1 000 people, and the students certainly had their work cut out in catering for that number of people. In total, the students supplied some 150 000 meals during the two weeks (or the equivalent of some 5 000 meals per day), and during the four weeks that they will be in Sydney they are committed to about 12 to 14 hours work each day they are there.

Their ability to rise to this challenge cannot be understated because, once again, it shows that their excellent training at the Regency institute has stood them in good stead to provide a top class level of service to those corporate suites. The institute now has an international reputation for producing hospitality industry leaders of tomorrow, as evidenced by the successful training partnerships that they have developed with Le Cordon Bleu and also Shokurio Garkin in Japan. In monetary terms the contract to cater for the Olympics was worth some \$2.4 million to TAFE and its students, but the real value lies once again in the lifetime experience for these students in undertaking that work at the Olympics.

The chance to work at the Olympics is an opportunity that cannot be understated. When these young people go forward into their careers in the hospitality industry, to have on their CV that they have been part of a team that provided catering to the corporate suites in the Sydney Olympics will take the attention of any employer before whom they place themselves. I understand that the students made many valuable contacts with national and international guests, who were very impressed by their presentation and skill, and this may well lead to future careers for these young people either interstate or overseas.

I commend the Regency institute for facilitating this opportunity for the students. The success of this contract is quite likely to open the door to future contacts for the Regency and Adelaide institute students so they can gain more experience such as this, which will equip them particularly well for the work force once they enter it. In South Australia we want to continue to expand this area of hospitality training. One only has to look at the convention centre being expanded just down the road to realise the opportunities that will exist for our young people. Its capacity will be extended to some 4 000 conferees, and the level of catering and hospitality that will be required will also expand.

I commend the staff and students for all their training and organisation for the Sydney Olympics. Their success is further proof that South Australia can be confident in its ability to train professionals who can take their place among their peers of very high standard anywhere in the world.

ASSET PROCEEDS

Mr FOLEY (Hart): Will the Premier rule out the use of retained profits of the South Australian Asset Management Corporation for any other purpose than debt reduction in next

year's election budget; and why has the government decided not to use this money for debt reduction over the past two years? The Auditor-General states that the South Australian Asset Management Corporation has retained profits of \$243.3 million. The government has for the second year running retained the South Australian Asset Management Corporation's profits in an account to be dealt with 'as the Treasurer of South Australia may determine'. The South Australian Asset Management Corporation's profits are proceeds from asset sales which the government has said would be used only to retire state debt. However, the opposition remains concerned that these moneys may be held back for unsustainable spending promises in the run-up to the next state election.

The SPEAKER: The honourable member is clearly commenting in that explanation.

Mr Foley: Absolutely.

The Hon. J.W. OLSEN (Premier): The member for Hart clearly admits he is participating in a debate, not question time. I would have thought that two track records speak for themselves. The Bannon-Arnold administration, of which the member for Hart was a key adviser, took our debt levels to record heights in the state, just short of \$9 billion.

Mr Foley interjecting:

The Hon. J.W. OLSEN: I want to talk about track records; you don't.

Mr Foley interjecting:

The Hon. J.W. OLSEN: In asking his question either the member for Hart wants an answer, or he will interject rudely as he does all through the answer to interrupt it. I would ask that, having asked the question, he have the courtesy to let us answer it.

Mr Hanna interjecting:

The SPEAKER: Order! The member for Mitchell will come to order.

An honourable member interjecting:

The Hon. J.W. OLSEN: You will need one. In relation to debt levels, let the two track records speak for themselves. On the one hand, when I left office in 1993, the previous administration left \$8.9 billion worth of debt, over \$4 billion worth of debt in superannuation, \$13 million worth of debt in the CFS and about \$276 million in WorkCover unfunded liabilities. Almost every avenue—

The Hon. Dean Brown interjecting:

The Hon. J.W. OLSEN: And \$375 million involving the Housing Trust, I am reminded by the minister. The previous administration had delivered every area bankrupt—every area! That is the opposition's record. Also, in the year in which we took over, the opposition was spending \$300 million more than it was earning. Not only were members opposite ratcheting up the debt, not only had they bankrupted every one of those organisations, but they were spending beyond their capacity. What did we do as a government? First, we looked at stabilising the—

An honourable member: Stopping the bleeding.

The Hon. J.W. OLSEN: 'Stopping the bleeding' is a good term. We looked at curtailment of the \$300 million worth of funds going out each year that we did not have. We then set upon a task of stabilising the debt, then reducing the debt. In the past seven years we have reduced the debt from nearly \$9 billion to \$3 billion—and falling. In addition, we have put in place—

Mr Conlon interjecting:

The SPEAKER: The member for Elder will come to order.

The Hon. J.W. OLSEN:—forward estimates and balanced budgets on a yearly basis. What the member for Hart and the opposition do not like is that, seven years ago, we set upon a strategy, we have delivered and we have been successful. There is no better third party endorsement for this than that of Standard and Poor's. When it upgraded our credit rating recently, Standard and Poor's said that this government, over two terms, has set down some goals and objectives and it has delivered on those goals and objectives. If we want to talk about track record we are more than happy any day to talk about what we have achieved in seven years compared to the opposition's 10 years of financial debacle which inflicted a downside on every South Australian.

We have stabilised the finances and, in addition, we have given new hope to South Australians as part of new private sector investment in this state, increasing employment in South Australia to record levels. I point out that it is some 4 or 5 per cent below unemployment that existed when the opposition left office and when the leader had been the minister for employment or, as it should have read, 'minister for unemployment'. That is what has been achieved, and it is a track record of which I happen to be proud.

STATE ECONOMY

Mr CONDOUS (Colton): Will the Premier outline to the House details associated with the remarkable turnaround in the South Australian economy and the importance of an encouraging and positive environment for all South Australians?

The Hon. J.W. OLSEN (Premier): I am certainly pleased to respond to the member for Colton's question, because we have seen quite a remarkable turnaround in levels of confidence. That is reflected in consumer sales and retail spending and we are now out-performing other locations. One has only to see the mood that is about in the community to realise that a renewed confidence is emerging in our state. But where is the opposition on the good news stories? It is always silent, because good economic news is bad news for the ALP and bad news for the leadership. Whenever there is good news the opposition goes to ground, and we have had a fair dose of that recently.

We are now experiencing record levels of employment. Something about which I also happen to be proud is our manufacturing sector, which is out-performing every other state of Australia. We have record export levels. Our wine industry is out-stripping all expectation, and the list goes on. But where is the ALP? It is silent on those good news stories of how the economy has turned around. I quoted just a moment ago from members opposite. Let me give members one other quote because I think that it is rather interesting in the context of this economic direction.

The same person, now Leader of the Opposition, said a number of years ago that he sees whingeing and blaming as a substitute for a lack of ideas and a lack of guts. The Leader of the Opposition went on to say, 'We need action, not words, and the lesson is that we have to drop-kick the whingers to the sideline.' The only thing I can assume is that the member for Hart has some footy boots on at the moment. We now have emerging in the economy some good economic news of substance that we have not seen for a couple of decades. Perhaps the Opposition might like to acknowledge the fact that we have turned the corner in this state at last.

NUCLEAR WASTE

Mr HILL (Kaurna): My question is directed to the Premier. Given the statement to parliament by His Excellency the Governor that the government opposes the dumping of reprocessed nuclear fuel rods in South Australia, why has the government failed to make a submission to the Senate inquiry into the contract for a new reactor at Lucas Heights, which cannot be licensed without available means for disposal of waste?

A select committee of the Senate is inquiring into the contract for a new reactor at Lucas Heights, including the adequacy of fuel management and the disposal of waste. While the Opposition made a submission to the inquiry before the deadline, which was last Friday, 29 September, and told the committee that the new Lucas Heights reactor cannot go ahead on any understanding that South Australia will accept this waste, a check with the Secretary to the committee has confirmed that the South Australian government did not make any submission.

The Hon. J.W. OLSEN (Premier): Well, Mr Speaker—

Mr Koutsantonis: Too busy!

The Hon. J.W. OLSEN: We are very busy getting new private sector capital in this state, and we are very busy delivering on a number of key promises. The member for Peake would not like the delivery of some of those promises, but it is not a bad record to date.

I say in relation to the question from the member for Kaurna that our position is quite clear. I would not have thought any submission to anybody would have needed further explanation than a government that makes a statement; that I take it up with my federal industry minister counterpart; we have a public debate on the issue; I have from time to time correspondence with him on the issue; I take up the matter with the Prime Minister of Australia; and we introduce a resolution into the parliament of South Australia. What more evidence do you want?

That is a clear, decisive commitment by this government that it does not want, in our back yard, the high level nuclear waste repository, because, as I have said ad nauseam at press conferences over the last few months, we have done our bit with the Maralinga clean-up. If national effort is to be considered in this equation, we have done our bit, and some other state can do its bit. Our commitment is clear, precise and unswerving.

CANNABIS

Mr SCALZI (Hartley): Can the Minister for Police, Correctional Services and Emergency Services advise the House of police concerns about the number of cannabis plants that can be grown for personal use?

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I thank the member for Hartley for his question and for his ongoing concerns about issues of law and order and police. Since I have been minister, police have been coming to me on a regular basis with briefings raising—

Mr Koutsantonis interjecting:

The Hon. R.L. BROKENSHIRE: The member for Peake might want to make a joke again about a very serious issue, in which I thought he would be interested, that is, law and order and crime, and that is what I am getting to right now. So, I suggest that, instead of being a power broker, the member for Peake should actually listen to what I have to say.

One of the reasons why the police come to me on a regular basis and raise concerns about cannabis and about other drugs is that the 1987 model introduced by the Labor Party, of which the member for Peake is a proud member, went down the wrong track. Police have had to deal on an ongoing basis with an increase in crime as a result of drug addiction, drug use and drug trafficking, of which police have clear evidence marijuana is a significant part.

You only have to listen to what a superintendent of police said a couple of days ago when there was a serious home invasion, and when unfortunately a gentleman was critically injured, to see the ramifications of what can happen when cannabis, heroin, cocaine and other drugs are running through the community. It is a very serious issue. It is also an issue with which police in Europe, from where I have just returned, are grappling.

Mr Koutsantonis interjecting:

The SPEAKER: Order, the member for Peake!

The Hon. R.L. BROKENSHIRE: The member for Peake might be pleased to listen. Where people and parliamentary parties have gone soft, as has the Labor Party in this state, they have seen no reduction in crime, by taking the soft, sappy Labor direction when it comes to drugs. The decision by the loony Leader of the Opposition today to again send mixed messages to our community is doing nothing whatsoever to help our police when it comes to sending out a strong message about law enforcement and about the issues around crime that result through the use of marijuana.

I say to the opposition: look at what happens with criminal activities and the people who are tested for drugs one way or another. It is a cocktail. One of the cocktail ingredients clearly is marijuana. The police have been asking the government—and the government has been working hard on this—to holistically to address the issues around drugs. ‘Holistically’ includes law enforcement and giving the police the opportunity to reduce crime by bringing back the number of marijuana plants. The police have been calling for this for some time. The government is listening and it is a pity that members opposite, particularly the Leader of the Opposition, do not support this government when this important initiative to reduce marijuana plants—

Members interjecting:

The Hon. R.L. BROKENSHIRE: I know they don’t like it.

The SPEAKER: Order, the members for Elder and Peake!

The Hon. R.L. BROKENSHIRE: In conclusion, it is a pity that the Leader of the Opposition in the upper house was on the radio today working against what police have been calling for with anecdotal evidence for some time. A lot of the criminal activity in South Australia is a clear result of the failed 1987 Labor policy on getting soft on illicit drugs.

BROWNHILL CREEK VINEYARD

Mr HILL (Kaurna): My question is to the Minister for Human Services, representing the Minister for Urban Planning. Does the Minister for Urban Planning acknowledge that planning approval for a vineyard in the hills face zone near Brownhill Creek only became inevitable because of bungled changes to planning rules introduced by the Minister for Urban Planning? On 3 October an application by Andrew Garrett to establish a vineyard in the hills face zone was approved after three earlier applications dating back to 1996 had been refused. Approval became inevitable when Andrew

Garrett lodged a fourth application following the introduction of new planning rules by the minister, subsequently withdrawn, which temporarily allowed vineyard development in the hills face zone. The Conservation Council of South Australia, amongst others, has also expressed dismay that the development will go ahead as a result of action by this government.

The Hon. DEAN BROWN (Minister for Human Services): I will obtain a detailed reply from the minister in another place. I add, however, that I know that the minister is one of the fiercest defenders of the hills face zone, and the minister on a number of occasions has brought measures to cabinet to ensure that the nature of the hills face zone is preserved. Therefore, any suggestion whatsoever that the minister is not in there wholeheartedly fighting to protect the nature of that zone is wrong, to say the least. In relation to the actual application and the approval by the Mitcham council, I will certainly get an answer from the minister.

ELECTRICITY ACCOUNTS

Mr McEWEN (Gordon): Will the Premier advise the House as to his understanding of the conditions under which AGL can apply CPI to electricity accounts? A number of constituents of mine are bringing to my attention what could be at best described as a very aggressive commercial practice of AGL. In part they are struggling to understand the increases in their electricity tariffs as they seem to be well in excess of what would be a quarterly CPI plus GST on their quarterly accounts.

The Hon. J.W. OLSEN (Premier): I thank the member for his question and continuing interest in consumer protection. It was an issue that was pursued by the member during the debate in the House on the legislation that put in place the government's strong customer protection within the electricity disposal process. I refer to the electricity pricing order, which was part of the legislation that went through parliament.

The electricity pricing order, as members know, which is clearly backed by legislation, sets out the maximum increases that can be applied to this state's small electricity consumers between now and January 2003. In January 2003, it is currently scheduled that every South Australian power consumer will be contestable, that is, able to choose their own power supplier and able to choose the best deal available to them. Until then and very importantly, all South Australian households have the protection of parliament as it relates to power pricing.

The maximum increase is the CPI figure added to the total amount of power consumed in the year and therefore applied to each quarterly account. That is quite clear and specific. It is the March to March CPI of the previous year that AGL can apply. Reference was made in the member's explanation to the GST, and that is a federal taxation charge that is applied to all power consumers in Australia and therefore it is outside the protection of our electricity pricing order. That applies across Australia, so there are no overs and unders between the respective states.

I also remind the House that, when the legislation went through, particularly that relating to the EPO, it had strong support, including support from the member for Gordon, who was looking for these sorts of guarantees. We now have an independent electricity Industry Regulator in Lew Owens, who ensures that AGL cannot charge more than it is allowed to under the electricity pricing order. We also have an

Electricity Ombudsman in Nick Hakof, who is available to deal with any consumer complaints. In total, we have a pricing order supported by parliament and two independent consumer champions as the watchdogs of this parliament's legislation. With those protections in place, the member and the House can be assured that the CPI increases charged by AGL cannot be more than has been agreed to by this parliament.

NATIONAL WINE CENTRE

Mr FOLEY (Hart): Will the Premier confirm that the \$228 000 consultancy, which the Auditor-General has stated in his annual report was awarded in serious breach of government guidelines, without tender and well in excess of the original agreements, was in fact awarded to Dr Mal Hemmerling?

The Hon. J.W. OLSEN (Premier): The preface of the question is wrong. There was an original tender as I understand, and that is what I have thought—

Mr Foley interjecting:

The Hon. J.W. OLSEN: You said there was no tender. There was a tender. Since that time there have been extensions. I understand verbally that the board supported that. I repeat the answer that I gave to the leader: I have written to the chairman of the board requesting an explanation from the Chief Executive Officer. I look forward to that explanation and I am more than happy to pass that on to the House when I receive it.

REGIONAL DEVELOPMENT INFRASTRUCTURE FUND

Mrs MAYWALD (Chaffey): My question is directed to the Minister for Regional Development. What is the process for assessing applications for funding through the Regional Development Infrastructure Fund; what applicants have successfully accessed funds through this program since its introduction; and how much has been allocated to each successful applicant?

The Hon. R.G. KERIN (Deputy Premier): Obviously, I will have to take the finer detail on notice. I will discuss that with the member once I have an update on what the figures are at the moment. As far as the process goes, the Regional Development Infrastructure Fund has been well publicised mainly through the regional development boards throughout the state. Quite a few applications have been made. The applications are assessed by a panel which is made up of people from industry and trade, Primary Industries and the Office for Regional Development and which then makes recommendations to the Treasurer and me. The larger applications go to the state development subcommittee of cabinet.

Quite a few have been approved. Largely, they have been made to businesses trying to set up in rural areas to equalise some of the costs of getting infrastructure to the boundary of those developments. It has mainly involved the supply of electricity and other services to those businesses. In a couple of other cases, we have seen some benefits for regional areas. One that springs readily to mind is the sealing of the Balcanoona airstrip after its upgrade. This has resulted in charter flights from Sydney to Arkaroola on most weekends, and that is a real boost for that region. I undertake to obtain those figures and to talk to the member about the detail of them. I think she will be quite happy with what has been happening.

GOVERNMENT, CONSULTANCIES

Ms THOMPSON (Reynell): My question is directed to the Minister for Education, representing the Treasurer in the other place. Does the Treasurer's media release of 13 June 2000, in which he announced that, as a major reform, the state government would reduce its spending on consultants by \$40 million over the next two financial years, encompass a commitment to restriction on the use of contractors in situations where consultants were previously engaged? Following the issuing of the Treasurer's commitment, I have noticed that in community fora, public servants have been referring to the engagement of contractors and, on occasion, correcting their terminology and substituting 'contractor' or 'contract' for 'consultancy' or 'consultant'.

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): The member for Reynell is correct in saying that the Treasurer has indicated that we will reduce consultancies by some \$40 million over the next two years. As to the finer details in terms of consultants or contracts, I will seek further clarification from my colleague.

LOCUSTS

The Hon. G.M. GUNN (Stuart): Will the Deputy Premier give the House an update on the progress that his department and others are making in relation to the control of locusts in the northern parts of South Australia? The House would be aware of the effort which has been made and the urgent need to ensure that every necessary action is taken.

The Hon. R.G. KERIN (Deputy Premier): I thank the member for the question and also his interest in this matter. We are expecting quite a large invasion of locusts over the next couple of months. The big rains in the middle of Australia and what happened in the autumn in the northern areas of the state have signalled that we would have a problem, and that is certainly the case. Large numbers of locusts have hatched in areas where we would normally expect them to hatch in a year such as this. Those areas have significant infestations, although they are still very much at the hopper stage. However, it is somewhat worrying that we are also finding very significant hatchings in some areas where we do not normally see locusts at this time of year. I refer, in particular, to an area around Glendambo and south of it, and this would seem to signal an increased risk for the crops on northern Eyre Peninsula and Eyre Peninsula as a whole.

There is no doubt that damage will occur. The aim of the whole campaign is to minimise the damage as much as possible and to kill as many locusts as possible before they hit the wing, so that we can keep down the level of damage. That is all on track. The planning is absolutely thorough. A lot more resources than we have had in place in the past are well and truly in place. The level of cooperation we are receiving from the LGA, local councils, land-holders, the Farmers Federation and community reference groups is terrific. Enormous numbers of land-holders have turned out at public meetings that have been held to ensure that everyone understands what they should and should not do. At some meetings between 250 and 300 farmers have turned up and a couple of dozen meetings have been held.

Everyone realises that we face a major challenge. There is potential for a large amount of damage. The success of the program will depend on how many spraying days we get over the next month or so. If the weather turns against us, it will

make it extremely difficult, but everyone in the department and the councils and the land-holders are determined to give it their best shot to try to minimise the damage to the state's economy.

GOVERNMENT LAND

Mr CLARKE (Ross Smith): Will the Minister for Education and Children's Services honour the government's longstanding policy that surplus departmental land will, in first instance, be offered to other government agencies and, if not accepted, it will be offered to the appropriate local government authority at the Valuer-General's valuation before it is put on the open market? If so, will that policy apply to the proposed sale of the former Adelaide Secondary Language School site at Angwin Avenue, Blair Athol?

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): The usual tradition of government, as the honourable member would well know, is that if a site becomes vacant, either a school site or any government land, that it is—

An honourable member interjecting:

The Hon. M.R. BUCKBY: Yes, that is right. If a site is excess to government needs it is first offered to other government departments. If there is no interest from those government departments, it is then offered to local government. If there is no interest from local government, then it is then put out to open tender. That is the process that should be followed. It is then a matter of assessing the tenders and for the department to decide which tender it will accept. I am aware of the situation to which the member refers—

The Hon. M.H. Armitage interjecting:

The Hon. M.R. BUCKBY: The Minister for Administrative Services has just indicated to me that he raised this issue with me about a week ago. I am aware that Port Adelaide Enfield Council has put in a tender for this particular property, so upon receiving advice from the minister's department I will then make up my mind as to which way we go.

POLICE INITIATIVES

The Hon. R.B. SUCH (Fisher): Can the Minister for Police, Correctional Services and Emergency Services outline initiatives being taken to deal with negative behaviour being carried out by a minority of young people in the Aberfoyle Park and Hallett Cove area?

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I appreciate the point that the honourable member raised about a 'small minority of young people'. In recent times, the member for Fisher and the Minister for Mines and Energy have raised with me concerns over what is very much a minority group of young people who have not been working with the rest of the community in both Hallett Cove and Aberfoyle Park. Of course, that is not acceptable to the other members of the community who are good law-abiding citizens and who live in a good district and just want to get on with an enjoyable life.

Police are well aware of that situation. As a result of the new intelligence-based policing and the fact that more police are working in community policing, they have been able to pick up the intelligence around the untoward behaviour of this small group of young people in Aberfoyle Park and Hallett Cove.

As a result of that, two things have occurred. First, as all members would know, the government has a significant police recruiting program under way at the moment and in the Sturt area, which is one of the busier local service areas in the state and which covers both Aberfoyle Park and Hallett Cove, we have seen a significant increase in police resources in recent times. I also report to the House at this time how pleased I am at the fact that we are well and truly on track. We are looking at about 255 new police officers coming through the system either out on the beat or in the academy prior to the middle of July next year, and that includes 113 additional police officers coming into the force. For a start, where it counts, police officers are being located. Clearly, in Aberfoyle Park and Hallett Cove, through the Sturt local service area, that is the case.

The other thing that has been of huge benefit to police in combating the untoward activity in Hallett Cove and Aberfoyle Park, over and above what I have mentioned with respect to community-based policing and building up intelligence, is for members to encourage people in their community to report untoward behaviour to police. If the police do not know what is going on in the park, if the police do not know the pattern, then it makes the job a lot harder when it comes to combating this untoward behaviour.

As a result of the last enterprise agreement, we now have the opportunity for flexible police rostering and police are now able to put more police on the beat during busy periods when the untoward behaviour is occurring, often Friday and Saturday nights. They are setting up special operations, which are now starting to impact on the minority group of young people who do not want to work with the rest of the community in that area. I am confident that we will see positive results coming forward as a result of these police initiatives.

MEMBERS' TRAVEL REPORT

The SPEAKER: I lay on the table the annual travel report for 1999-2000 for members of this House.

GRIEVANCE DEBATE

Mr LEWIS (Hammond): I do not know what it is that the government has to hide or cover up these days, but it goes to great lengths to do that, it seems to me, and then to avoid creating the impression that it has done it. The point that I make then is: why is it, for instance, that the ballot for Speaker has the results shown, as is the case in the proceedings of the House, yet yesterday's ballot over the question of who would be the members of the Standing Orders Committee is not to become public? Let me say quite plainly that the word that I was hearing around the corridors of parliament yesterday was that the support for Murray De Laine was from all members of this parliament, but that there was a shortfall of full support for other members because there were seven in the ballot and that had to be so.

There were a couple of votes less for Michael Atkinson, so a couple of votes more therefore went somewhere else. Whether or not they went to Michael Armitage, I do not know but there were a couple of votes—or three votes—for Michael Armitage. There was one vote for Joe Scalzi, I was being told. Although there are only three Independent

members, there were 24 votes for Peter Lewis. I know that only 18 members of the Labor Party were in the House at the time. In fact, eight members were missing—four Liberal and four Labor. The bottom line of all that is: you do your own arithmetic. Some people did that overnight, and the story I hear around the place this morning is different. If it was not so, the only way in which we could check it for certainty would be if the ballot were recorded—and I believe it should be. I would have gladly moved for the suspension of standing orders to give the Speaker the opportunity to place on record, with the assistance of the Leader of the Opposition and the Premier, while their memory is still reasonably fresh, the result of the ballot. If they needed further assistance, they could have consulted the table officers who saw it. In that way, it would put the result beyond doubt.

Mr Foley: How many votes did Gunny get?

Mr LEWIS: I honestly do not know the answer to that question—and it would be pretty interesting. I guess it was probably less than one would have expected in the circumstances. I do not know what each of the candidates got. The fact is that it does not matter in the sense that we know who is elected. But it does matter in that I believe that secret ballots are important and that they are valuable because they produce the result the House wants, but the result needs to be placed on the record after the secret ballot is known.

None of us were elected here being told by the returning officer that we were elected and the other candidate was not and that the result of the ballot in terms of the numbers supporting the individual was simply not revealed. That is not democracy. There is a message in how many votes each of us gets in these ballots, and it is just as important for us to know it here in this chamber as it is whenever we contest any other election, such as when we are elected to this place to do our job. It strikes me as sad that we don't know. One way I propose to see it rectified is to move to amend standing orders at the earliest opportunity hereafter and avoid the unpleasant and unnecessary implications or inferences that there was a cover-up in some way or another.

Mr Foley: Secret government!

Mr LEWIS: Yes; I have come across that a good many times in recent times. I could talk about the Hindmarsh stadium for a long time. I have a heap of documents that were all crap. The real documents sought by the Public Works Committee were simply refused to it by the responsible minister or ministers of the day.

I want to turn now to another matter that I think is niggardly, mean spirited and small minded—and this is very personal. Everybody in this place knows that I had surgery last week to have the ulna nerve fixed on my right elbow, and everyone in this place and indeed the general public know that my left hand is maimed. I asked the Speaker, the Premier and the minister, the Hon. Robert Lawson, to provide me with assistance in how I could get around to do my job. They were long in replying. The only reply I got did not come from the Premier. The Speaker said, 'It is not my responsibility; it's really the government's.' I believe it ought to be the responsibility of the House and the parliament to decide those sorts of things, not the government of the day. I got a reply not even from the Premier's chief of staff but from the secretary to the Premier's chief of staff. Other members have been given access in the past, but I was denied.

Mr CONDOUS (Colton): The issue I would like to raise here today should concern both sides of the House, because it is important to the future sporting life of 204 young soccer

players who are playing for the West Adelaide Wizards, and also because of the way in which the Adelaide City Council as custodian of the parklands is handling the issue of park 27B. The Adelaide Sharks went into receivership some 18 months to two years ago. The appointed receiver at that time was Mulvaney, who decided he would sell up the assets of the Adelaide Sharks and then try to bring in some money to cover his expenses, because there will not be any money other than moneys that will cover what he is currently doing. The tragedy about this is that, because the permit holders of the ground at 27B were the Adelaide Sharks, along with Adelaide Oval, the receiver decided that he would put up the ground for sale to the highest bidder.

Some 204 young people, both girls and boys between the ages of eight and 17, are playing for the West Adelaide Wizards. The wonderful thing about that is that once they are over 17 this gives them the opportunity to graduate and play for Adelaide Olympic and possibly, like other Australians, to finish up in the national league or play overseas. But the Adelaide City Council has made a recommendation involving a body called the Adelaide Raiders comprised of past soccer players, who are past their use-by date other than for social soccer and who have agreed to pay \$25 000 to Mulvaney to take over that ground, and one of the conditions is that they will allow these 204 young people from West Adelaide Wizards to continue playing as well. The kids from West Adelaide Wizards want the ground to themselves.

The Adelaide City Council is the custodian of the parklands, and it should be acting responsibly by saying that the only things there to sell are the soccer goals, the lights and any other equipment that might be there. Once the Adelaide Sharks went into receivership, the council should have taken over the permit again and then made a decision as to what should happen to that land at 27B. It is setting a dangerous precedent. If at any stage organisations such as St Aloysius, Christian Brothers and Prince Alfred Colleges, the Adelaide Bowling Club and the South Australian Jockey Club decide not to continue with a ground, they will now be able to sell it off and receive moneys, and ask the council simply to transfer the permit to another body.

There is no value to the Adelaide parklands; it is crown land and belongs to the people of South Australia. The Adelaide City Council has a responsibility as custodian of that land to say to Mulvaney, 'Sell off anything tangible which can be sold and which you can remove; however, after that, 27B will revert to the Adelaide City Council and we will then make a decision as to what will happen to that land.'

I have raised this issue in the party room. It is the intention of the Premier to raise it with the Lord Mayor at the next monthly meeting. I am also asking for a ruling from the Minister for Local Government. The previous Minister for Local Government, the Hon. Mark Brindal, tells me that we should get Crown Law advice on this, because it is a very dangerous precedent. I ask the Adelaide City Council to defer this decision until there has been greater consultation between the government and the council, in the interests of the people but, more importantly, in the interests of 204 young sporting people.

Ms KEY (Hanson): Today I will devote my remarks on the grievance to the memory of a campaigner in Leigh Creek, Bruce Benn. Unfortunately in the last day we have had two vales for very important members of the South Australian community, Sir Mark Oliphant and the Hon. Dr David Tonkin, but in his own smaller way Bruce Benn has also been

a very important South Australian, in my view. Bruce was born in December 1948 in Port Pirie. He started his working career in the smelters before going into the army for a few years and at 27 he moved to Leigh Creek, where his wife got a nursing job at the local hospital. He got a job at the Leigh Creek coal mine as a store person and then worked servicing the heavy equipment used in the mine. Within five years he was working as a driver in the coal mine, a job he did for the next 15 years.

He was involved in a dirty and dangerous industry but had a strong work ethic and did whatever his employer asked of him. This often involved putting out fires caused by the spontaneous combustion of oil shale. He started to feel unwell and continually asked his employer, the Electricity Trust of South Australia, to review its health and safety practices. Fellow workers started to get sick; many were leaving and dying of unusual cancers at an early age. His own health got so bad that he had to leave Leigh Creek in 1994 and move to Kangaroo Island for a healthier lifestyle.

Then began a long campaign that was to consume his life. He began to research, ask questions and compile a list of people who had lived at Leigh Creek but who had met an early and often painful death. He became a thorn in the side of the Electricity Trust of South Australia, and I believe he caused some concern for the member for Stuart and the member for Frome, our Deputy Premier. At different times in this chamber, both of them have made comments about Mr Bruce Benn. As I said, he started to lobby the Electricity Trust of South Australia. He was a persistent source of aggravation for many politicians—some of whom I have mentioned—and also a campaigner against what he saw as being health and safety problems which he had identified but which had not been followed up properly by the trust or the government.

Mr Benn wanted the government to carry out a study of the health of workers and residents at Leigh Creek. He wanted to establish the full effects of the mine's fumes. He wanted justice for workers, their families and the residents who had lived at Leigh Creek. He was a gutsy fighter and was not put off by people telling him to go away. Throughout this campaign, Mr Benn's health continued to deteriorate. He had a heart condition that required surgery, and he had damaged chromosomes thought to be as a result of his exposure to carcinogenic fumes. In July this year, Bruce was diagnosed with lung cancer and tumours were found in his brain, ribs and spine.

Bruce's doctor stated that his cancer was thought to be caused by his exposure to oil shale fires. Bruce had known this himself. He continued to battle with the authorities not just for himself but also for the many hundreds of others who he knew were also in the same situation. Sadly, Bruce lost his battle on 21 September when he passed away in Port Pirie. Shortly before his death he said, 'I will make sure someone will keep the fight going—the wheels are in motion.' His concern for others and his persistent battle to seek justice for his fellow workers will be something for which we will always remember him. His friends will continue his fight.

Bruce was a brave man who thought more about others than himself. He will be sadly missed. I would like to put on the record that Allison Merchie, who has been doing some research for me in this area, has put together Bruce Benn's files, as well as taking an oral history from him before he died. We will be making that information available to any person who is interested in taking up the campaign with us in order to determine whether there is a case to answer with

regard to the spontaneous combustion of oil shale at Leigh Creek and the number of people who have lived and worked there and who have either died or who have cancers that cannot be explained in any other way.

Time expired.

Mr McEWEN (Gordon): I rise to speak briefly about the implications of shifting from a public monopoly to a private monopoly with the sale of the Optima/ETSA assets. AGL, of course, as part of that process, manages the retail arm of the new entities and, to that end, is the business that interfaces with the clients on a day-to-day basis. During question time I asked about one of four matters that concern me regarding AGL's aggressive commercial policy.

The first of those matters relates to the way in which AGL interprets CPI: it has added a full year's CPI to all accounts as from the start of the year. If that was, as the Premier has said, what we agreed to in the electricity pricing order, then we have all taken our eye off the ball. I believe it would have been far more appropriate to add CPI to accounts for the previous quarter. That notwithstanding, accounts have increased quite considerably on the basis that the new tariff first adds in a full year's CPI (March to March) from the year before and then, on top of that, adds in 10 per cent GST. All South Australians are therefore paying considerably more for their electricity. As I say, unfortunately, we are suffering from a very liberal interpretation in terms of CPI being added into accounts.

The second matter relates to the more aggressive interpretation of applying fees and charges. ETSA could always charge for querying an account, particularly if it visited the property and inspected the meter, but often it chose not to do so. In exploring the issue with the customer—where there could have been some confusion about the account, or the customer needed some advice, or perhaps there was a faulty reading, anyway—ETSA chose not always to enforce payment of the fee. Obviously, the role of the new private owner is to maximise profits and shareholder value, so on every occasion, of course, it charges the fee. I think that is unfortunate but, again, it is part of commercial reality when you have a private monopoly.

The third matter is particularly interesting and relates to back charging. In one situation a family moved from one home to another more than a year ago. I am told by this family that at the time they checked with ETSA they were told that they had to pay up fully the old account before they would be connected at their new property. They believed that in moving from the old property to the new property they had fully paid their account. They then continued to receive accounts at the new property. At no stage did they suspect that they still owed ETSA some money, until the new owner came along and told them that they owed \$200 from their old property.

They queried that because, of course, there was no evidence on their new accounts that this money was owed. They were not given any satisfactory answers but were paid another visit and told, 'If you do not pay the \$200 your power will be turned off.' It is most unfortunate for all South Australians if those practices are occurring.

Another interesting situation is that old meters are being replaced with new meters, which are far more efficient in more accurately recording usage. On occasion it has been discovered that the old meters have been under-charging considerably. What is then happening is that that extra amount is being calculated and, I am told, people are being

back charged for up to 16 months. Of course, this is long before the private entity even owns the assets. So, now some people are receiving a back account for up to 16 months on estimated use over and above the old meter's reading. Again, I believe that is a disgraceful practice.

Finally, of course, is the issue of competition. We are told, now that people are moving into a contestable market, that there will be more competition. If there is only one potential supplier, there is no more competition. There is still a monopoly but, unfortunately, it is now a private monopoly rather than a public monopoly and, as much as I can grieve today about some of the practices that are occurring, I do not believe that much will happen.

The Premier did indicate that the Independent Regulator, Lew Owens, and the Electricity Ombudsman, Nick Hakof, are both available to receive complaints. However, that notwithstanding, we will now have to expect this far more aggressive approach of a commercial operator and, sadly, to everyone's loss.

The Hon. G.M. GUNN (Stuart): During the comments I made yesterday noting the achievements of the former Premier, Dr Tonkin, I forgot to mention another important policy initiative which the Tonkin government made in relation to isolated communities, namely, the assistance given to parents living in isolated areas. This was the first time that this had happened in South Australia. Although not a large amount of money, it was some assistance when combined with federal assistance. I would like to indicate, of course, that, hopefully, this amount can be increased in the future, because the cost of educating children in the isolated parts of the state is very expensive for parents.

People have gone through a very difficult economic period, and it is absolutely essential that their children receive a good, broad education. They are therefore entitled to some assistance as the demands made upon the families in these cases are often far beyond their resources.

The second matter I want to raise is that some time ago, unfortunately, we witnessed some quite outrageous behaviour by anti-uranium protesters in my electorate. I am well aware—

Ms Rankine: What about the outrageous behaviour of the police, though?

The Hon. G.M. GUNN: I think the police demonstrated exemplary behaviour and those people got what they deserved. Let me just tell the honourable member—

Ms Rankine interjecting:

The Hon. G.M. GUNN: Look, if those ferals were the honourable member's friends, I can only say that she is not fussy about her friends.

Ms Rankine interjecting:

The Hon. G.M. GUNN: The honourable member was not there. The honourable member never saw them. Let me just explain what they did. A publication issued by Heathgate Resources states:

Militant anti-nuclear activists caused considerable property and environmental damage during their violent protest action during May. Heathgate Vice-President David Brunt says that in addition to sabotaging plant and equipment the protesters showed little regard for the environment they claimed to be protecting. 'They came ill-prepared for an extended stay in the outback and left a lot of damage behind them when they left. They tore down fences and trampled over the area with complete disregard for flora damage. They also stole wood from the pipeline construction site and burnt it in their camp fires. In addition, they caused considerable environmental damage over the area covering several hundred square metres where they camped, and left their rubbish behind to blow over the area.'

This included paper, plastic, cans and bottles. Heathgate personnel cleaned up after they left, but there was a lot of environmental damage that would not have occurred had they staged their protest peacefully and showed some regard to the outback.

For example, while Heathgate Resources places great importance on issues such as not driving vehicles off road, the protestors had no qualms about bouncing around the bush in their cars.

. . . in addition to environmental damage the protestors caused damage and other costs in excess of \$100 000 through the need to repair fences, excavators and pipeline equipment that had been sabotaged.

In addition, South Australian taxpayers were required to meet the cost of a considerable police presence at the site over a long period.

These people portray themselves as peaceful, environmentally responsible people, but they were far from that . . .

They showed no respect for the law or property.

They also, of course, blocked the road at Marree on 6 June between 3 p.m. and 6 p.m. A reply by the Minister states:

Approximately 20 protestors blocked the Oodnadatta Track, 25 kilometres north of the Borefield Road on Stuarts Creek Station to all traffic.

Protestors used vehicles, railway sleepers, cones, chairs and tables, and themselves to blockade traffic and lit a fire in the middle of the road. A tourist bus from William Creek was forced to stop at this blockade, as was other traffic.

All traffic, after being stopped, were handed anti-uranium, anti-Western Mining Corporate pamphlets, and were then able to proceed unimpeded.

They were eventually cleared by the police. I observed some of these characters, and on a previous occasion they interfered with the property owner of the station, terrified his family, and elderly tourists who were lawfully going about their business. But these people are meant to be treated with kid gloves! I believe that under great provocation and tolerance the police acted responsibly and in the best interests of the people there is only one thing wrong: use more batons on them.

Time expired.

Ms BEDFORD (Florey): Today we have witnessed a parade of champions through Adelaide, and reflecting on the festival called the Olympics I began to think about gender equity in sport, especially elite sport. Women have really featured in the recent Olympic competition and produced outstanding results, not only shaving seconds off or adding centimetres to personal bests, most notably in team sports.

Our Olympic equestrian team was without gender balance this time, lacking the presence of South Australia's Gillian Rolton and Wendy Shaeffer. Both are busy preparing new mounts for future competitions. We have, though, marvelled at the dressage skills of Kristy Oatley-Nist and Rachel Downs, who performed outstanding programs and produced Australia's best results ever.

In swimming, my own local hero, Phil Rogers, was pictured during the games with Liesel Jones. He would be an outstanding mentor for any young swimmer, and Liesel produced amazing swims at the Olympic meet, and will no doubt be a star of the future, much like Suzie O'Neill, whose performances in Sydney were a fitting end to an illustrious career. Spare a thought, too, for our recent past champions like Samantha Reilly and Hayley Lewis, not to mention Dawn Fraser, who played a vital role throughout the games and featured in one of the most stirring moments of the opening ceremony when the Olympic flag was carried into the stadium, a moment Gillian Rolton, too, will cherish forever.

Our women's gymnastic team, so cruelly hampered at the beginning of their team competition, fought on for a good finish in elite company under their coach, Peggy Liddick. Her work will certainly bear fruit in the not too distant future. I

was very impressed by her professional and caring manner during the competition and commend her for her work in lifting the standard of Australian gymnastics.

In team competitions no-one can go past the Hockeyroos, the Opals, beach volleyball, cycling, diving, sailing and rowing, featuring our own Kate Slatter. And I have left water polo until last because of the wonderful story of the women's fight for inclusion in the XXVII Olympiad, and then the heart-stopping gold medal goal that sealed the match.

In individual pursuits there was Tatiana Grigoreva in the pole vault, the courage of our javelin competitors, Lauren Burns in Tae Kwan Do, a new sport to the Olympics, and, of course, track and field, which saw Louise Sauvage do her demonstration race. And there were the relay teams featuring Cathy Freeman in the 400 metre run which truly transfixed our nation.

I pay tribute, too, to the many other truly fine performances, too many to mention. Of all, I was most touched by the efforts of Jane Saville, our 20 kilometre walker, not so much by the fact that she was so cruelly eliminated so close to the finish but because of her outstanding character in accepting such a public loss so graciously. This, to me, epitomised the meaning of Olympic spirit.

Yet, after all this, women do not see parity with male sports people, not only in sponsorship and contract deals, but often in crowd support. For although crowds were exceptional for the Olympics, domestic competitions, for example in netball, where Australia is the world champion, do not see the sponsor or spectator support that our teams deserve. Why is world class netball any less exciting than, dare I say it, football in any of its varieties? Last year I gave a speech on calisthenics in this House, which was the subject of some derision, and yet a South Australian calisthenics team starred with the South Australian Police Band at the recent Edinburgh Tattoo.

So we do have a glass ceiling in sport as well and, just as in business, women should support each other. With the level of skill from elite women in sport, like Carrie Webb in golf, and the promising crop of women tennis players, coming through, I hope we will keep in mind the necessity to support each other and our young athletes at a local level so that they, too, may eventually achieve personal bests, which ultimately will lead to the satisfaction and fitness levels which inspire participation in sport and good health in general.

SESSIONAL COMMITTEES

The Legislative Council notified its appointment of sessional committees.

GOVERNMENT BUSINESS

The Hon. J. HALL (Minister for Tourism): I move:

That standing orders be and remain so far suspended as to allow the introduction of government bills before the address in reply is completed.

Motion carried.

TRANSPLANTATION AND ANATOMY (PUTATIVE SPOUSES) AMENDMENT BILL

The Hon. DEAN BROWN (Minister for Human Services) obtained leave and introduced a bill for an act to amend the Transplantation and Anatomy Act 1983. Read a first time.

The Hon. DEAN BROWN: I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The purpose of this short bill is to recognise partners in de facto relationships as next of kin in the consent process for removal of tissue from a deceased person for the purposes of the Transplantation and Anatomy Act 1983.

The *Transplantation and Anatomy Act 1983*, in relation to adults, defines 'senior available next of kin' as the first in order of priority of the following persons who is available at the time:

- the spouse of the person;
- a son or daughter, who has attained the age of eighteen years, of the person;
- a parent of the person;
- a brother or sister, who has attained the age of eighteen years, of the person.

Removal of tissue from a deceased person for the purpose of transplantation can occur if:

- the donor whilst alive expressed the wish for, or consented to, the removal after his death of tissue;
- in the case that the donor when alive made no determination, the senior available next of kin consents to the removal of tissue after the donor's death.

It is important that the Transplantation and Anatomy Act recognises de facto partners as having the same status as spouses as 'senior available next of kin'. A definition of 'spouse' is therefore included to achieve that purpose.

I commend the bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 5—Interpretation

Section 5 of the principal Act is amended by inserting a definition of 'spouse' that includes 'putative spouse', and by inserting a definition of 'putative spouse' as a person who is a putative spouse under the *Family Relationships Act 1975* (whether or not a court has made a declaration to that effect).

Ms STEVENS secured the adjournment of the debate.

FAMILY AND COMMUNITY SERVICES (SERVICE AGREEMENTS) AMENDMENT BILL

The Hon. DEAN BROWN (Minister for Human Services) obtained leave and introduced a bill for an act to amend the Family and Community Services Act 1972. Read a first time.

The Hon. DEAN BROWN: I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

This bill makes an amendment to the *Family and Community Services Act* following a review in accordance with the National Competition Policy. The guiding principle in undertaking that review was that the *Family and Community Services Act* should not restrict competition unless:

- The benefits of the restriction to the community as a whole outweigh the costs; and
- The objectives of the legislation can only be achieved by restricting competition.

Section 24(3) currently restricts the Minister from entering into agreements with for-profit organisations if a viable non-profit option exists. This has ensured that not-for-profit agencies have been the preferred service providers, and has excluded the commercial sector from making competitive bids for the provision of services. By excluding potential commercial providers the government is denied the opportunity of testing the market price of services on offer from alternative providers.

The amendment repeals Section 24(3) of the Act and thereby removes the restriction imposed by subsection (3) preventing the Minister from entering into agreements with the for-profit sector for the provision of long-term care services. The removal of this

provision will allow for the contracting of family or community welfare services or other related services with the entire range of non-government services.

The quality of services will be protected as the commercial service provider will be required to demonstrate capacity for and comply with the same standards of service provision as any other tenderer.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 24—The Minister may enter into agreements for services

Section 24 of the principal Act is amended so that the Minister is not required to avoid entering into agreements providing for long-term care of persons with parties who seek to make a profit.

Ms STEVENS secured the adjournment of the debate.

SOUTH AUSTRALIAN PORTS (DISPOSAL OF MARITIME ASSETS) BILL

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I move:

That the bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

MARITIME SERVICES (ACCESS) BILL

The Hon. M.H. ARMITAGE (Minister for Government Enterprises) obtained leave and introduced a bill for an act to provide for access to South Australian ports and maritime services on fair commercial terms; to provide for price regulation of essential maritime services; to amend the South Australian Ports (Bulk Handling Facilities) Act 1996; and for other purposes. Read a first time.

The Hon. M.H. ARMITAGE: I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

This bill is one of three covering the Ports Corp divestment process and seeks to provide a framework for future third party access to certain port facilities that are currently owned and controlled by Ports Corp.

The bill will govern the commercial terms and conditions upon which the new port operator will be regulated and required to provide access by third parties to maritime services at proclaimed ports.

It is worth reiterating that an access regime is a legal avenue which allows a business or individuals to use services provided through infrastructure where that infrastructure is not economically feasible to reproduce, or where the regime is required to permit effective competition in other markets.

The commercial advice to the government in preparing the structure for the Ports Corp divestment is that it certainly would not be economically feasible to duplicate the channels at any port.

This is the same conclusion that was reached for the Victorian ports privatisation process where an access regime has been in place for around three years.

An access regime assists not only the future owner or lessee of a business in providing certainty prior to divestment, but is also central to fostering competition by providing the basis on which that competition can occur where a monopoly may otherwise continue, or occur later.

In our public consultation process we also picked up a lot of concern about whether open commercial access to the ports would continue. This bill will in fact ensure that it does.

Furthermore a State-based access regime already applies to the Bulk Handling Facilities that were previously owned by Ports Corp and which are now owned by SACBH.

To ensure this existing regime is effective it is necessary to connect the port channels to the bulk loaders by including the relevant berths in the access regime.

The objectives to be achieved under this access regime are therefore considered to be:

- (a) To provide access to maritime services on fair and commercial terms;
- (b) To facilitate competitive markets in the provision of maritime services;
- (c) To protect the interests of users of essential maritime services by ensuring that regulated prices are fair and reasonable for the industry concerned;
- (d) To ensure disputes about access are dealt with efficiently.

It is not proposed to regulate facilities that are currently used by a single entity under an existing agreement where there is little prospect of, or need for, competition.

The Port of Klein Point which is used only by ABC as a source of limestone for its cement making operation in Port Adelaide is an example, along with other berths in Port Adelaide which are the subject of current single user agreements such as the Sea-Land container terminal and Penrice berth, and in Regional ports the Pasmenco berth at Port Pirie. It is not intended to provide third party access to these particular berths through the access regime, but other berths in most ports (including Port Pirie) will be subject to the third party access regime.

It is proposed to seek National Competition Council certification of the third party access regime prior to divestment pursuant to Part IIIA of the Trade Practices Act 1974 as an 'effective' State based access regime. Once certified, it is proposed that regulation will be undertaken by the South Australian Independent Industry Regulator (SAIIR).

The access regime will be in two tiers comprising essential maritime services in conjunction with prescribed prices, and other maritime services for which less formal arrangements will apply eg excluding prescribed prices.

The formal access regime will cover essential maritime services at six ports (excluding Klein Point), being the provision of:

- (a) channels
- (b) common user berths
- (c) berths adjacent to Bulk Handling Facilities.

Ceiling prices will be set initially by the Minister in a Pricing Order for these services which will be based on Ports Corp existing price structure. The proposed levels of the initial ceiling prices are currently being developed but would be based on a normal 'CPI minus X' factor which will be of great interest to certain port customers.

Common user berths will be those that exist on commencement of this measure and the SAIIR will be empowered to issue exemptions to take into account changing circumstances on the relative need and ongoing mix of single user and common user berths.

The initial ministerial pricing determination will be in operation for a period of three years at which point the SAIIR will review the pricing determination to assess its continued applicability. The review will take into account, among other things, any countervailing competitive forces that may have emerged during the period. The review may result in a continuation of the regime, a narrowing or even removal of the pricing determination. It is to be noted that, as a result of a review by the Office of the Regulator General in Victoria, the pricing determination in that State is to be narrowed.

The access regime provided for in the bill must also be the subject of a review by the SAIIR at the end of a three year period. The SAIIR must prepare a report, containing his or her recommendations as to whether the access regime should continue for a further three year period or not, and forward that report to the Minister for tabling in both Houses of Parliament and publishing in the *Gazette*. If it is the recommendation of the SAIIR that the access regime should continue in operation, the access regime will be continued for a further three year period by regulation.

Flexibility will exist for the SAIIR to approve the prescribed prices being adjusted to take account of subsequent augmentation to essential maritime services such as deepening of a channel.

The less formal arrangements will apply to the Bulk Handling Facilities and the provision of pilotage and storage services where a State based dispute resolution process will be administered by the SAIIR comprising conciliation, and if necessary, arbitration, with appropriate appeal mechanisms.

Thus the whole regime will be administered independently by the SAIIR and with the essential maritime services proposed to be certified by the NCC.

I commend this bill to honourable members in conjunction with the other two bills.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Objects

This clause sets out the objects of the measure as follows:

- to provide access to maritime services on fair commercial terms; and
- to facilitate competitive markets in the provision of maritime services; and
- to protect the interests of users of essential maritime services by ensuring that regulated prices are fair and reasonable having regard to the level of competition in, and efficiency of, the regulated industry; and
- to ensure that disputes about access are subject to an appropriate dispute resolution process.

Clause 4: Interpretation

This clause sets out definitions for the purposes of the measure.

Clause 5: Proclaimed ports

This clause sets out a process for determining the ports that are to be subject to the measure.

A proclamation is required to declare the relevant ports and to define the boundaries of a proclaimed port.

The ports that may be brought within the measure are those listed in the clause (Port Adelaide, Port Giles, Wallaroo, Port Pirie, Port Lincoln and Thevenard) and any others listed in regulations (which are, of course, subject to disallowance).

PART 2

REGULATION OF MARITIME INDUSTRIES

DIVISION 1—ESSENTIAL MARITIME INDUSTRIES

Clause 6: Certain maritime industries to be regulated industries
This clause applies the *Independent Industry Regulator Act 1999* to essential maritime industries.

An essential maritime industry is an industry of providing an essential maritime service or essential maritime services. An essential maritime service is a maritime service consisting of—

- providing or allowing for access of vessels to a proclaimed port; or
- providing port facilities for loading or unloading vessels at a proclaimed port; or
- providing berths for vessels at a proclaimed port;

The application of that Act is varied by providing that the first pricing determination for the industry is to be made by the Minister rather than by the Industry Regulator.

Clause 7: Review to be conducted by Industry Regulator

The Industry Regulator is required, within 3 years, to conduct a review of essential maritime industries to determine whether essential maritime services should continue to be subject to price regulation and, if so, the appropriate form of the regulation. The Regulator is required to seek submissions and to report to the Minister.

DIVISION 2—PILOTAGE

Clause 8: Obligation to maintain a current schedule of pilotage charges

The operator of pilotage services in a proclaimed port is required to maintain and make available a schedule of charges. Notice of proposed changes to charges must be given to the Industry Regulator.

DIVISION 3—GENERAL FUNCTIONS OF INDUSTRY REGULATOR IN RELATION TO MARITIME INDUSTRIES

Clause 9: General functions of Industry Regulator

The Industry Regulator is required to keep the regulation of maritime industries under review with a view to determining whether regulation (or further regulation) is required under the *Independent Industry Regulator Act 1999*.

This clause gives the Regulator an additional power to develop and issue standards to be complied with in the provision of a maritime service. The standards are not mandatory unless promulgated as regulations.

PART 3

ACCESS TO MARITIME SERVICES AT PROCLAIMED PORTS DIVISION 1—REGULATED PORT OPERATORS

Clause 10: Regulated port operators

The application of the access regime set out in this Part is to be determined by proclamation. The Part applies to businesses in proclaimed ports providing maritime services declared by proclamation to be regulated services.

DIVISION 2—BASIS OF ACCESS

Clause 11: Access on fair commercial terms

A regulated operator must provide regulated services on terms agreed between the operator and the customer or, if they do not agree, on fair commercial terms determined by arbitration under the measure.

DIVISION 3—NEGOTIATION OF ACCESS

Clause 12: Preliminary information to assist proponent to formulate proposal

This clause enables a person who intends to ask a regulated operator to provide a regulated service to obtain information about—

- the extent to which the regulated operator's port facilities subject to the access regime are currently being utilised; and
- technical requirements that have to be complied with by persons for whom the operator provides regulated services; and
- the rules with which the intending proponent would be required to comply; and
- the price of regulated services provided by the operator (being information required to be provided under guidelines issued by the Industry Regulator).

Clause 13: Proposal for access

This clause governs the making of a written proposal for access to a regulated maritime service. It is made clear that the proposal may extend to the modification of port facilities on land occupied by the operator for the purpose of providing the relevant service or the establishment of additional port facilities on land occupied by the operator for the purpose of providing the relevant service.

The operator is required to give notice of such a proposal to the Industry Regulator and any person whose rights would be affected by implementation of the proposal. The operator is also required to give a preliminary response to the proponent within one month.

Clause 14: Duty to negotiate in good faith

The operator and affected third parties who give notice of an interest to the proponent or the operator are required to negotiate in good faith with the proponent.

Clause 15: Existence of dispute

If agreement is not reached within 30 days, a dispute exists and any party may refer the dispute to the Industry Regulator.

DIVISION 4—CONCILIATION

Clause 16: Settlement of dispute by conciliation

The Industry Regulator is required to attempt to resolve a dispute by conciliation unless of the opinion that the subject-matter of the dispute is trivial, misconceived or lacking in substance or the parties have not negotiated in good faith.

Clause 17: Voluntary and compulsory conferences

The Industry Regulator is empowered to call conferences of the parties to explore the possibility of resolving the dispute by agreement.

DIVISION 5—REFERENCE OF DISPUTE TO ARBITRATION

Clause 18: Power to refer dispute to arbitration

The Industry Regulator may refer a dispute to arbitration if conciliation is not successful, but need not do so if of the opinion that the subject-matter of the dispute is trivial, misconceived or lacking in substance or the parties have not negotiated in good faith or for other good reason.

Clause 19: Application of Commercial Arbitration Act 1986

The above Act applies to the extent that it may do so consistently with the measure.

DIVISION 6—PARTIES AND REPRESENTATION

Clause 20: Parties to the arbitration

The arbitrator may join a person as a party if the person's interests may be materially affected by the outcome of the arbitration.

Clause 21: Representation

Representation by a lawyer is allowed and the arbitrator may allow representation by some other person.

Clause 22: Industry Regulator's right to participate

The Industry Regulator may participate in an arbitration, including by calling evidence or making submissions.

DIVISION 7—CONDUCT OF ARBITRATION

Clause 23: Arbitrator's duty to act expeditiously

The arbitrator is required to proceed with the arbitration as quickly as the proper investigation of the dispute, and the proper consideration of all matters relevant to the fair determination of the dispute, allow.

Clause 24: Hearings to be in private

Arbitration proceedings are required to be conducted in private unless all parties agree to have the proceedings conducted in public.

An arbitrator is authorised to give public notice of the outcome of an arbitration if the arbitrator considers it to be in the public interest to do so.

Clause 25: Procedure on arbitration

The method of obtaining information is left to the arbitrator. Written submissions or oral presentations may be required.

Clause 26: Procedural powers of arbitrator

This clause gives the arbitrator various powers of a procedural nature and allows the arbitrator to engage a lawyer to provide advice on the conduct of the arbitration and to assist the arbitrator in drafting the award.

Clause 27: Power to obtain information and documents

The clause provides the arbitrator with powers to require a person to provide a written statement or to appear as a witness.

Clause 28: Confidentiality of information

If a person requests information or the contents of documents to be kept confidential, the arbitrator may impose binding conditions to that end.

Clause 29: Proponent's right to terminate arbitration before an award is made

The proponent may terminate an arbitration before an award is made.

Clause 30: Arbitrator's power to terminate arbitration

The arbitrator may terminate an arbitration (after notifying the Industry Regulator) if satisfied—

- the subject matter of the dispute is trivial, misconceived or lacking in substance; or
- the proponent has not engaged in negotiations in good faith; or
- the terms and conditions on which the maritime service is to be provided should continue to be governed by an existing contract or award.

DIVISION 8—AWARDS

Clause 31: Formal requirements related to awards

The arbitrator is required to give a copy of an award to the Industry Regulator and to the parties. The award must include reasons and specify the period for which it is to remain in force.

Clause 32: Principles to be taken into account by the arbitrator

The arbitrator should take into account the following principles:

- the operator's legitimate business interest and investment in the port or port facilities; and
- the costs to the operator of providing the service (including the costs of any necessary modification to, or extension of, a port facility) but not costs associated with losses arising from increased competition in upstream or downstream markets; and
- the economic value to the operator of any additional investment that the proponent or the operator has agreed to undertake; and
- the interests of all persons holding contracts for use of any relevant port facility; and
- firm and binding contractual obligations of the operator or other persons (or both) already using any relevant port facility; and
- the operational and technical requirements necessary for the safe and reliable provision of the service; and
- the economically efficient operation of any relevant port facility; and
- the benefit to the public from having competitive markets.

Clause 33: Incidental legal effect of awards

An award may vary the rights of other customers of the operator, but only if—

- those customers will continue to be able to meet their reasonably anticipated requirements measured at the time when the dispute was notified to the Industry Regulator; and
- the terms of the award provide appropriate compensation for loss or damage (if any) suffered by those customers as a result of the variation of their rights.

An award may require the operator to extend, or permit the extension of, the port facilities under the operator's control, but only if—

- the extension is technically and economically feasible and consistent with the safe and reliable operation of the facilities; and
- the operator's legitimate business interests in the port facilities are protected; and
- the terms on which the service is to be provided to the proponent take into account the costs and the economic benefits to the parties of the extension.

Clause 34: Consent awards

The arbitrator may make an award in terms proposed by the parties if satisfied that the award is appropriate in the circumstances.

Clause 35: Proponent's option to withdraw from award

A proponent has 7 days (or such longer period as the Industry Regulator allows) to elect not to be bound by an award.

If a proponent elects not to be bound, the proponent is precluded from making another proposal related to the same matter for 2 years unless the operator agrees or the Industry Regulator authorises a further proposal within that period.

Clause 36: Termination or variation of award

An award may be terminated or varied by agreement between all parties to the award. If there has been a material change in circumstances and the parties cannot agree on termination or variation, the dispute may be subject to arbitration under the Part.

DIVISION 9—ENFORCEMENT OF AWARD

Clause 37: Contractual remedies

An award is enforceable as if it were a contract between the parties to the award.

Clause 38: Injunctive remedies

The Supreme Court may, on the application of the Industry Regulator or a person with a proper interest, grant an injunction restraining a person from contravening an award or requiring a person to comply with an award.

Clause 39: Compensation

If a person contravenes an award, the Supreme Court may, on application by the Industry Regulator or an interested person, order compensation of persons who have suffered loss or damage as a result of the contravention.

The order may be made against a person who aided, abetted, counselled or procured the contravention, or induced the contravention through threats or promises or in some other way, or was knowingly concerned in, or a party to, the contravention, or conspired with others to contravene the award.

DIVISION 10—APPEALS AND COSTS

Clause 40: Appeal from award on question of law

An appeal lies to the Supreme Court from an award, or a decision not to make an award, on a question of law. An award may not be challenged in any other way.

Clause 41: Costs

The costs of an arbitration are to be borne by the parties in proportions decided by the arbitrator, and in the absence of a decision by the arbitrator, in equal proportions. However, if a proponent terminates an arbitration or elects not to be bound by an award, the proponent must bear the costs in their entirety.

DIVISION 11—SEGREGATION OF ACCOUNTS

Clause 42: Accounts and records relating to the provision of regulated services

A regulated operator is required to keep separate accounts relating to the provision of regulated services for each port.

DIVISION 12—EXPIRY OF THIS PART

Clause 43: Review and expiry of this Part

This clause requires the application of the Part to be reviewed by the Industry Regulator before the end of 3 years after its commencement. The Part will expire at the end of that period unless the Industry Regulator recommends to the Minister that it should continue in operation for a further three year period and a regulation is made to that effect. While the Part continues in operation, provision is made for further similar review processes.

PART 4

MISCELLANEOUS

Clause 44: Hindering access

This clause makes it an offence to prevent or hinder a person who is entitled to a maritime service from access to that service.

Clause 45: Variation or revocation of proclamations

This clause enables proclamations (other than a commencement proclamation) under the measure to be varied or revoked.

Clause 46: Transitional provision

This clause includes a transitional arrangement in relation to agreements and awards in force under the *South Australian Ports (Bulk Handling Facilities) Act 1996*.

Clause 47: Regulations

This clause provides general regulation making power.

SCHEDULE

Amendment of South Australian Ports (Bulk Handling Facilities) Act 1996

This Schedule makes consequential amendments to the Act providing for the removal of the access regime to this measure.

Mr FOLEY secured the adjournment of the debate.

HARBORS AND NAVIGATION (CONTROL OF HARBORS) AMENDMENT BILL

The Hon. M.H. ARMITAGE (Minister for Government Enterprises) obtained leave and introduced a bill for an act to amend the Harbors and Navigation Act 1993. Read a first time.

The Hon. M.H. ARMITAGE: I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

This is the third of three bills associated with the divestment of the SA Ports Corporation. The purpose of this bill is to amend the *Harbors and Navigation Act 1993* to allow the lessee of the Ports Corp assets to operate the divested ports whilst also securing the ongoing safety of South Australia's marine waters.

The bill proposes a number of changes to the Act which are designed to recognise and give effect to the different operational and regulatory responsibilities of the port lessee and the government. In brief, the lessee has operational responsibility for directing vessel activity and securing maritime safety within leased ports, including the maintenance of channel/berth depths and navigational aids. The government will continue to have responsibility for all regulatory functions under the Act, including the monitoring of marine safety in all waters of the State, including within ports, and the issuing of all licences and certificates to vessel owners or operators.

A key element of the bill is the introduction of Port Operating Agreements (POAs) as the instrument which details the duties and responsibilities of the lessee for securing safety within a port operated by the lessee. A POA will be an agreement under the Harbors and Navigation Act between the Minister for Transport and Urban Planning and the port lessee. A separate POA will exist for each leased port, allowing for the unique characteristics and needs of each port to be accommodated. However, it is envisaged that all POAs will cover matters such as:

- The maintenance of port waters to a navigable standard and the provision of appropriate navigational aids;
- The lessee's responsibility for directing vessel movement and related activities in accordance with agreed port rules;
- A requirement for the lessee to have contingency plans for dealing with emergencies in the port;
- A requirement for the lessee to enter into and maintain agreements with appropriate bodies regarding access to port facilities by commercial fishing and naval vessels;
- Provision of information about the port, for example channel depths and navigational charts;
- Payment of an annual fee to cover the costs of supervising the lessee's operation of the port.

POAs will be tabled in Parliament, in conjunction with the Lease Agreement envisaged by the South Australian Ports (Disposal of Maritime Assets) Bill 2000.

The bill further secures port safety by enabling the Minister to take action should the lessee fail to fulfil the duties and responsibilities set out in a POA. The bill allows for the action taken by the Minister to differ according to the significance of the lessee's breach, from a warning through to the termination of the POA. The POA would only be terminated in the event of a major default by the lessee, or a continued failure by the lessee to rectify a problem. In such a circumstance, the Minister can either operate the port at the lessee's cost or appoint another party to operate the port.

The bill also includes a provision to amend section 20 of the Harbors and Navigation Act to clarify that any subjacent land leased or licensed to the lessee of the port will not be rateable by local councils. Subjacent land is defined in the Act as land underlying navigable waters. In the case of the ports being divested this will include subjacent land associated with channels and wharves/jetties which are over water. The lessee will not have exclusive possession or use of these areas, making it inappropriate for rates to be levied. Land above the high water mark will be rateable in accordance with normal practice.

Although it is intended that the government will continue to be responsible for regulatory functions under the Act, a number of provisions require alteration to recognise the lessee's role in operating certain ports. For example, the issuing of licenses for aquatic activities under section 26 or the creation of restricted areas under section 27 will be amended to ensure that the lessee's

concurrence is obtained before action is taken which affects one of the lessee's ports. Similarly, while the Minister's ability to issue directions in the event of a maritime emergency is preserved in section 67, provision is made for the impact on the lessee of any interruption in port operations to be recognised.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 4—Interpretation

New definitions of port, port management officer and port operator are inserted into the principal Act.

Ports are to be constituted by the regulations but must comprise or include the whole or some of the land and waters constituting a harbor.

The port operator is the person authorised by the port operating agreement to operate the port or, if there is no such person, the Minister.

A port management officer is a person appointed as such under the measure or an authorised person.

Clause 4: Amendment of s. 12—Appointment of authorised persons

Section 12 is amended to enable the CEO to appoint, with the agreement of a port operator, an officer or employee of the operator to be an authorised person in relation to the relevant port. This takes the place of a provision relating to appointments made with the concurrence of the Corporation.

Clause 5: Amendment of s. 15—Property of Crown

Section 15(3) of the principal Act excludes certain land from vesting in the Minister under the section.

Paragraph (a) refers to land transferred by the Minister to the Commonwealth, a council or into private ownership. The amendment removes the reference to transfer by the Minister so that the paragraph applies generally to all transfers.

Paragraph (ba) refers to land subsequently vested in the Corporation. The amendment removes this paragraph as it will be otiose after divestiture.

Clause 6: Amendment of s. 18A—By-laws

Section 18A provides for the making of by-laws by councils in relation to harbors or adjacent or subjacent land with the approval of the Minister.

The amendment ensures that the approval of the port operator is required in the case of a port.

Clause 7: Amendment of s. 20—Rateability of land

The amendment ensures that subjacent land in a port is not subject to council rates.

Clause 8: Amendment of s. 21—Liability for damage

The amendment removes a reference to the Corporation that will not be required after divestiture.

Clause 9: Amendment of s. 22—Control of navigational aids

The amendment provides for delegation to a port operator of control over navigational aids within ports.

New subsection (3) creates a statutory easement for existing navigational aids not located on land owned by the Minister.

New subsection (4) creates a statutory easement conferring rights of access where reasonably necessary for the purpose of operating, maintaining, repairing, replacing or removing a navigational aid on adjacent land or waters.

Clause 10: Amendment of s. 25—Clearance of wrecks etc.

New subsection (1a) empowers a port operator to require the owner of a wreck within the port to remove the wreck. New subsection (2a) empowers a port operator to require a person who deposits any substance or thing within a port so as to obstruct navigation, or to pollute waters to remove the substance or thing or to mitigate the consequences of pollution.

Clause 11: Substitution of s. 26—Licences for aquatic activities

The new section provides that the CEO may only grant a licence for aquatic activities within a port with the consent of the port operator (although that consent is not to be unreasonably withheld).

The amendments also introduce an expiation fee for the offence of intruding into waters when a licensee has the exclusive right to use the waters under a licence.

Clause 12: Amendment of s. 27—Restricted areas

The amendment requires the consent of the port operator before a regulation is made under section 27 in relation to waters within a port.

The provision enabling costs to be recovered where a council requests the making of a regulation under section 27 is extended to private port operators.

Clause 13: Substitution of ss. 28 to 32 and headings

The sections are substituted by a new Part as follows:

PART 5

HARBORS AND PORTS

DIVISION 1—CONTROL AND MANAGEMENT OF HARBORS AND PORTS

28. *Control and management of harbors*

This section provides that subject to this Part, the Minister has the control and management of all harbors in the State.

28A. *Power to assign control and management of ports*

This section provides for conferral on another (the proprietor) of the right to carry on the business of operating a particular port under a port operating agreement. If the proprietor chooses to have the Minister continue to have the control and management of the port or the proprietor has committed a serious breach of a port operating agreement and the Minister has cancelled or refused to renew the agreement on that ground, the Minister will control and manage the port but at the expense of the proprietor.

28B. *Port operating agreements*

This clause sets out various matters that may be included in a port operating agreement. The agreement—

- may require the port operator to have appropriate resources (including appropriate contingency plans and trained staff and equipment to carry the plans into action) to deal with emergencies; and
- may require the port operator—
 - to maintain the waters of the port to a specified navigable standard; and
 - to provide or maintain (or provide and maintain) navigational aids; and
 - to direct and control vessel movement in port waters; and
- may require the port operator to enter into and maintain in operation—
 - agreements with bodies representing the fishing industry about access to the port and port facilities by commercial fishing vessels; and
 - an agreement with the Royal Australian Navy about access to the port and port facilities by naval vessels; and
- may require the port operator to maintain and make available navigational charts and other information relating to the port; and
- may regulate the performance of statutory powers by the port operator; and
- may provide for the payment of an annual fee to the Minister (fixed by the Minister having regard to the cost of providing government supervision of the activities conducted under the agreement); and
- may deal with any other matter relevant to the control and management of the port.

28C. *General responsibility of port operator*

This section places obligations on the port operator relating to the safe operation of the port and the management of the port in a way that avoids unfair discrimination against or in favour of any particular user of the port or port facilities.

28D. *Variation of port operating agreement*

This clause provides for variation by agreement.

28E. *Agreements to be tabled in Parliament*

A port operating agreement and any agreement varying a port operating agreement are required to be laid before both Houses of Parliament.

28F. *Power to deal with non-compliance*

The Minister is empowered to reprimand or fine a port operator or cancel a port operating agreement for non-compliance with the agreement or this Act. The port operator must be given a reasonable opportunity to make written submissions. An appeal is provided to the Court of Marine Enquiry. A port operating agreement may contain provisions governing the exercise of the Minister's disciplinary powers.

28G. *Power to appoint manager*

28H. *Powers of the manager*

These sections provide for the appointment and powers of an official manager where a port operator is seriously in breach of its obligations under a port operating agreement or a port operating agreement is cancelled or expires without renewal.

DIVISION 2—PORT MANAGEMENT OFFICERS

29. *Port management officers*

A port operator is empowered to appoint port management officers with powers set out in this Part.

DIVISION 2A—OPERATIONAL POWERS

29A. Interpretation

Authorised officer is defined for the purposes of this Division to mean a port management officer in relation to a port and an authorised person in relation to a harbor that is not a port or a part of a harbor that is not within a port.

29B. Power of direction

An authorised officer may give a direction (orally, by signal, radio communication, or in any other appropriate manner) to a person in charge, or apparently in charge, of a vessel in or in the vicinity of a port. Under subsection (2) a direction may, for example—

- require that vessels proceed to load or unload in a particular order; or
- require that a vessel be moored or anchored in a particular position; or
- require that a vessel be secured in a particular way; or
- require that a vessel be moved from a particular area or position; or
- require the production of documents relating to the navigation, operation, pilotage, use or loading of the vessel.

It is an offence not to comply with a direction. (cf section 32 of the current Act)

29C. Power to board vessel

This section gives an authorised officer power to board and inspect vessels. (cf section 32 of the current Act)

DIVISION 3—HARBOR IMPROVEMENT WORK

30. Dredging or other similar work

This section provides for dredging and other work carried out by the Minister or port operator. Contributions towards the cost of the work may be recovered from the owners of wharves who benefit from the work. (cf section 29 of the current Act)

30A. Development of harbors and maritime facilities

This section provides for development or other improvements to a harbor or port by the Minister or port operator. (cf section 30 of the current Act)

The section also obliges the port operator to establish and maintain facilities and equipment for the safety of life and property in the port as required under a port operating agreement and to establish and maintain other facilities and equipment for the safety of life and property.

30B. Application of Development Act 1993

This section makes it clear that the Development Act applies to development under this Division.

DIVISION 4—HARBOR CHARGES etc.

31. Power to fix charges

This provision provides for charges to be fixed by the Minister for facilities or services provided by the Minister or for entry of vessels into waters under the Minister's control and management, subject to any relevant law or determination. (cf section 31 of the current Act)

31A. Power to waive or reduce charges

This section enables the Minister to waive or reduce a charge or extend the time for payment of a charge.

31B. Charges in respect of goods

31C. Charges in respect of vessels

31D. Power to prevent use of harbor or port facilities

These sections provide various powers to the Minister relating to the recovery of charges, similar to those currently contained in section 31.

Clause 14: Substitution of heading to Division 5 of Part 5

Division 5 is converted into a new Part dealing with Pilotage.

Clause 15: Amendment of s. 33—Licensing of pilots

Clause 16: Amendment of s. 34—Pilotage exemption certificate

Clause 17: Amendment of s. 35—Compulsory pilotage

These are consequential amendments.

Clause 18: Substitution of s. 67—Minister's power to act in an emergency

The power of the Minister to act in an emergency is replaced to ensure that directions may be given to any person as necessary. The new section contemplates a port operating agreement containing provisions governing the exercise of the Minister's powers in relation to a port.

Clause 19: Amendment of s. 80—Review of administrative decisions

Section 80 is amended to make a decision of the Minister to insist on the inclusion of a particular provision or particular provisions in

a port operating agreement, or not to renew a port operating agreement, subject to review.

Clause 20: Amendment of s. 83—Regattas, etc.

The amendment provides that an exemption cannot be granted under section 83 by the CEO in respect of an activity that is to take place within a port unless the port operator agrees.

Clause 21: Amendment of s. 89—Officers' liability

Section 89 is amended to ensure that liability for the actions of officers or employees of a port operator attaches to the port operator.

Mr FOLEY secured the adjournment of the debate.

Mr MEIER: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

CONSTRUCTION INDUSTRY TRAINING FUND (MISCELLANEOUS) AMENDMENT BILL

The Hon. M.K. BRINDAL (Minister for Employment and Training) obtained leave and introduced a bill for an act to amend the Construction Industry Training Fund Act 1993. Read a first time.

The Hon. M.K. BRINDAL: I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The purpose of this bill is to amend a range of definitional and operational matters associated with the business of collecting and distributing the construction industry training levy. These changes will assist in streamlining the work of the board: they will create efficiencies and support the move to electronic business. In doing so they will set a very sound foundation for the future of skills development within the State's building and construction industry.

South Australia needs a properly skilled workforce to serve the state's economic needs and to ensure that a sufficient number and breath of job types remain available here for those who wish to pursue them. To this end, the government is committed to the maintenance of training arrangements which ensure that the skills profile of particular industry sectors are developed and maintained.

The construction industry training fund is an example of a very effective training arrangement which was established by industry and which is owned, managed and controlled from within industry. The building and construction industry had the foresight to propose this arrangement. It did so because of various reasons. For example the industry is cyclical in nature, meaning it is hard for an individual employer to commit for a long period of training; and it is made up of micro small business enterprises with very tight margins making it difficult for any single business to provide the sustained and various range of work necessary for multi training.

It was acknowledged that these conditions placed at risk the industry's ability to ensure that skilled labour would be available to meet its future needs. This may in turn result in the loss to South Australia of potential new major contracts. This situation has not occurred, and one of the reasons has been through the supply of training provided through the Fund.

The training benefits accruing from the Fund to the building and construction industry have been substantial. For example, during the 1999-2000 financial year, the CITF Board as administrators of the fund will be committing over \$7.6 million to support training for building and construction workers. This is set to grow in the next financial year, as a result of my approving recently the CITF's plan for over \$9 million worth of investment in training.

The existence of the CITF's various programs have seen workers throughout our State access training courses that were previously not available. Many of those accessing training had not before attended structured vocational training programs. Since the establishment of the CITF, an annual average in excess of 10 000 persons have attended CITF funded training programs.

The Construction Industry Training Board has demonstrated their commitment to regional enterprises. Approximately 25 per cent of the CITF's effort is focused into regional areas, and the board of the CITB meets twice yearly in a regional location.

Young South Australians have been a major beneficiary of the CITF's programs. Already in 1999-2000 the CITB has supported the training and employment of over 850 apprentices and trainees. This number is set to continue to grow. Much of this growth will be possible because of the existence of the CITF.

The CITF has also established a new VET in Schools project which currently links 115 participating high school students to some 250 building and construction businesses, with the program being piloted in six schools across the state. Students who graduate successfully from this project are expected to be able to gain employment with either the enterprises which are a part of project or with the various Group Training Companies operating in metropolitan and regional South Australia. The board estimates that participant numbers in this program are set to double each year for the next five years. This augurs well for an industry which, research tells us has an aging workforce.

The Construction Industry Training Fund Act has been in operation since 1993 and needed to be reviewed. The result of this work is a series of recommendations which have been widely supported by industry and which have been encapsulated in this amendment bill.

The amendments will provide greater clarity for industry about how the levy will be applied and will provide better direction for the Construction Industry Training Board which is required to administer the Act.

The structure of the Construction Industry Training Board remains unchanged. Indeed, the government commends all those persons who have served on the board for their tireless effort on behalf of their industry. The government would especially like to commend Mr Richard McKay, the board's Presiding Member since its inception, for his strong leadership.

The bill does allow the Minister to be more flexible in discussions with industry about who shall be appointed to the Construction Industry Training Board. Both the government and building and construction industry enterprises need to be assured that those industry representatives who are appointed to the board and have the responsibility of managing and administering the fund have the confidence and support of all of the industry. The bill provides a framework for this to take place.

The government is determined that enterprises who are embarking on major building and construction work are clear about their levy obligations at the commencement of a particular project. Confusion about levy obligations provides difficulties for the board and consternation for enterprises that need to comply with the requirements of the legislation.

The bill clarifies these obligations by providing specific guidelines for the application of the levy.

Issues surrounding the treatment of plant and equipment have been clarified by this bill. The amendments highlight the government's intention that plant and equipment should be leviable where that plant and equipment constitutes an integral part of the building and construction work. Where plant and equipment is not essentially an integral part of a building or structure, it will not be leviable. However its installation will be leviable.

The effect of the amendment then is that plant and equipment which is necessary for the conduct of a business and which does not form an integral part of a building or structure construction work will not be levied.

The bill raises the levy threshold. It is not the government's wish to impose an unnecessary administrative burden on builders who are undertaking projects that are low in value therefore the levy threshold has been increased from \$5000 to \$15 000. This amendment will have the effect of decreasing the fund's training income by 3 per cent but the advantage for industry will be that there will be in the order of 27 per cent fewer levy payments as a result. It is the government's view that this will minimise administrative overheads for the board and for small operators as well as maximising the total expenditure available for training.

The board needs some flexibility in the manner by which project owners are able to pay the CITF Levy. This will support the growth of E-commerce and allow the board to adopt improved administrative arrangements. Similarly, the government would want the board to be able to allow flexible payment arrangements in circumstances where enterprises are able to demonstrate real financial hardship. The bill provides for these arrangements.

The majority of building and construction work carried out by State and Local Government Authorities is contracted out. Therefore the government is of the view that the exemptions previously granted to these authorities are no longer appropriate. Indeed, already both

state and local government have directly benefited from the training programs available through the CITF, with many of their building and construction workers having attended the various courses offered through the Fund.

The board has a range of legislative requirements relating to assessment and collection processes that need to be fulfilled and reported on to the Auditor General. The government needs to be satisfied that these processes are being applied in such a way as to guarantee the equitable application of the training levy across all enterprises that are required to pay it. The bill covers arrangements that will assist officers of the board in carrying out this work.

The relevant amendments relating to the collection of information require a person to answer questions posed to them by authorised officers. If the person objects to doing so, the person's answers are not then admissible in criminal proceedings other than proceedings with respect to providing false statements or in the nature of perjury.

It is the government's view that this amendment will better provide for the board's levy collection responsibilities under the Act but will limit the likelihood of prosecution proceedings while at the same time protect the individual's common law privilege against self-incrimination.

The bill also provides for a further review of the Act to be undertaken early in 2003. This will provide industry and the Parliament with the opportunity to once again reassess the future of the CITF.

I am pleased to be able to report that, during the review process associated with this Act, there was almost unanimous agreement by industry that the training levy be continued in its current form. Indeed, during the period of the review, both the Australian Capital Territory and Queensland have introduced a training levy for their building and construction industries. The ACT has structured its arrangements on the South Australian model.

In short, the building and construction industry is to be commended for its continued support of the Construction Industry Training Fund. All South Australians will certainly continue to benefit as a result.

I commend the bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will be brought into operation by proclamation.

Clause 3: Amendment of s. 3—Interpretation

The definitions of 'building approval' and 'local council' are to be revised to refer to more recent legislation. The definition of 'project owner' is to be revised to remove the particular reference to building or construction work carried out by or on behalf of a government authority, and to provide that the concept of 'project owner' may include a person who is engaged to carry out (or to cause to be carried out) substantially all of the building or construction work associated with a particular project.

Clause 4: Amendment of s. 5—Composition of the Board

Section 5 of the Act is to be amended so that the Minister will be able to act if the industry associations recognised under the Act fail to make a nomination for a vacancy on the board, or fail to nominate an appropriate person.

Clause 5: Amendment of s. 22—Estimated value of building or construction work

The levy under the Act is imposed with respect to a specified percentage of the estimated value of building or construction work. The estimated value is currently determined under the regulations. This matter is now to be dealt with under new schedule 1A of the Act.

Clause 6: Amendment of s. 23—Exemptions

An exemption currently exists for work if the estimated value does not exceed \$5 000. This amount is to be increased to \$15 000. An exemption for certain government work is to be removed from the Act.

Clause 7: Amendment of s. 24—Liability of project owner to pay levy

The board will be able, with respect to a particular project owner, or project owners of a particular class, to allow a levy to be paid in monthly instalments, or in other periodical instalments determined by the board.

Clause 8: Amendment of s. 26—Notice of variation

Clause 9: Amendment of s. 27—Adjustment of amount paid

These are consequential amendments.

Clause 10: Amendment of s. 34—Powers of entry and inspection

It is intended to amend the Act so that a person will not be excused from answering a question or producing a document under the Act on the ground that to do so might incriminate the person or make the person liable to a penalty. However, if a person makes an objection, the answer or document is not admissible in criminal proceedings, other than for an offence with respect to false or misleading statements, information or records, or for perjury.

Clause 11: Amendment of s. 38—Review of Act

Another review of the Act must be conducted after 1 January 2003.

Clause 12: Amendment of schedule 1

The list of items in clause 1 of schedule 1 will no longer be exhaustive. Certain clarifying amendments are also to be made.

Clause 13: Insertion of schedule 1A

The scheme for determining the estimated value of building or construction work is now to be dealt with under a schedule to the Act. Issues surrounding the treatment of plant and equipment are to be clarified.

Clause 14: Amendment of schedule 2

References to relevant employer associations in schedule 2 are to be updated.

Clause 15: Amendment of schedule 3

References to relevant employee associations in schedule 3 are to be updated.

*Clause 16: Revision of penalties
Schedule*

The penalties under the Act are to be revised and expressed as monetary amounts.

Ms KEY secured the adjournment of the debate.

ADDRESS IN REPLY

The Hon. D.C. WOTTON (Heysen): I move:

That the following Address in Reply to His Excellency's opening speech be adopted:

May it please Your Excellency—

1. We, the members of the House of Assembly, express our thanks for the speech with which Your Excellency was pleased to open parliament.
2. We assure Your Excellency that we will give our best attention to the matters placed before us.
3. We earnestly join in Your Excellency's prayer for the divine blessing on the proceedings of the session.

It is a privilege to be able to respond officially to the speech of His Excellency the Governor. I am not quite sure why I have been given this privilege. I presume it is because I am not going to be around for very much longer!

The Hon. M.K. Brindal: You are ancient and honourable.

The Hon. D.C. WOTTON: The minister says it is because I am ancient and honourable, so I presume that is a good enough reason. At the outset, I take this opportunity to commend His Excellency the Governor and Lady Neal for the way in which they carry out their responsibilities as Governor and first lady of this state. As I have said on a number of occasions, I think that the way in which Sir Eric and Lady Neal carry out their responsibilities is quite remarkable. They are prepared to travel around the state, they always seem to be available, and both Sir Eric and Lady Neal are respected by the majority, if not all, of the people of this state. I commend them and I commend particularly His Excellency for the manner in which he delivered the speech to open the parliament yesterday.

In his opening speech, His Excellency referred to this parliamentary session as being a landmark session for this state. He was referring to the fact that we are on the verge of celebrating the Federation of Australia. His Excellency referred to a number of the achievements that have been made as a society over the last 100 years, and I think that, as Australians, we can all be proud of many of those achievements, not all of them, and I am talking not just about political achievements but about achievements generally.

The Governor also referred to the many challenges that people have faced in recent times and, in particular, the way in which the government has responded to those challenges, turning them into opportunities. He referred particularly to sectors such as our manufacturing industry, reminding us that we were the only state in Australia to increase the total number of people employed. He indicated that our defence industry, for which we have secured vital funding for local jobs while ownership details concerning the Australian Submarine Corporation are yet to be finalised by the commonwealth government, is also of note.

His Excellency made the point that, over the last year, South Australia has recorded the strongest economic growth in the nation between June quarters. He talked about the economic prosperity that this state is enjoying, but I think we all realise that, for that to continue, we need to meet the challenges that are still out in the community. I was very pleased that reference was made by His Excellency to the fact that it is so important for the parents of our children to have the security of knowing that their children have a future in this great state of South Australia.

Sir Eric referred to the major asset management program, through which the government has been able to do a considerable amount in working towards retiring debt, reducing the annual interest burden and reducing the exposure of the budget to fluctuating interest rates and the inherent risks of the national electricity market.

His Excellency reminded us that our state's competitive position is underlined by the reduction of WorkCover costs to business of 7.5 per cent on average and by our industrial relations record, which we all recognise as being very good.

As was pointed out by the Governor, the government is committed to ensuring that our education system meets the demands of the new century, and that in turn has meant looking at how we educate our children and deciding to do it in what the Governor referred to as a different manner, and he went on to talk about the highly successful Partnerships 21 scheme. I am delighted that so many of the schools in my electorate have decided that they should go into that program.

Reference was made to the fact that the government is committed to educating our young people, and I am very pleased that a \$10.8 million commitment by the government has been made towards building Australia's first special science and mathematics secondary school within the Flinders University precinct. I hope people realise that that school will be a state and national focal point for teaching, professional development and research aimed at boosting science and mathematics in secondary schools and, in particular, in transforming students' attitudes to those areas as career paths. I think that is very good news.

As a result of the Governor's speech, we learnt that South Australia now has a record number of people in jobs—683 300 in the month of August—and we are basking in the fact that we now have the lowest unemployment rate since July 1990 and, with the Minister for Employment and Training present in the chamber, I am sure that he is delighted with that result, which comes after a lot of hard work. As the minister says, he and all of us hope that continues to improve. The government is committed to making employment growth across the state its first priority. I am sure all South Australians believe that the surest way to provide security and certainty is through the creation of a work ethic, and that in turn means that there must be jobs available for those who want them.

I was also pleased to hear His Excellency the Governor report on the commitment to working with local communities to address key regional concerns, and all of us recognise the need for that to happen because there is concern in the regions that perhaps the government could be doing more. That is one of the frustrations of being in politics and in government at this time, because it is so difficult to get positive stories into the community. It is important that that should happen because this government has achieved a considerable amount in the last seven years, and people should know about what we are achieving and what we have achieved. However, it is not always easy to ensure that that happens.

I was pleased to see that we are to have a new health complaints bill, the purpose of which will be to ensure that complaints are independently investigated and resolved for patients in both the public and private health care systems. That is an excellent move. I was also very pleased, particularly because of the representation that I have received in my electorate, to learn that the level of funding allocated to disability services is to be \$173.9 million, recognising that that is the highest amount that has ever been dedicated to disability services in this state.

We learned through the Governor's speech that the government will continue to support programs which build on the theme positive ageing by encouraging older citizens to participate in community activities and lifelong learning, and because of my involvement as Minister for the Ageing for some three, four years, I support that very strongly and, because I have a conflict of interest as I move towards ageing, I hope I can be as positive as the Governor's speech would suggest is necessary.

The government will also continue with its proposal to amend the Controlled Substances Act. I see that as being very necessary because we really do need to allow for the introduction of a police drug diversion scheme to deal with drug offences relating to the possession or use of minor amounts of illicit drugs. That matter has been brought to my attention through representation in my electorate over a period, so I am pleased that that will happen.

There is no doubt that the matter of personal security is an issue in the electorate, and therefore the Governor's advice is significant that, in moving to ensure that the police have the capacity to provide improved levels of service particularly in local areas, the government has provided some \$3.1 million extra funding for this year, increasing to \$8.2 million in 2004-05 and, as a result of that, some money being made available will see the recruitment of an additional 113 police.

I have a particular interest in tourism in this state, but again I was pleased to learn that the tourism industry in South Australia in 1999 generated \$3.1 billion in expenditure and supported some 36 000 full-time equivalent jobs and, as a result, is providing immense opportunities for economic and employment growth across our state. The tourism boom that we are experiencing in this state will auger well for the advancement of South Australia.

In the area of the environment and water resources, we again are reminded just how much we as a state depend upon the sustainable management of the state's water resources. I will say more later about the State Water Plan 2000 which the minister has just released. That plan sets out the strategic policy direction for sustainable use and management of South Australia's water resources over the next five years and builds on the previous plan that I was pleased to introduce in 1997, which was the first such plan to be introduced by any

state in Australia and which came hand in hand with the Water Resources Act of 1997 which I also introduced. I will be interested to see the amendments that are being proposed to that legislation in this session.

I will say more later about my interest in the preparation of natural resource management legislation and I am pleased to learn that the government intends to proceed with the preparation of that legislation. It will advocate the streamlining of existing administrative arrangements through the formation of regional bodies with responsibility for coordinating community input into natural resource management strategies.

In concluding my reference to His Excellency's speech in opening parliament, I was pleased to see that a volunteers' protection bill will be introduced later this year. Amendments will be made to the Aboriginal Lands Trust Act and those amendments will look at achieving greater cooperation and stronger working relationships between the states three Aboriginal land-holding authorities. In reference to information economy delivering the future, which is also referred to in the Governor's opening speech, I have to say that I am delighted with the response that we have had to the release of that program. It is a bold plan, as the Governor has said, containing 21 initiatives for the 21st century.

The Governor in closing his speech referred specifically to the death of former governors, the Hon. Dame Roma Mitchell and Sir Mark Oliphant, the former member for the former seat of Alexandra, Hon. David Brookman and also the tragic loss of the former Premier of this state, Hon. David Tonkin AO. Condolence motions have been passed in this place in recent times relating to each one of those people who all served this state very well indeed. I was able very briefly to participate in the condolence motion on the passing of Dame Roma Mitchell, but I want to add to what I said at that time, because Dame Roma was a remarkable person. We all recognise that she was one of Australia's most highly regarded women. Her extraordinary list of achievements included a significant number of firsts for women, but I want to recognise her particularly in the role as Presiding Officer of the Ministerial Advisory Board on Ageing, because, as I have said previously in this place, I recall vividly waiting upon her while she was still Governor to ask whether, on her retirement, she would be prepared to take up this post and she was very gracious in accepting to do that. I would suggest that Dame Roma in her mid-80s was nothing short of a tireless example of what positive ageing can be about. I am reminded of a speech that Mrs Barbara Garrett MBE, Vice-President of COTA SA, gave at the opening ceremony of the International Year of Older Persons in which she said:

Before the year began the board under Dame Roma met with the CEOs of all state departments and asked them, to the surprise of many, what their plans were for celebrating the International Year of Older Persons. All responded, although I think for some the answer was muted.

Throughout her term as chair of that board, there were numerous activities, many attended by Dame Roma, and with visits to rural areas led by Dame Roma. Many of them were quite strenuous visits. She visited the Aboriginal communities, had meetings in Cooper Pedy and visited Eyre Peninsula. Again, Mrs Barbara Garrett said:

We have a responsibility to continue to improve circumstances for older people, including health maintenance, and to encourage ongoing participation in community life, as a tribute to Dame Roma Mitchell.

I think all of us would agree with that.

I have referred to a number of the government achievements that have been picked up through the Governor's speech in opening the parliament. I will refer to a few more, because, as I said earlier, the achievements of this government in the last seven years are quite remarkable. As far as economic growth is concerned, there is no doubt that South Australia leads the nation. We have recorded the strongest economic growth in the nation between June quarters and that is no mean feat. We are also leading the nation in business investment with private new capital expenditure in South Australia growing more strongly than in any other state in the year to the June 2000 quarter, a growth of 18.4 per cent compared with a fall of 2.2 per cent nationally. Of course, investment spending in the key manufacturing sector involved a particularly strong growth of 34 per cent. A breakdown of employment in the state—and I referred earlier to the significant growth in employment—is certainly something of which to be proud. Also, I have been pleased to learn that the *Yellow Pages Small Business Index* for August 2000 found that the level of small business confidence in South Australia was the highest in the country, with a net 57 per cent of respondents expressing confidence in business prospects over the next 12 months. That is up 22 per cent on the previous quarter.

As I said earlier, our unemployment rate is now at its lowest level in 10 years. We have created jobs for more than 40 000 South Australians, and job advertisement surveys give us more hope for the future. That really is very good news for South Australians who are out there continuing to seek work. There is still a long way to go, but it is certainly moving along well. The drop in the jobless rate to 7.6 per cent is very welcome. Certainly, it is a vast improvement on the situation we had under the previous Labor government of more than 12 per cent. I think it is very real proof that our tough decisions have boosted job opportunities. The fact is that we now have more South Australians in work than ever before, and I am sure all South Australians are pleased with that result.

There are a number of matters about which I want to speak and in which I have a particular interest, and it will be no surprise to members in this place to learn that one of those is sustainable development and the environment generally. It is an issue about which I feel very strongly. I want to talk about some of the points that were made during a speech on 5 June this year in celebration of World Environment Day which, of course, was held in South Australia. It was a speech that was delivered by the Deputy Executive Director of the United Nations Environment Program. He was asked to speak about environmental issues that are growing in importance internationally and also the relationship of the private sector and the environment.

In talking to the first topic, he made the point that he believed that a number of issues will grow in importance globally. Those issues, in particular, were identified in UNEP's *Global Environment Outlook Report of 2000*. That is an important report which was released last year. The conclusion of that report, for those members who have had the opportunity to read it—and if members have not, I encourage them to do so—is very sobering. It is quite clear that so many of our natural systems are in decline and time is running out quite dramatically to reverse this trend.

A number of statistics were referred to and I will go through some of them, including the fact that over one-half of all wetlands have been altered or destroyed; some 25 per cent of the earth's surface is already affected by land

degradation; since 1960—and, after all, that is only 40 years ago—more than one-fifth of the world's tropical forests have been lost; more than one-half of the world's coral reefs are potentially threatened by human activities; almost 70 per cent of marine fisheries are either fully exploited or over-fished; and carbon dioxide emissions have increased 400 per cent since 1950. Considerable reference was given to the biggest threat to humanity—certainly in the eyes of this particular speaker—that is, climate change. The climate is getting warmer. We were told that eight of the hottest 10 years on record occurred last decade. The Arctic Ocean has lost 40 per cent of its ice cover in 30 years. So one could go on with those statistics.

I was very encouraged that reference was made to the Australian environment minister, Robert Hill, who we were told was working hard to convince Australians and other nations that the Kyoto protocol must be implemented, and the minister was referred to on that occasion in glowing terms. Mention was made of the fact that Australians are, of course, no strangers to other environmental challenges, particularly with water. We were reminded that humanity's use of freshwater soared six-fold over the last century and continues to rise. It is remarkable to learn that demand is expected to increase by over one-third in the next 25 years and to almost double for drinking water. About one in every five people on earth currently lacks safe drinking water. If I had the time, there are so many of these statistics about which we should know.

In regard to the environmental challenges that can be considered in terms of business, a number of issues emerge. Some of the points that were made are such that, first, it is not just desirable for business to get involved in the quest for sustainability: it is essential. Mention was made of the fact that the Secretary-General of the United Nations has recognised this particular fact and has called on the private sector to take a leading role in the protection of the environment through his global contact. We were told that, just prior to World Environment Day this year when the global environment ministers met in Sweden (and more than 100 environment ministers were present), they deliberated on a number of issues. They concluded with the adoption of the Malmo ministerial declaration, which clearly underscores that governments, international organisations, the business community and private citizens are all necessary partners if we are to meet the environmental challenges that face us.

Coming out of that, the ministers declared that the international and regulatory capacities of government should be enhanced to better interact with the private sector. They agreed that a greater commitment by the private sector should be pursued to engender a new culture of environmental accountability through the application of the polluter pays principle, environmental performance indicators and reporting, the establishment of a precautionary approach in investment and technology decisions, and many others.

I guess the most telling thing that came out of this speech is a quote from the former Executive Director of the United Nations environment program, who said:

With such wealth combined with both the Australian natural innovation and expanding markets for greener products, Australia and Australians are in an enviable position. Indeed, the world is watching, for if Australia cannot manage the path to sustainability given these gifts and a low population, the rest of the world will be even harder pressed to succeed.

I think we could all take that on board.

Talking further about the environment, I was interested to read the Qantas Club magazine for spring of this year, which again talked about sustainability. It made the point that at the start of the 21st century 'green' is starting to look like 'a big word', stating:

It means more than 'environmentally friendly'; we are now looking at the combination of 'environmentally friendly', 'socially desirable' and 'financially rewarding'. The word is 'sustainable', and everyone is taking it seriously. Sustainability, of course, means that economic, social and environmental developments should meet the needs of present generations without compromising the ability of future generations to do the same.

If I had the time I would mention a number of excellent points that are made in that article. It is still the current Qantas Club magazine, and if people have the opportunity to read it I would encourage them to do so.

Another matter which I have followed with interest is the new federal legislation, the Environment Protection and Biodiversity Conservation Act. That will be an interesting piece of the legislation to watch. The act consolidates much of the legislation dealing with the commonwealth's involvement in environmental matters, and it repeals and replaces a number of pieces of commonwealth legislation. It will be vitally important that the states work closely with the federal government through that legislation because, while there has been close cooperation among the states, each state has been approaching these various issues slightly differently. While some states are likely to enter into bilateral agreements for assessments, others are adopting a 'wait and see' attitude, which is probably the attitude that South Australia has adopted, so it will be interesting to see what happens.

In his speech His Excellency the Governor said that the government intends to proceed with the preparation of a draft natural resource management bill. I have always been a very strong advocate for the introduction of integrated natural resource management. I must say that I am frustrated and disappointed that this is not moving as quickly as I would have liked. If we look at some of the publications that are being introduced now, particularly in regard to the Murray River and the Murray-Darling Basin, we see that those articles and brochures are making much reference to integrated catchment management and integrated natural resource management.

I hope that it will not be too long before we can see natural resource management working as well in South Australia as it has worked now for a number of years in New Zealand. I had the opportunity to see it when it was first introduced over there in 1980 and again last year when I was in New Zealand for a Commonwealth Parliamentary Association conference. It has been very effective over there, and I believe it could be equally as effective in South Australia. We have an excellent opportunity to learn from the few mistakes that have been recognised in the New Zealand legislation.

The Hon. M.K. BRINDAL (Minister for Water Resources): I move:

That the time for moving the adjournment of the House be extended beyond 5 p.m.

Motion carried.

The Hon. D.C. WOTTON: In conclusion, with respect to the importance of integrated natural resource management, on a number of occasions I have suggested that the Mount Lofty Ranges would be an ideal place in which to introduce integrated resource management, even on a trial basis,

because of the importance of everyone working together in that area. I am certainly keen to see integrated resource management or functional reform introduced, even on a trial basis, to avoid duplication of responsibilities on the part of government agencies and statutory authorities working in the hills. I hope that we see it introduced in South Australia very soon.

I could not let this opportunity pass without referring to the Murray River. I know that the Murray is of vital concern to all of us, and if it is not it should be because the Murray-Darling Basin is our most important agricultural production region and, of course, it has been recognised that it is our most significant environmental challenge. The recent—or not so recent now—Murray-Darling Basin Commission Salinity Audit I think highlighted the impact of land clearing and water diversion on what was once our majestic waterway. The audit predicts that within 20 years South Australia's major source of water will not pass World Health Organisation drinking standards on two days out of four. In fact, three tonnes of salt per minute salinity flows past the river township of Morgan every day of the year.

We are all aware of the significance of the basin. We are all aware of the importance of the Murray River to South Australia because, in this state, the Murray supports dry land and irrigated agriculture worth over \$500 million each year. Of course the cities of Whyalla, Port Augusta and Port Pirie are almost totally dependent on the river to assist in manufacturing industries which are worth over \$1 billion annually. On top of that the Murray-Darling Basin produces 75 per cent of Australia's irrigated crops.

There are some huge challenges and very difficult decisions that need to be made. I think by working together as a nation we are equipped to meet the challenges that lie ahead, and it is so important that that should be the case. It is not appropriate, at this stage, for me to go into detail about the findings that we are recognising through the select committee on the Murray River. However, I must say that it is probably one of the more interesting responsibilities I have had in chairing that committee since coming into this place because the ecologically sustainable development of the state's water resources is vital to South Australia's future prosperity. Nowhere is achieving this outcome more important than in the Murray-Darling Basin.

The Murray River is arguably the most important natural resource in South Australia. The Murray River provides water to urban and industrial users throughout the state and to the horticultural and dairy industries adjacent to the river, and it also provides the basic resource for tourism in a variety of recreational activities along the entire river.

There have been significant achievements over time in working towards improving the state of the river and the management of the natural resources of the Murray-Darling Basin. Probably one of the most significant achievements was the establishment back in 1985 of the Murray-Darling Basin Ministerial Council. The establishment of that council is symbolic in that it marked a significant shift in the approach to the management of natural resources in the Murray-Darling Basin. The predominant focus on water sharing and management as the main issues have now given way to an understanding that to reduce the risk to water supplies and ecosystem health we need to manage the natural resources base of the whole basin and recognise it as an integrated catchment basin.

In 1988 we saw the ministerial council agree to continuous water accounting between New South Wales and Victoria.

The commission, of course, now keeps account of how much water the states use, whilst ensuring that South Australia's legal entitlements under the Murray-Darling Basin Agreement are fully protected. The Salinity and Drainage Strategy came into effect in January 1988. That strategy was a world first and incorporated cross-jurisdictional trading and pollution rights. Salt interception schemes such as Woolpunda and Waikerie have been developed as a result of that strategy and, since its inception, the strategy has been effective in reducing salinity in the Murray River at Morgan, for example, by approximately 60 EC units.

We then saw the Integrated Catchment Management/Natural Resource Management Strategy in 1989. The cap followed in 1995 following an audit of water use in the Murray-Darling Basin. The Murray-Darling Basin Ministerial Council agreed to an interim cap on all diversions from the basin's rivers at the 1993-94 level of development. That was a major achievement and I was delighted to be part of the ministerial council at that time. It was always meant to hold matters at a set rate. It is not the total answer. We still must go further as far as the cap is concerned, and I hope that that will happen.

We saw interstate water trading with a pilot project in 1997. That was introduced to enable trade in permanent interstate water property rights in the Mallee region, and that is working very satisfactorily. The Natural Heritage Trust funding has been a huge benefit for the Murray. South Australia has, since the inception of the Natural Heritage Trust program, attracted now more than \$7 million per annum for natural resource management activities within the South Australian Murray-Darling Basin. We have seen the basin salinity audit of 1999 to which I have already referred, and so we can go on. A considerable amount of work has been done dealing with issues relating to the management of the Murray River.

I believe that some of the material and documents that are now being released are quite superb. These documents are being released for consultation and include a draft South Australian River Murray salinity strategy and associated feedback form; a draft basin salinity management strategy 2001-15; a draft integrated catchment management in the Murray-Darling Basin 2001-10; community summaries and many others. I do not have the time to refer to all of them but they really are excellent publications, as is the case with the draft Water Allocation Plan for the River Murray Prescribed Water Course, which was released only a couple of months ago by the Murray River Catchment Water Management Board. It is an excellent document.

The release of that plan for the Murray River in South Australia is certainly recognised as a major step towards restoring the health of the river. While on the subject of water, I again want to refer to the launch of the State Water Plan. That plan sets in place policy directions in South Australia for the next five years. It re-affirms the state's position as an Australian leader in water resource management and, of course, follows the release recently of the state's salinity strategy for the River Murray to which I have already referred.

As I said earlier, the state water plan builds on the same key themes of the state salinity strategy—that the environment problems facing our waterways require a national approach, with cooperation from all states involved, as well as local communities. It is recognised that no state government can combat the problems facing our rivers and catchment areas in isolation. We must work with the community

and, of course, that is what our catchment water management boards are about. They have local knowledge of the problems facing a region and engage local communities to help solve these problems. I am delighted that we now have seven catchment management boards in place across the state.

I want to take this opportunity to again commend the boards for the excellent work that they are doing. I know that it is easy for people to be critical of the way that they are going about their responsibilities but, when you look at what has been achieved and the support that the boards are receiving from the community generally, you see it is a vast—a massive—improvement on what we have seen previously in this state.

It is interesting to note that other states of Australia are taking so much interest in the catchment boards and are looking to copy what we have been able to achieve in South Australia through these plans. There is no doubt that there is greater public awareness than ever before of our dependence on water resources. We need to ensure that this awareness continues to grow because it is when the community as a whole, together with governments, gets behind an issue that real results can be achieved. There are clear signs that South Australia is a national leader, and the State Water Plan 2000 is set to ensure that we remain a leader in this important area.

I refer very briefly to another matter that is of particular interest to me—the EPA. Most members in this place would be aware that the EPA is under review. Fairly recently, an Environment, Resources and Development Committee report was released with recommendations relating to the management of the EPA, and I intend taking a particular interest in the outcome of that report and the future of the EPA. I do not care what anybody says, environmental protection is vital to our state's environment and economic prosperity. A number of issues have come out of the ER&D report, and many of them require clarification, for example, the resources provided to the authority. Some changes were recently under the restructuring of government agencies earlier this year and I believe that they have had a significant impact on the level of resources available to the authority, particularly when we consider the responsibilities of the EPA in meeting its statutory functions.

We saw the staff of the former Water and Environment Licensing and Water Monitoring and Inspection sections being removed from the EPA. Now a lot of—if not all—the water policy development capacity has been transferred to the Department of Water Resources, and that has had an impact upon the EPA in many ways, including the one-stop shop for water and environmental licensing that was a feature of the direction in which the EPA was taking us. The capacity of the EPA to meet its statutory functions is naturally of great interest to all of us when we consider the extremely broad functions of the authority, including its responsibility to administer and enforce the act and the high expectations placed on the authority by the community. How many times have we heard questions in this place about the role of the EPA and the community's expectations of the authority?

The current role of the authority, of course, needs to be considered very carefully. It is certainly of concern to me that the authority finds itself being held accountable for issues that I think are outside its own control. The current gap that exists between statutory responsibility, community perceptions and the actual capacity of the authority to deliver are of concern to me. Again, I could spend a lot more time—and will spend a lot more time at a later stage—on this subject, but my personal thoughts are that section 14 of the act is far too

broad, and I think that needs to be looked at carefully. Obviously, the authority must retain its role as a regulatory authority. I would like to see the EPA given far more independence. I think we could learn a lot—and I have said this on numerous occasions—from the EPA in Victoria. I would suggest that, unless resources are significantly increased, the responsibility for the EPA preparing policies should be reviewed and, as far as I am concerned, they should be removed and rest with the agency, unless the minister requests in writing that certain policies be prepared.

There are a number of other issues to which I want to refer concerning my own electorate, for example, and I will have the opportunity to do that at a later stage. There are a number of issues that I wish to raise. Also, it would be my intention to talk at some time in the near future about my thoughts on how this parliament could be improved. A number of people have come forward with suggestions as to what action might be taken to see improvements in the way that this parliament goes about its business, and I would like to make my contribution regarding that matter at a time in the near future. However, on this occasion it is for me to move that the draft Address in Reply be agreed to, and it is my privilege to do just that.

The Hon. G.M. GUNN (Stuart): I have much pleasure in seconding the motion for the adoption of the Address in Reply. This is the first occasion on which I have had the opportunity to move or second the motion for adoption of the Address in Reply, and I am pleased that my colleague and friend, the member for Heysen, was given the opportunity to move the motion on this occasion.

I would like to congratulate His Excellency the Governor on the manner in which he presented his speech to the parliament and for the great work that he and his wife do in travelling around South Australia, where they are very popular, carrying out their duties in an exemplary manner. In my dealings with the Governor, I found him to be well informed and to have the best interests of the people of South Australia at heart.

In relation to the matters covered in His Excellency's speech, like the member for Heysen, I am very pleased that we will again look at the Water Resources Act, because I am convinced that, during the next 50 years, one of the most important topics that this parliament and other parliaments around Australia will have to address will be the responsible management of our water resources—and not only the quality but also the quantity. I know that throughout South Australia there is ongoing pressure on the resource and on the quality. In my own electorate, in the hundred of Baroota, there has been a need for restrictions, which is absolutely essential if the existing irrigators and the resource are to be protected on an ongoing basis, as well as responsible management of the Great Artesian Basin.

I recently had the pleasure of meeting with members of the water catchment board that has responsibility for the arid areas, and I was very pleased to have the opportunity to discuss with them a range of issues. I know that they will give their best endeavours to the matters that are referred to them and, obviously, they have a very important role. The capping of our artesian bores, which have been flowing for a long time, is important. A number of ecosystems have been developed with the free flowing bores and, obviously, it is important to save some of those systems and to make sure that we achieve an essential balance in this area of government involvement. I am pleased that the overwhelming

majority of people on this board are locals who live in the area and understand the difficulties and the peculiarities of the area. I also was interested in my colleague's comments about the EPA. I have an interest in the EPA, and I think there is one—

An honourable member interjecting:

The Hon. G.M. GUNN: Yes, and I have been dealing with them today. It has really highlighted to me that when the parliament, with the best will in the world, passes legislation and creates a situation where the parliament or a minister has no further role to play it can create problems. Having dealt with some fairly bureaucratic decision-making in relation to that organisation and a failure to properly understand the difficulties in relation to a council in my electorate, I think that these people need to be subject, obviously, to one of the parliamentary committees on a basis similar to water catchment boards having to answer to the Economic and Finance Committee. It is a safety valve: where people have complaints, they have an ability to have them independently judged. In the case of the matter with which I have been dealing, they have been bureaucratic, they have been slow and they have been less than considerate and sensible. I had to suggest, in relation to the EPA, that it was getting close to me moving a motion of censure with respect to certain people in this House, and I would have carried that out without any hesitation. I am pleased to say that I think perhaps the matter now has been resolved.

Hopefully, a number of ongoing issues in my electorate will be addressed in the next 12 months. Before addressing some of those issues I want to say that, like other members, I had a great deal of respect for the way in which Dame Roma Mitchell carried out her duties and functions as Governor and how she travelled around the length and breadth of the state. I remember visiting the Pitjantjatjara lands on a very hot day (it was very rough flying up there), where we attended the opening of a very nice school. When we arrived, we were standing on the back of a Toyota Landcruiser utility (I am not sure whether you are supposed to do that these days). Dame Roma Mitchell seemed to be quite unmoved by the whole escapade, and certainly showed no sign whatsoever of any stress because of the heat. She carried out her duties in an exemplary manner, and I commend her for it.

When I came into this parliament, one of the people who was a great deal of help and assistance to me was the late David Brookman, who had been a minister for a number of years and held various portfolios. He gave me wise counsel and was a person with a good understanding of rural affairs and a great love and interest in the Far North, with properties in that area. I appreciated his guidance and assistance during my early days as a member of parliament. I mentioned yesterday my appreciation of the great work that David Tonkin did, and I mentioned earlier today another feature of his administration.

I refer to some of the industries in my electorate and the need for the people of South Australia to set priorities which are sensible and practical and which can achieve important benefits for all South Australians. One of the things I find most frustrating—as do many people in South Australia—is the bureaucracy. It is a wonderful thing: it takes on all sorts of powers; it is insensitive; and it certainly can make life very difficult for people who want only to do good things. If there is one industry that has suffered in this respect, particularly in the early days, it is the aquaculture industry. I well recall being involved with it on Upper Eyre Peninsula. It always amazed me that the only desire of some people within the

bureaucratic system was to shut down that industry and stop it. It has proved to be a most efficient, effective and well run industry, creating great opportunities and a great number of jobs for people who would not otherwise have had the benefit of that income had it not been for that industry.

People are going on about the tuna industry. Do they really want to close it down? When looking at the sort of people whom I mentioned earlier today and who have been acting quite disgracefully at Beverley, Honeymoon and elsewhere, it is interesting to see where they came from. A interesting question needs to be asked: 'Who was financing them?'. I made a few inquiries. Many of them were not short of money, although they were a bit allergic to water and to having a haircut and a few other things. However, they were well briefed. I suggest a lot of the money is overseas money. Greenpeace and others could perhaps answer a lot of very good questions in relation to these people, who—

An honourable member interjecting:

The Hon. G.M. GUNN: Overseas money—have no regard for the citizens of South Australia.

Mr Koutsantonis: Especially Greenpeace.

The Hon. G.M. GUNN: Greenpeace. Their behaviour was irresponsible. They had no regard for the citizens of Leigh Creek or for other people, and the attacks that they made on law-abiding citizens who were going about their business, including elderly people travelling in cars and caravans, was horrendous. When the police eventually moved in, they did so after a great deal of restraint was shown. The officers in charge were very responsible people, despite a great deal of provocation. These people were professional agitators. I put on the public record that that project at Beverley is well managed and well run and is creating a lot of jobs for my constituents in Port Augusta. It will create opportunities to have power at the Balcanoona National Park and surrounding areas that would not otherwise take place. People who would otherwise not do so will have access to air travel back to Adelaide. At the end of the day, what harm have they done? These people are environmentally responsible.

I put to the House that, if we want a future for the people of this state, we must have responsible development. It is unfortunate that our resources are being tied up by irresponsible elements such as that. I am most concerned that we streamline bureaucracy and government operations to assist those people in the tourist industry and others who are creating such good opportunities in South Australia. Anyone who has been in the northern parts of the state of recent times will have seen that thousands of people have been moving through. It is unfortunate that Lake Eyre does not get water in it every year, but the tourist industry and this government have spent a lot of money improving infrastructure, and it has been well used and well supported.

There is a need to put another airstrip in the Simpson Desert, because a huge number of people are moving through there and there will be accidents, and it is important to get in there to get people out. There are some old air strips in the area, and the member for Gordon is probably aware of some of them, having spent some of his early time at Oodnadatta. At least one of those should be upgraded to allow for evacuation and rescue. I intend to take up this matter with the Minister for Tourism and other ministers. The improvement of the airstrips at Hawker and Balcanoona has created opportunities.

Another thing that has concerned me is that we still have elements within government that seem to have a set on the

pastoral industry, the tourist industry and the farming industry. There are elements that do not seem to understand that these people only want a fair go. They do not want unnecessary restrictions. They do not want to be hogtied with unnecessary regulation and bureaucracy. They cannot afford to pay excessive fees and charges or to be interfered with by unnecessary humbug and nonsense. In the next few months in this place I intend to pursue a number of issues in relation to those areas. I think that there is an urgent need to amend the Pastoral Act to give better security and better opportunities for people involved in that industry.

I have been concerned for a considerable amount of time about the issues of law and order and our failure to adequately address certain areas. Recently, I had the pleasure of having lengthy discussions with people in the United Kingdom as to how they address this issue, and I was fortunate enough to be given a briefing paper setting out a number of initiatives that have been taken to deal with villains who have no regard for other people's property, their rights and their person.

I had the opportunity to speak to the head of a council housing authority, which has 32 000 houses, on some of the steps that it took. In relation to the NACRO briefing I received on the Crime and Disorder Act, dealing with youth, one of the measures that it has initiated is anti-social behaviour orders. Section 1 of the Crime and Disorder Act creates a new community-based order that can be applied for by the police or a local authority (that is, the council) in consultation with each other against an individual or several individuals whose behaviour is anti-social. 'Anti-social' could be that the individual causes alarm, distress or harassment to one or more people not in the same household as himself. The order, which has effect for a minimum of two years, imposes prohibitions that the court considers necessary to prevent further anti-social acts. The orders are expected to be used mainly against adults but can be used against family members aged 10 and above.

A breach of these orders is a criminal offence and punishable as such. They also have orders in relation to sex offenders, they have local strategies for reducing crime and they also have parenting orders, which provide:

This order will impose requirements on parents or guardians with a view to addressing their child's anti-social or offending behaviour. It will be available in criminal, civil and family proceedings courts. A court may impose a parenting order in any of the following situations:

- when a court makes a child safety order;
- when a court makes an anti-social behaviour order or a sex offender order;
- where a child or young person has been convicted of an offence (in the case of a child or young person aged under 16 years, the court must give reasons for not making an order where it declines to do so); or
- where a person has been convicted of an offence under the Education Act 1996, failure to comply with a school attendance order or failure of a registered pupil to secure regular attendance at school.

The parenting orders may last for up to 12 months but I believe the time has long since passed when we should make similar sorts of orders. It also gives the police power to remove truants, and that section empowers a police officer to take a child or young person who he or she has reasonable cause to believe is of compulsory school age and is absent from school without lawful authority back to school or another place designated by the education department. A number of other provisions that relate to what has taken place in the United Kingdom could well apply in South Australia.

These are not draconian or over-the-top orders but common-sense provisions that have been brought forward after community concern about anti-social behaviour.

The housing people told me that, where there is anti-social behaviour in the street, they video the culprits so there is evidence and so the culprits cannot deny that they have been involved in that sort of activity. That evidence can be used for later court requirements. These provisions would be most welcome where people are concerned about large groups of young people congregating late at night and where there have been ongoing break-ins and other activities.

During this session I intend again to bring my legislation to parliament to increase the speed limit on certain designated highways in South Australia. For the life of me I cannot understand why people do not want to give this sensible piece of legislation a good hearing and a trial. Also by way of legislation I intend to ensure that speed cameras are not hidden and that the signs are made more visible. On Monday night when I came back into Adelaide I counted five vehicles that I believe contained speed cameras. They all had plain numberplates but they should all have government numberplates. They are government cars and they are carrying out lawful activities as designated by this parliament, but there should be no secrecy in relation to the administration of the law.

Mr Koutsantonis: It is surprising you say that, given this government's record on secrecy.

The Hon. G.M. GUNN: All governments have used this as a revenue cow to milk.

Mr Koutsantonis: You perfected it.

The Hon. G.M. GUNN: No, I haven't. I noticed that one of the signs was attached to the fence, so you had to be really observant to see it. I understand that the police are within their rights to operate these cameras, but it should be absolutely clear that they are government vehicles and the signs should be visible. We had quite a debate to get those signs put back and I believe they should be more visible because I am of the view that it is not necessary for the police to hide around corners. They should be up-front.

I am aware, as the honourable member would be, that there has been some concern about the safety of operators, and I am all in favour of ensuring that they are properly protected. They are not the ones on whom the public should vent their anger; they are only doing their job. But it is important that these matters are raised in this place. The police should be aware that this is not done as a matter of public criticism for the sake of it but there are suggestions which they should be aware of which reflect comments that the public make to us as members of parliament. In a democracy the public is entitled to make these comments to members of parliament and members of parliament have a responsibility to pursue them. In my view, in a democratic process that is healthy, but I am concerned that, at times, they appear to be stuck back in driveways and all sorts of places where they should not be. The police do have a difficult role in administering and managing other areas of the law and I am all in favour of a cooperative approach.

I am looking forward to organising votes on a number of other issues during this session of parliament. I am concerned, as I said earlier, to bring forward some amendments to the Pastoral Act. I also believe that we need to be very careful when we pass legislation to ensure that we do not include provisions that can be misused, taken out of context or used in a manner which this House never intended. Of

course, that is why it is often necessary to review legislation or have sunset clauses.

When I was briefly overseas a few weeks ago one of the things that I had a very close look at in a couple of provinces in Canada was legislation known as balanced budget legislation, which puts certain requirements upon the executive to balance the budget within a prescribed period. I am giving that matter a great deal of attention as I personally believe that governments, if they want to spend revenue, should accept the responsibility of collecting it. Governments should accept the responsibility of collecting revenue and not pass on the responsibility to another generation.

I have sat in this parliament and seen governments spend huge amounts of money which they have borrowed. We have come to the end of that sort of nonsense. I believe that the community expects a reasonable amount of expenditure, but it expects the government to be responsible enough to collect it, and therefore it is a matter of the government getting its priorities right. I wish that we were in the same position as is the province of Alberta, which is sending a dividend cheque to the long suffering taxpayers. Due to the increase in oil prices and the amount of excess oil it has, the government is in considerable surplus and it will send a cheque to everyone because it has too much money. I do not think we will ever have that problem in South Australia, but it is something which was of interest to me. However, I do believe that we need to look very closely at legislation of this nature which prevents governments from irresponsibly spending money to buy short-term popularity. One of the states has a provision that, if the government does not do it, the ministers have their salaries reduced. I think that would be some incentive—

The Hon. M.K. Brindal interjecting:

The Hon. G.M. GUNN: I thought it had a considerable amount of merit, but it is a matter which I look forward to pursuing with the government over the next few months, because I have a considerable interest in this matter and I believe that it will be in the interests of the taxpayers. I am of the view that this is something to which we should give sensible consideration and about which we should have a constructive debate without any sort of ongoing political nonsense. Obviously, it would test the will of the bureaucracy.

I look forward to this session. My constituency has had a very difficult few years. The rains which have taken place in certain parts have created a very good season. There is the potential for great damage caused by locusts. That is a problem which the government has been addressing and there has been a great deal of cooperation from a great number of people. I sincerely hope that we can successfully control them. Obviously, nature will take its course in this matter, but we need to understand and appreciate the position, and we have had the co-operation of a lot of people. Over the next few weeks, it will be interesting to see how successful we are with aerial and land-based spraying.

It would have been unfair to expect the landholders to meet all the costs because, if the locusts are allowed to continue to come south, others will find out the full effect of what they can do if left unchecked. It will be interesting to see what happens if they get into the gardens of North Adelaide or the Adelaide Oval. Some of my constituents think perhaps that would be a good thing because it would attract some attention. They actually set off the security system in my office at Peterborough. They came through the door and landed on the green curtains and set off the security

system on a few occasions. I think the government has put forward a constructive and sensible program to the parliament. I shall look forward to debating the legislation.

Let me say one thing in conclusion. Certain people have set themselves up in high moral judgment of others. The member for Hammond is one of those people who has set himself up on a number of issues. If he continues in that way, he may carry the responsibility of helping to endanger the future of this government. The only reason that the member for Hammond is in this parliament is that he was fortunate enough some years ago to be endorsed by the Liberal Party. He has never taken on the Labor Party; he has left that to some of us. He has been in that secure and safe seat. It is all very well for him to sit in judgment of others and reflect upon us and the government, but he was pleased to have the support and concurrence of the Liberal Party over a long period. It is all right now when he has been here for a long time to want to vent his vengeance upon that organisation and ourselves. He, like me and a number of others, would not be in this place if he had not had that ticket on the first occasion. I support the Address in Reply and I look forward to the session as I look forward to many more sessions in the future.

The Hon. M.K. BRINDAL (Minister for Water Resources): I move:

That the sitting of the House be extended beyond 6 p.m.

Motion carried.

Mr KOUTSANTONIS (Peake): I would like to address a few comments that I heard earlier from the member for Stuart in relation to the member for Hammond. As far as I know, the member for Hammond has never been disloyal to the Liberal Party. He never called for the election of a Labor government or the installation of a Rann Labor government; he simply called for the return of the premiership to its original owner, that is, the person who won the election which brought the party into government: the Minister for Human Services. From my recollection, the member for Hammond has never been disloyal to the Liberal Party. He is the one who has been shown disloyalty—

The Hon. M.K. BRINDAL: I rise on a point of order, Madam Acting Speaker. I ask you to rule on relevance. The subject under discussion is the Address in Reply. I believe that the last speaker did address his remarks to the Address in Reply, but this speaker is rebutting what the last speaker said.

The ACTING SPEAKER (Mrs. R. Geraghty): I understand that is appropriate.

Mr KOUTSANTONIS: Thank you for your protection, Madam Acting Speaker. It is good finally to have the protection of the chair. That is very rare—you are a breath of fresh air. As part of my duties as the local member for Peake, I sit on the Airport Consultative Committee, which is conducted by the Adelaide Airport. This committee consists of local members of parliament (federal and state), local government representatives, local environment groups, the Environment Protection Authority and local residents. Recently the committee voted to allow the breaking of the curfew by airlines because of daylight saving time in New South Wales, Victoria and Queensland due to the Olympics. I was shocked to find that the hapless member for Hindmarsh (Ms Chris Gallus) has put out her 'Chris Gallus Update' at the expense of the taxpayer, an eight page glossy pamphlet in two colours, which arrived in people's letterboxes on the

same day as my letter about the airport arrived—a funny coincidence in itself. In the pamphlet, Ms Gallus says:

Besides myself, I understand that only one person voted against ending the curfew at 5 a.m., and that was the City Manager of Holdfast Bay, Doug Ayles.

This is just not true; this is a lie. It is just an untruth. What happened is that Ms Gallus's vote was not recorded in opposition to the breaking of the curfew. Ms Gallus was flying away on a trip to Paris, or London, or somewhere in Europe, to enjoy herself at the expense of the taxpayer.

Mr Hanna: So she didn't oppose it?

Mr KOUTSANTONIS: She didn't oppose it. She sent a fax indicating her opposition, and now has put out, in a taxpayer-funded newsletter, that besides herself only one other person voted against it. She is implying that she voted against the curfew being broken. This is a lie. I would have to say that Ms Gallus is the biggest hypocrite in federal parliament. When Labor's Cheryl Kernot (the former shadow transport spokesperson) moved an amendment to her curfew bill to allow for insulation in homes affected by airport noise surrounding the Adelaide Airport, Ms Gallus actually rang Adelaide Airport Managing Director, Phil Baker, who is on record in the *Sydney Morning Herald* or the *Telegraph*—I am not quite sure what the paper is called—as saying that Ms Gallus called him to get some lines, some relevant information to fight this proposal. She actually rang the airport and asked the airport's advice on how to stop insulation being put into homes surrounding Adelaide Airport.

Mr Hanna: Showing her true colours.

Mr KOUTSANTONIS: Yes. It does not stop there. Again in her taxpayer-funded pamphlet Ms Gallus goes on to say:

When some houses around Sydney airport were insulated against aircraft noise I called for equal protection for Adelaide households.

She was quoting her 'Airport Update, Winter 1998' edition. The fact is that the *Hansard* record of the federal parliament will show that Ms Gallus spoke against homes surrounding Adelaide Airport being insulated, and when a division was called after the amendment was moved to her bill to have insulation included in homes surrounding Adelaide Airport what did Ms Gallus do? This is the person who said that she called for the same for South Australia. But what did she do? She voted against it. Who is the other member of parliament who voted against it as well? It was the member for Adelaide, Ms Trish Worth, another champion of the downtrodden. Both of these members of parliament who are taking credit for the \$65 million worth of insulation for Adelaide homes are the same members of parliament who voted against it in the federal parliament. Ms Gallus actually telephoned the Adelaide Airport and asked for advice from the Managing Director, who has gone on record as saying that she asked him: 'Give me some lines to help me fight this and knock this off.' This is the so-called champion of that Adelaide Airport curfew.

Another thing she does not mention in her newsletter is that the Federal Minister for Transport is the person who under her bill has discretion at any time to break the curfew and to grant an exemption. It does not need a vote of the Adelaide Airport Consultative Committee; nor does it need a vote of the local members of parliament. It is irrelevant what I think or what the members for Hanson, Colton or Morphett think. It is entirely in the hands of the federal minister: he can refuse or accept any recommendation that the

Adelaide Airport Consultative Committee makes. But Ms Gallus hides behind this.

When the curfew was broken, I was not responsible; nor were the member for Hanson or the state government. Rather, it was the federal government; it is John Howard, Chris Gallus and Trish Worth. They are the people who control federal cabinet; they are the people who are sitting on the Treasury benches; they are the people who made the decision on whether or not the curfew should be broken.

I asked the Premier in question time yesterday whether he had had any correspondence or made any contact with the federal government in relation to the breaking of the curfew to allow in extra carriers, such as Virgin Airlines or Impulse. The Premier gave an interesting answer. He said that there has been no contact—that he had made no offers or incentives. That is interesting. A way to describe the character of the Premier is that he is liberal with the truth. At the next sitting of this House, I will bring in some documents and correspondence.

The Hon. M.K. Brindal interjecting:

Mr KOUTSANTONIS: I am sure you do get correspondence. The Premier said that no incentives or offers were made—there was no offer of assistance for Impulse and Virgin Airlines to break the curfew in order to have discounted flights coming into Adelaide Airport. We will find out whether or not that is true. I understand that the federal shadow minister has a very different opinion on what has been offered to the two airlines. I will bring up that information as soon as I can. If this is true, not only will the Premier have misled the House but also the member for Hindmarsh has misled her electorate. She has misled the people who sent her to Canberra to represent their views.

I sent out a mail-out asking my constituents to fill in a petition calling on members of parliament to increase the range and scope of the people who are getting insulation in their homes surrounding Adelaide Airport. I also sent a letter to Ms Worth, Ms Gallus and Mr Howard about having the insulation criteria expanded so that Adelaide gets the same amount of money that was spent in Sydney. In Sydney, approximately \$325 million was spent on insulation. Adelaide has been promised \$65 million, although none of that money has yet been spent. According to the government's own estimates, it will cost only \$32.5 million to fund insulation in the 550 homes. I would like to know from the federal government where the other \$32.5 million is going, but I doubt I will ever find out. It goes to show that the member for Hindmarsh is completely misleading the public.

It also concerns me that on page five of her pamphlet she is shown in a photograph with two residents. I will not mention their names because I do not think they want to be mentioned in state parliament. However, there is a photograph which implies that they are supporting her initiative to allow insulation and ground noise surveillance for insulation to be installed around homes in Adelaide. It basically implies these two residents support Chris Gallus and her candidacy at the next election. The fact is that these two people pictured in Ms Gallus's pamphlet are in fact supporters of Steve Georganas, the Labor candidate for Hindmarsh. We found out that these people rang Ms Gallus to complain about airport noise, the curfew being broken and the number of homes that are not receiving insulation. Ms Gallus said, 'Yes, I will come out and talk to you; can I bring my camera?' These people said 'Yes, of course you can,' thinking she might take pictures of aeroplanes flying over their home. They were not quite sure why she wanted a photograph. Ms Gallus turned

up with someone else, took a picture of these two people standing around a wheelie bin, and—surprise, surprise—it appeared in her newsletter. That newsletter talks about how residents near the airport have asked Chris Gallus about increasing ground noise at Adelaide Airport and whether or not the ANEIs used to determine noise bans take ground noise into account. The answer is 'yes and no'. She goes on to talk about how hard she is working and how much she cares about these local residents.

The fact is that these people have been duped. Ms Gallus did not ask for their permission to use a photograph of them in her party political newsletter, and they were not asked to sign an agreement that would allow their picture to be seen. I will be bringing up that issue with Ms Gallus and the federal parliament.

I want to bring up another matter before I resume my seat; I know people have long drives home. On the front page of the Chris Gallus airport update she advertises a film night, as follows:

Our film mornings are back; only \$7 for film and morning tea. See the new Aussie hit, *The Dish*, 10 a.m., Wednesday October the 18th at Glenelg Wallis theatres.

I am sure that Liberal members of parliament will be rushing to this fundraising event. At the bottom of the update she states:

You can ring this number to buy a ticket or visit the electorate office for tickets. Note: this function is an election fund-raiser for Chris Gallus by the Hindmarsh FEC.

This pamphlet was printed using Australian taxpayers' money—

An honourable member: How do you know that?

Mr KOUTSANTONIS: Because the information is open and available to the public for them to know exactly what members of parliament print and their printing allowance. This has been used by Chris Gallus. If I am wrong I will apologise to Ms Gallus and withdraw my remarks. I will accept that if I am wrong. This was posted out at the expense of the taxpayer. She is advertising a Liberal Party fund-raiser. I wonder how the Minister for Administrative Services would feel if we used our global budget to advertise for Labor Party fund-raisers. I am very concerned about this, and I will be raising this and taking it further.

To conclude my remarks, I cannot believe that there is so much deceit crammed into the eight pages of the pamphlet that has been put out by the member for Hindmarsh. On the back page she has a series of questions and answers which she calls 'misleading claims'. She details the questions and then gives her answers on the bottom which she claims are the accurate answers. One of the questions is: 'Why did the Labor candidate (Steve Georganas) say that an Ansett flight broke the curfew if it didn't?' implying that the Labor candidate lied. Her answer is:

'I don't know. He's a staffer to Nick Bolkus, and as such has the same access to information as my office. Air Services have records of all the flight times.

I am not sure what she is trying to imply there, except that she thinks that Steve Georganas has misled people, which is completely untrue. We have been asking Ms Gallus and the federal Department of Transport how many microphones were set up to register ANEI bans around the western suburbs of Adelaide to find out exactly how much noise there is to calculate who gets insulation and who does not. Ms Gallus says in her letter that the Labor candidate also claimed in the *Weekly Times Messenger* that there are microphones every 100 metres in Sydney and only one in Adelaide. Is this true?

She says: 'No, there are 12 microphones in Sydney and five in Adelaide.' That is surprising because the Department of Transport tells us there was one. That is surprising because one of them is lying. One of them has been misled. I have the utmost faith in the Department of Transport but very little faith in the member for Hindmarsh.

All I can say is that this drivel that the member for Hindmarsh has put out is a pathetic attempt to hide her deceit and the fact that she has, at every stage, tried to stop insulation at Adelaide Airport. She has voted and spoken against it. She has not supported it. She has brought it out at the last minute because she realises that, after receiving the largest swing in South Australia against a sitting Liberal member of parliament, her days are numbered. She has now committed the federal government to spending \$65 million of taxpayers money to insulate only 550 homes when we all know that

there are more homes—in Glenelg North affecting the Speaker's own electorate—which deserve insulation; and more homes in my electorate which deserve insulation which are not getting it but which, if they were in Sydney, would fit the criteria.

For some reason Ms Gallus does not want to listen. She will be listening at the next election because I can tell you right now that Steve Georganis has the support of the electorate of Hindmarsh and the outcome is already known.

Mr MEIER secured the adjournment of the debate.

ADJOURNMENT

At 6.12 p.m. the House adjourned until Tuesday 10 October at 2 p.m.

HOUSE OF ASSEMBLY

Thursday 5 October 2000

The SPEAKER (Hon. J.K.G. Oswald) took the chair at 2.30 p.m. and read prayers.

ADELAIDE CEMETERIES AUTHORITY BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the bill.

BALLOT RESULT

Mr LEWIS: I rise on a point of order, sir. I attempted to contact you to discuss this matter with you before the House began sitting today. I ask you, as a matter of procedure under standing orders, whether it is possible for the House to know the result of the ballot conducted in the House late in yesterday's sitting.

The SPEAKER: It has never been the practice of the House to provide those figures. I took the assurances of the Clerk and the two scrutineers last evening. I am not even sure that the relevant piece of paper is in existence any more; I could check, but, even if it was, it would be my feeling that I would adhere to the practice of the House and probably not reveal those figures. In reality, I do not think the numbers involved even exist now.

Mr CLARKE: I rise on a point of order, sir. You said that it was the 'practice of the House'. In your election as Speaker at the beginning of this parliament, in fact the figures were known. It was a secret ballot, and the results were declared and known to the House, so I cannot see why the results of yesterday's ballot cannot be revealed.

The SPEAKER: The House is the master of its own destiny, and if the House wants figures released it can so direct that they be released. We are not sure whether the numbers were released as a result of the Presiding Officer's vote or whether the figures became generally known around the chamber. I say again that it is for the House to decide in the future whether or not it wants the numbers of ballots released. In this case I took—

An honourable member interjecting:

The SPEAKER: I do not have a problem one way or the other, except that as it has never been the practice in the past I do not think the record that was passed to the Speaker and read to the House by names is even in existence now. Also, I may add that it was never the responsibility of the chair, based on past practices, to release the figures. I announced the names of the successful candidates, and that was all that was required at the time.

Mr CLARKE: I rise on a further point of order, sir. I ask that the vote of yesterday's ballot be recorded in the records of the parliament.

The SPEAKER: I think we need a motion of the House at some time or other to formalise it. I do not think a request from one member is sufficient. At an appropriate time the House may consider moving a motion that in future the figures be recorded, but this is not the appropriate time.

OLYMPIC GAMES

The Hon. J.W. OLSEN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. OLSEN: South Australia, like the rest of the country, was caught up in Olympic excitement over the past few weeks. A world-class event such as the Sydney Olympics is special, not just because of the sporting feats that are on display but because of the uplifting and unifying qualities of sport.

I am sure I am not alone in recognising the feelings of confidence and pride that have swept through the entire nation over the past few weeks. This pride was not only in the performances and achievements of Australia's elite athletes but also in the way in which Australia has again proved the excellence with which it can administer such a major world-class event.

Of course, South Australia played a significant part in this aspect of the games, with the flawless hosting of a number of matches as part of the Olympic soccer tournament, culminating in that spectacular quarter final between the United States and Japan.

More than 111 000 South Australians attended the matches at Hindmarsh Stadium, which I understand was over 90 per cent booked out. The quarter final received live television coverage to Japan, with an estimated audience of 55 million, and a delayed telecast to the United States, with an estimated audience of 45 million people. It is also important to note that the coach of the Italian team, Marco Tardelli, was glowing in his praise of Hindmarsh Stadium and the quality of the pitch.

Talk of the Olympics was buzzing throughout Australian and South Australian homes and workplaces. People everywhere were monitoring the progress of our athletes and following their achievements.

I guess it is difficult for us to imagine the sacrifice that our elite athletes must make to reach the pinnacle of their sport. Years of training, discipline and commitment—all these things—culminated in representing Australia at the Olympics. This year's games were special, for they gave Australians the chance to compete at the highest level in front of their home crowd—a crowd willing them on to greater heights.

Australia's Olympics team at the Sydney Olympics comprised 628 athletes, the largest Australian team ever. This included 51 South Australian athletes, also the largest contingent of South Australians to participate in an Olympics Games, who returned to the state five gold, five silver and four bronze medals.

The South Australian government is proud to support our elite athletes through a variety of programs, recognising the importance of sport in the daily lives of so many South Australians. There were some fantastic stories at this year's Olympics. Brother and sister archers, Simon and Kate Fairweather, competed this year, with Simon being South Australia's first gold medallist in Sydney. That was Simon's third Olympic Games—and what a spectacular performance it was.

A husband and wife team competing in pole vaulting, Viktor and Tatiana, were also chosen to represent Australia. I am sure we can all still vividly remember the scenes of Tatiana's attempts to secure gold by breaking the world record—the crowd right behind her, cheering her on. Unfortunately, she could not quite reach the height, but her silver medal was a tremendous achievement nonetheless.

I would also like to congratulate our other medallists: Brett Aitken for his gold in the 60 kilometre Madison track cycling race, and for the fact that he chose to come back to Adelaide for the parade rather than participate in a cycling event in Victoria today; Kerrie Pottharst, gold in the women's beach volleyball; Katie Allen, Juliet Haslam and Allison Peek for their gold in the women's hockey; Mark Woodforde, silver in the men's doubles tennis; Kate Slatter, silver in the rowing; Ryan Mitchell and Sarah Ryan, silver in the medley relay swimming; Carla Boyd, Jo Hill and Rachel Sporn, silver in the women's basketball; Selina Follas and Simone Morrow for their bronze in the women's softball; Robert Newberry, bronze in the diving; and Craig Victory, bronze in the men's hockey.

I am delighted that all the hard work and commitment over the years has paid off and trust that the sense of achievement and personal satisfaction has made all that work worthwhile. I also hope that our athletes can take pride in the knowledge that they are excellent role models for young South Australians. The government has long been an advocate of sport as a healthy lifestyle choice for our young people. Athletes are people we can admire and look up to and who demonstrate that participating in your chosen sport, at whatever level, is something that can bring enormous personal satisfaction. It is something we, as a government, encourage in our young people and I thank our elite athletes for being such a positive role model for young South Australians.

It is also important to recognise the important work of the officials who accompany our athletes to the games. Support staff are a crucial part of any successful Olympic team and it was great to see that 27 South Australians were chosen as officials for the Australian Olympic team. It would be remiss of me to forget the fantastic work of our hundreds of volunteers who took up the Olympic spirit and assisted in the staging of the games. I am delighted that the volunteers were able to participate in the parade today and the reception, despite some significant opposition earlier in the week.

The Hon. M.D. Rann: Who from?

The Hon. J.W. OLSEN: The opposition was from Telstra and the AOC initially, which refused to allow them to march.

The Hon. M.D. Rann: The volunteers made their games.

The Hon. J.W. OLSEN: And that is why we insisted that the volunteers should participate. Just as the excitement is nearly over, our attention will now turn to our Paralympians—with the Paralympics beginning in just two weeks. I urge all South Australians to get behind these athletes—as 24 South Australians will be competing along with 15 coaches who will be involved. In closing, I would like to reaffirm the South Australian government's commitment to sport at all levels in South Australia, from providing world-class facilities for international competitions, to ensuring that our school students are encouraged to participate in fitness and sporting activities, as well as getting encouragement from people such as Kate Slatter, a silver medallist in the rowing.

My government acknowledges the integral part that sport has played in Australian life. I am sure that all South Australians who enjoy their sport will join me in congratulating the achievements of our athletes at this Olympic Games.

QUESTION TIME

The SPEAKER: Before calling questions, I advise the House that any questions for the Minister for Environment and Heritage will be taken by the Deputy Premier.

NATIONAL WINE CENTRE

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Premier. What action will the Premier take against the Chief Executive Officer of the National Wine Centre following revelations by the Auditor-General that two consultants were employed by her in serious breach of guidelines, without tender and being paid well in excess of their original agreement? In a series of reports the Auditor-General has criticised the government's arrangements for the employment of consultants, costing the state tens of millions of dollars. In his report yesterday the Auditor-General identified two consultants employed by the Chief Executive Officer of the Wine Centre who were engaged without due process for periods that went well beyond their terms of employment, one eventually being paid \$228 000 and the other \$160 000.

In response to the Auditor-General finding serious breaches for employing consultants within the Department of the Premier and Cabinet, the Premier told this House in December 1997 that strict new guidelines had been issued for employing consultants. Yesterday the Auditor-General warned that new guidelines had never been actioned.

The Hon. J.W. OLSEN (Premier): I am pleased to advise the House that this matter was brought to my attention only recently. I have written to the Chairman of the National Wine Centre board, Mr Rick Allert, asking for an explanation from the Chief Executive Officer, and I will be happy to report to the House when I receive that explanation.

WOMEN'S AND CHILDREN'S HOSPITAL

Mr HAMILTON-SMITH (Waite): My question is directed to the Premier. Can the Premier give a guarantee that the Women's and Children's Hospital will not close its women's emergency section? I understand that the Leader of the Opposition has indicated in a press release that it will be closing, despite hospital claims to the contrary.

The Hon. J.W. OLSEN (Premier): The Leader of the Opposition got caught out today—caught four square. The Leader of the Opposition went out and issued a press release calling on me, as Premier, to give a guarantee that emergency services at the Women's and Children's Hospital would not be closed or downgraded. I can give you the guarantee, because it was never in doubt. If the Leader of the Opposition had just lifted up the telephone to make one call to check with the Administrator he would have known that there was no matter to be considered, because the board last Tuesday made a decision on a recommendation from a consultant to reject it. A consultant giving advice to the board, consulting parties, put some options up. It went to the board Tuesday, and they knocked it out and said, 'It's not on.' Yet on Thursday the Leader of the Opposition has the hide to go to the media and issue a press release indicating what happens to emergency mums in our public hospital system. Had the Leader of the Opposition done one jot of work, making just a simple telephone call, he would not have been caught out as he is today. Repeatedly we see this opposition put out stories that have half truths in them. They are silent on matters. They set directions that do not bear resemblance to the real facts of the matter. The Women's and Children's Hospital has put out a release this afternoon, having received media inquiries after the Leader of the Opposition's press release.

Mr Foley interjecting:

The SPEAKER: The member for Hart will come to order.

The Hon. J.W. OLSEN (Premier): Here is the member for Hart trying to protect his Leader, whom he wants to knock off.

Mr Foley interjecting:

The SPEAKER: Order! The member for Hart will contain himself.

The Hon. J.W. OLSEN: The Women's and Children's Hospital was so concerned about the inaccuracy of the Leader of the Opposition's statement that it took the unprecedented step of releasing a press release today indicating that what the Leader of the Opposition had said at his press conference and in the press release was fundamentally flawed, absolutely wrong; and a simple bit of homework, a telephone call, would have put those facts in context. It is symptomatic. This is another example and symptomatic of this opposition. This is an opposition that can recycle a press release 13 times—same answer, same issue 13 times. Well, today, Media Mike has been caught out.

NATIONAL WINE CENTRE

The SPEAKER: I call the Leader of the Opposition.

Members interjecting:

The Hon. M.D. RANN (Leader of the Opposition): I will not talk about used car salesmen. Will the Premier, as the minister responsible for the National Wine Centre, reveal to the House the identity of the two consultants who the Auditor-General found were improperly employed by the centre's chief executive and were paid \$228 000 and \$160 000 respectively, and what were they employed to do? Does the Premier know the identity of those consultants?

The SPEAKER: Order! The leader is now commenting.

The Hon. J.W. OLSEN (Premier): We are back to type. It took only until the second question time. I will be happy to get the information for the leader.

Members interjecting:

The SPEAKER: Order, the member for Hart!

Mr Foley interjecting:

The SPEAKER: Order! I call the member for Schubert.

PARTNERSHIPS 21

Mr VENNING (Schubert): My question is directed to the Minister for Education and Children's Services.

Mr Foley interjecting:

The SPEAKER: Order! I warn the member for Hart.

Mr VENNING: Will the minister advise the House of the level of school and preschool community response to Partnerships 21 and its success in South Australian school communities? Australian Education Union Council delegates recently endured a lecture on the evils of Partnerships 21 and its damaging effects on school communities by a no more learned gentleman than the self-confessed man who would be the education premier. I ask the minister to clarify for members the simple and undisputable facts about Partnerships 21.

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): I thank the member for Schubert for his question. Yes, unfortunately, it is true because the Leader of the Opposition, and I understand the member for Taylor, were recently both invited to speak to the AEU inner sanctum on, among other matters, Partnerships 21 and Labor's view of education as they see it. I have never had the pleasure of such an invitation and I must admit that I will not hold my breath waiting for one, either. I am sure the gathered disciples

there fed very well on the negative carping that they heard from the Leader of the Opposition. In fact, it was the former President of the AEU who reminded the Leader of the Opposition that it was not the government which they blamed for the decimation of teachers but the Labor government of the early 1990s which sacked 800 teachers in 1991. Let me tell you she was not too happy about it and reminded the Leader of the Opposition of that fact.

I am advised that some delegates were seen to drift off to sleep during the leader's address. Apparently they were trying to whip up the union's Partnerships 21 loathing meter, if it could be whipped up any further, which I tend to think it could not be. To members of this House and to members of the South Australian community, I say, 'Go out and talk to teachers; go out and talk to school community members; go out and talk to those members who are on governing councils of Partnerships 21, and hear about the real successes going on in those schools and about what this partnership is doing for education in this state. And, when you think you have done enough, go out and talk again and again,' because members will find that 75 per cent of most schools receiving extra money through this are spending it on additional teachers and additional SSO hours. They are reducing the size of classes and putting extra help into those classes from the additional funds that they receive from Partnerships 21, and that simply was not possible before this system and before this partnership.

The proof of this success is the greater flexibility which is now being experienced and which is absolute in the schools. It is being embraced by parents and teachers alike in our schools, contrary to what the ALP, the Democrats and union delegates would like to have the community believe. Their talk is cheap and ill-informed and is simply wrong.

Countless international education systems have turned over to this form of partnership. Only last week when I was in Scotland I addressed a conference on Fusion 2000—Information Technology in Distance Education and I visited schools there. They have been on local management for 10 years. When I asked whether they would like to go back to the old system, every principal and teacher to whom I spoke said, 'No way. We would never go back to that system.' It is wrong for the Leader of the Opposition to say that this is the wrong way to go. It is too easy for the leader to carp about how the government is doing it wrongly, but the only thing that is right in all this is that the government has actually done it.

It is spurious to talk of schools going broke and being in crippling debt. It is ridiculous if that is the best attraction that they can come up with because parents, teachers and the school community do not believe them. Unfortunately, we will never get the same sort of support from the teachers' union. That would be far too level-headed and sensible. Indeed, it is a shame that the union does not follow the lead of many of its teachers, who have repudiated its carping and are taking up Partnerships 21 with great zest.

I am disgusted, as are many educators, in the leader's giving a lecture, claiming that Partnerships 21 is nothing more than school-based apartheid. I believe that he owes the school and education community an apology. If that was not enough, more fatal errors followed. He might wish to consider his position, if he came to government, of sacking the present CEO of education, the man who is the most respected educational administrator in Australia; yet the leader says that he would get rid of him. Unfortunately, we

have come to expect this sort of negative carping from the leader.

Nearly half our schools in South Australia are now Partnerships 21 schools. They are enjoying the additional flexibility that has occurred because of that partnership with the government. It is and has always been a transparent exercise. As models such as this are developed, refinements can be made as they go along, as has happened in all other places that have developed this model. Put simply by the South Australian Association of State School Organisations:

The call for an inquiry into Partnerships 21 only reflects that there is a tendency among opponents of progress to thwart anything that threatens the comfort of the status quo. The AEU is at war with schools, parents and students and we call for a retreat from its trenchant battle against P21 in the interests of making public schooling in South Australia such that excellence is not a goal but a standard, and achievement for all is not a dream but a benchmark.

In closing my answer to the question, I notice that, in the Leader of the Opposition's electorate and that of the member for Taylor, about 50 per cent of schools and preschools are already in Partnerships 21. I find that interesting, particularly as the leader has demonstrated that he is way off the mark on Partnerships 21. This is a very successful partnership and I am very pleased to say that schools are taking it up, using the flexibility, using the additional funds that have been generated to lower class sizes, to improve the standard of education in this state, and I expect that a lot more schools will take this up between now and the next school year.

The SPEAKER: It was not the chair's intention to interrupt the minister during his reply and I direct my remarks to the cameramen and news reporters behind them. I remind them that their news editors signed a document that states clearly that they will film members on their feet when speaking and nothing else. I remind them of that and the implications of that. I direct that they do not run to air other film that they have taken.

BUDGET STRATEGY

Mr FOLEY (Hart): My question is directed to the Premier. Given the Auditor-General's analysis of the government's budget strategy drawing attention to the government's repeated failure to achieve budget balance, what will the government do to bring its budget under control and achieve a balance between revenue and spending?

Members interjecting:

The SPEAKER: Order!

Mr FOLEY: Thank you, sir. Would you like me to repeat the question, sir?

The SPEAKER: No, I would not like the honourable member to repeat the question.

An honourable member interjecting:

The SPEAKER: Order!

Mr FOLEY: The Auditor-General states that since the current Premier took office government outlays have risen in real terms and will continue to rise by nearly 20 per cent (or over \$500 million in real terms) between 1997-98 and 2003-2004, and that the budget will continue to be in deficit—this is the Auditor-General saying this—until 2003-2004 and will therefore have added to state debt. The Auditor-General also states:

Discretionary use of dividends and returns from financial institutions and deferral of discretionary outlays such as past superannuation liability funding have been required to achieve the underlying balanced budget targets.

The Hon. J.W. OLSEN (Premier): Some of the questions from the member for Hart never cease to amaze me. He received yesterday an Auditor-General's Report that would not have pleased him all that much, because the Auditor-General's Report has given very substantial support to the government's activities in a number of policy areas.

Mr Conlon interjecting:

The SPEAKER: The member for Elder will come to order.

The Hon. J.W. OLSEN: Yes, some of our outlays have gone up, and I make no apology for putting more money into health and education and allocating more money to police. If the honourable member wants to criticise us for putting more money into education, health and law and order, so be it, but we do it quite openly; it is in the budget papers. Let me pick up part of the Auditor-General's Report. The member for Hart talks about the discretionary funding, but the Auditor-General refers to the benefit and says that we will save \$210 million next year on interest payments alone. What does the member for Hart have to say about that? Silence—absolute silence! The member for Hart is the biggest interjector in the parliament, but at the moment he has gone silent.

Mr Foley interjecting:

The Hon. J.W. OLSEN: If the honourable member wants to talk about budgets in the red, I can talk about the CFS that had a \$13 million debt, the \$4.5 billion worth of unfunded superannuation liabilities under his government and the \$8.2 rolled into \$8.9 billion worth of debt that we inherited, or I could also talk about the fact that when we came to government the previous Labor government had been spending \$300 million a year more than it was earning. The member for Hart has the temerity, the hypocrisy and the hide to come into this parliament and talk about—

Mr FOLEY: Mr Speaker, I rise on a point of order.

The SPEAKER: Order! The honourable member has a point of order.

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. Ingerson interjecting:

The SPEAKER: Order! The member for Bragg will come to order.

Mr FOLEY: My point of order is that the Premier is incorrect. As he knows, the Auditor-General has said—

The SPEAKER: Order! There is no point of order.

Mr FOLEY:—that his budget is in the red.

The SPEAKER: Order! I warn the member for Hart for the second time for shouting down the chair. I suggest that he takes very seriously this warning about his constantly trying to override the chair. The member for Hart has been warned for the second time today. The Premier.

The Hon. J.W. OLSEN: When do opposition members have no substance to their argument?

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: We have seen it when they stand as the member for Hart just did waving a book, which he knows is against standing orders. The member for Hart in a press conference today walked in and said, 'Look at this red book. It's a red warning sign, the cover for the opposition.' The media took him to some task over that—and rightly so, I might add.

An honourable member interjecting:

The Hon. J.W. OLSEN: Yes. It was a TV shot, not a shot of substance. When the member for Hart starts interjecting and waving books around, you know there is no policy

substance or depth to the argument. I point out to the member for Hart—and it is in the Auditor-General's Report—that if he were not so selective he would see that net debt has gone down to about \$3 billion and that the Auditor-General said that we had a return on our asset sales in the upper end of the market—the upper end of expectations.

So, the Auditor-General has actually said that the return that we achieved was a good result for South Australia. The fact that we are saving some \$210 million each year on interest is substantial. We can now resubmit those funds: instead of going out to banks overseas, those funds are available for education, health, law and order, roads and the environment. That is what we are doing. The Governor's speech indicated yesterday that we had to get the finances right: once you get the finances right, you can then invest in a range of social infrastructure in a community. And that is exactly what we intend to do.

After 10 years of pain, after 10 years of having to put up with the opposition's inadequacies as administrators of the finances of this state, we have it stabilised. There is new hope and new optimism. In talking about the opposition and its whingeing, whining, carping approach, I will just quote—

Ms Key interjecting:

The Hon. J.W. OLSEN: I am glad the member for Hanson has tuned in. I will quote something to you from a few years ago:

I see whingeing and whining as a substitute for a lack of ideas and a lack of guts.

Who would you suggest might have uttered those words, Mr Speaker? It was none other than the Leader of the Opposition. Well, Labor has no ideas to get this state moving. It did not have the guts to solve the problem, and it has whinged and whined since. There is no policy initiative, no new idea and no substance to what it is on about. For the member for Hart to have the temerity to stand up in this place today, as he has done, based on an Auditor-General's report which, by and large, is mild, and an Auditor-General's report which, by and large, has given support for what we have achieved in this government, he is left without anything with which to fly. The honourable member is disappointed and, as a result of that disappointment, he takes the next step of theatre to overcome the lack of substance.

TAFE, HOSPITALITY TRAINING

Mr MEIER (Goyder): Can the Minister for Education and Children's Services advise the House of the success of TAFE students employed to provide corporate catering at the Olympic Games and how their achievements have added to South Australia's reputation for excellence in the delivery of hospitality training?

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): As we celebrate the achievements of the athletes and the volunteers who contributed to the success of the Sydney Olympic Games, I think it is very timely that we recognise the efforts of the students of Regency TAFE who were part of the game's massive catering effort.

Mr Clarke: And Adelaide TAFE.

The Hon. M.R. BUCKBY: And Adelaide TAFE, as the honourable member says. As members of the House know, Regency Institute of TAFE'S hotel school and Adelaide Institute were part of a successful consortium with gM2000/Sodhexo to provide corporate catering at the Sydney 2000 Olympics. Their contract was to prepare food for some 23 corporate suites at the sponsors' hospitality centre in the

Homebush Olympic Village. More than 500 students and staff travelled to Sydney to be part of the catering team, and these students were given a wonderful opportunity to gain valuable paid experience at the highest level of hospitality to all the major sponsors of the Olympics, including Telstra, Coca-Cola, BHP and AMP. I understand that the students acquitted themselves with great professionalism. They were a credit to their state and the quality of training that they received at the Regency hotel school.

All members of this House would appreciate that the organisation involved in catering for the Olympic corporate suites is quite staggering. In fact, the suites range in capacity from 300 to some 1 000 people, and the students certainly had their work cut out in catering for that number of people. In total, the students supplied some 150 000 meals during the two weeks (or the equivalent of some 5 000 meals per day), and during the four weeks that they will be in Sydney they are committed to about 12 to 14 hours work each day they are there.

Their ability to rise to this challenge cannot be understated because, once again, it shows that their excellent training at the Regency institute has stood them in good stead to provide a top class level of service to those corporate suites. The institute now has an international reputation for producing hospitality industry leaders of tomorrow, as evidenced by the successful training partnerships that they have developed with Le Cordon Bleu and also Shokurio Garkin in Japan. In monetary terms the contract to cater for the Olympics was worth some \$2.4 million to TAFE and its students, but the real value lies once again in the lifetime experience for these students in undertaking that work at the Olympics.

The chance to work at the Olympics is an opportunity that cannot be understated. When these young people go forward into their careers in the hospitality industry, to have on their CV that they have been part of a team that provided catering to the corporate suites in the Sydney Olympics will take the attention of any employer before whom they place themselves. I understand that the students made many valuable contacts with national and international guests, who were very impressed by their presentation and skill, and this may well lead to future careers for these young people either interstate or overseas.

I commend the Regency institute for facilitating this opportunity for the students. The success of this contract is quite likely to open the door to future contacts for the Regency and Adelaide institute students so they can gain more experience such as this, which will equip them particularly well for the work force once they enter it. In South Australia we want to continue to expand this area of hospitality training. One only has to look at the convention centre being expanded just down the road to realise the opportunities that will exist for our young people. Its capacity will be extended to some 4 000 conferees, and the level of catering and hospitality that will be required will also expand.

I commend the staff and students for all their training and organisation for the Sydney Olympics. Their success is further proof that South Australia can be confident in its ability to train professionals who can take their place among their peers of very high standard anywhere in the world.

ASSET PROCEEDS

Mr FOLEY (Hart): Will the Premier rule out the use of retained profits of the South Australian Asset Management Corporation for any other purpose than debt reduction in next

year's election budget; and why has the government decided not to use this money for debt reduction over the past two years? The Auditor-General states that the South Australian Asset Management Corporation has retained profits of \$243.3 million. The government has for the second year running retained the South Australian Asset Management Corporation's profits in an account to be dealt with 'as the Treasurer of South Australia may determine'. The South Australian Asset Management Corporation's profits are proceeds from asset sales which the government has said would be used only to retire state debt. However, the opposition remains concerned that these moneys may be held back for unsustainable spending promises in the run-up to the next state election.

The SPEAKER: The honourable member is clearly commenting in that explanation.

Mr Foley: Absolutely.

The Hon. J.W. OLSEN (Premier): The member for Hart clearly admits he is participating in a debate, not question time. I would have thought that two track records speak for themselves. The Bannon-Arnold administration, of which the member for Hart was a key adviser, took our debt levels to record heights in the state, just short of \$9 billion.

Mr Foley interjecting:

The Hon. J.W. OLSEN: I want to talk about track records; you don't.

Mr Foley interjecting:

The Hon. J.W. OLSEN: In asking his question either the member for Hart wants an answer, or he will interject rudely as he does all through the answer to interrupt it. I would ask that, having asked the question, he have the courtesy to let us answer it.

Mr Hanna interjecting:

The SPEAKER: Order! The member for Mitchell will come to order.

An honourable member interjecting:

The Hon. J.W. OLSEN: You will need one. In relation to debt levels, let the two track records speak for themselves. On the one hand, when I left office in 1993, the previous administration left \$8.9 billion worth of debt, over \$4 billion worth of debt in superannuation, \$13 million worth of debt in the CFS and about \$276 million in WorkCover unfunded liabilities. Almost every avenue—

The Hon. Dean Brown interjecting:

The Hon. J.W. OLSEN: And \$375 million involving the Housing Trust, I am reminded by the minister. The previous administration had delivered every area bankrupt—every area! That is the opposition's record. Also, in the year in which we took over, the opposition was spending \$300 million more than it was earning. Not only were members opposite ratcheting up the debt, not only had they bankrupted every one of those organisations, but they were spending beyond their capacity. What did we do as a government? First, we looked at stabilising the—

An honourable member: Stopping the bleeding.

The Hon. J.W. OLSEN: 'Stopping the bleeding' is a good term. We looked at curtailment of the \$300 million worth of funds going out each year that we did not have. We then set upon a task of stabilising the debt, then reducing the debt. In the past seven years we have reduced the debt from nearly \$9 billion to \$3 billion—and falling. In addition, we have put in place—

Mr Conlon interjecting:

The SPEAKER: The member for Elder will come to order.

The Hon. J.W. OLSEN:—forward estimates and balanced budgets on a yearly basis. What the member for Hart and the opposition do not like is that, seven years ago, we set upon a strategy, we have delivered and we have been successful. There is no better third party endorsement for this than that of Standard and Poor's. When it upgraded our credit rating recently, Standard and Poor's said that this government, over two terms, has set down some goals and objectives and it has delivered on those goals and objectives. If we want to talk about track record we are more than happy any day to talk about what we have achieved in seven years compared to the opposition's 10 years of financial debacle which inflicted a downside on every South Australian.

We have stabilised the finances and, in addition, we have given new hope to South Australians as part of new private sector investment in this state, increasing employment in South Australia to record levels. I point out that it is some 4 or 5 per cent below unemployment that existed when the opposition left office and when the leader had been the minister for employment or, as it should have read, 'minister for unemployment'. That is what has been achieved, and it is a track record of which I happen to be proud.

STATE ECONOMY

Mr CONDOUS (Colton): Will the Premier outline to the House details associated with the remarkable turnaround in the South Australian economy and the importance of an encouraging and positive environment for all South Australians?

The Hon. J.W. OLSEN (Premier): I am certainly pleased to respond to the member for Colton's question, because we have seen quite a remarkable turnaround in levels of confidence. That is reflected in consumer sales and retail spending and we are now out-performing other locations. One has only to see the mood that is about in the community to realise that a renewed confidence is emerging in our state. But where is the opposition on the good news stories? It is always silent, because good economic news is bad news for the ALP and bad news for the leadership. Whenever there is good news the opposition goes to ground, and we have had a fair dose of that recently.

We are now experiencing record levels of employment. Something about which I also happen to be proud is our manufacturing sector, which is out-performing every other state of Australia. We have record export levels. Our wine industry is out-stripping all expectation, and the list goes on. But where is the ALP? It is silent on those good news stories of how the economy has turned around. I quoted just a moment ago from members opposite. Let me give members one other quote because I think that it is rather interesting in the context of this economic direction.

The same person, now Leader of the Opposition, said a number of years ago that he sees whingeing and blaming as a substitute for a lack of ideas and a lack of guts. The Leader of the Opposition went on to say, 'We need action, not words, and the lesson is that we have to drop-kick the whingers to the sideline.' The only thing I can assume is that the member for Hart has some footy boots on at the moment. We now have emerging in the economy some good economic news of substance that we have not seen for a couple of decades. Perhaps the Opposition might like to acknowledge the fact that we have turned the corner in this state at last.

NUCLEAR WASTE

Mr HILL (Kaurna): My question is directed to the Premier. Given the statement to parliament by His Excellency the Governor that the government opposes the dumping of reprocessed nuclear fuel rods in South Australia, why has the government failed to make a submission to the Senate inquiry into the contract for a new reactor at Lucas Heights, which cannot be licensed without available means for disposal of waste?

A select committee of the Senate is inquiring into the contract for a new reactor at Lucas Heights, including the adequacy of fuel management and the disposal of waste. While the Opposition made a submission to the inquiry before the deadline, which was last Friday, 29 September, and told the committee that the new Lucas Heights reactor cannot go ahead on any understanding that South Australia will accept this waste, a check with the Secretary to the committee has confirmed that the South Australian government did not make any submission.

The Hon. J.W. OLSEN (Premier): Well, Mr Speaker—

Mr Koutsantonis: Too busy!

The Hon. J.W. OLSEN: We are very busy getting new private sector capital in this state, and we are very busy delivering on a number of key promises. The member for Peake would not like the delivery of some of those promises, but it is not a bad record to date.

I say in relation to the question from the member for Kaurna that our position is quite clear. I would not have thought any submission to anybody would have needed further explanation than a government that makes a statement; that I take it up with my federal industry minister counterpart; we have a public debate on the issue; I have from time to time correspondence with him on the issue; I take up the matter with the Prime Minister of Australia; and we introduce a resolution into the parliament of South Australia. What more evidence do you want?

That is a clear, decisive commitment by this government that it does not want, in our back yard, the high level nuclear waste repository, because, as I have said ad nauseam at press conferences over the last few months, we have done our bit with the Maralinga clean-up. If national effort is to be considered in this equation, we have done our bit, and some other state can do its bit. Our commitment is clear, precise and unswerving.

CANNABIS

Mr SCALZI (Hartley): Can the Minister for Police, Correctional Services and Emergency Services advise the House of police concerns about the number of cannabis plants that can be grown for personal use?

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I thank the member for Hartley for his question and for his ongoing concerns about issues of law and order and police. Since I have been minister, police have been coming to me on a regular basis with briefings raising—

Mr Koutsantonis interjecting:

The Hon. R.L. BROKENSHIRE: The member for Peake might want to make a joke again about a very serious issue, in which I thought he would be interested, that is, law and order and crime, and that is what I am getting to right now. So, I suggest that, instead of being a power broker, the member for Peake should actually listen to what I have to say.

One of the reasons why the police come to me on a regular basis and raise concerns about cannabis and about other drugs is that the 1987 model introduced by the Labor Party, of which the member for Peake is a proud member, went down the wrong track. Police have had to deal on an ongoing basis with an increase in crime as a result of drug addiction, drug use and drug trafficking, of which police have clear evidence marijuana is a significant part.

You only have to listen to what a superintendent of police said a couple of days ago when there was a serious home invasion, and when unfortunately a gentleman was critically injured, to see the ramifications of what can happen when cannabis, heroin, cocaine and other drugs are running through the community. It is a very serious issue. It is also an issue with which police in Europe, from where I have just returned, are grappling.

Mr Koutsantonis interjecting:

The SPEAKER: Order, the member for Peake!

The Hon. R.L. BROKENSHIRE: The member for Peake might be pleased to listen. Where people and parliamentary parties have gone soft, as has the Labor Party in this state, they have seen no reduction in crime, by taking the soft, sappy Labor direction when it comes to drugs. The decision by the loony Leader of the Opposition today to again send mixed messages to our community is doing nothing whatsoever to help our police when it comes to sending out a strong message about law enforcement and about the issues around crime that result through the use of marijuana.

I say to the opposition: look at what happens with criminal activities and the people who are tested for drugs one way or another. It is a cocktail. One of the cocktail ingredients clearly is marijuana. The police have been asking the government—and the government has been working hard on this—to holistically to address the issues around drugs. ‘Holistically’ includes law enforcement and giving the police the opportunity to reduce crime by bringing back the number of marijuana plants. The police have been calling for this for some time. The government is listening and it is a pity that members opposite, particularly the Leader of the Opposition, do not support this government when this important initiative to reduce marijuana plants—

Members interjecting:

The Hon. R.L. BROKENSHIRE: I know they don’t like it.

The SPEAKER: Order, the members for Elder and Peake!

The Hon. R.L. BROKENSHIRE: In conclusion, it is a pity that the Leader of the Opposition in the upper house was on the radio today working against what police have been calling for with anecdotal evidence for some time. A lot of the criminal activity in South Australia is a clear result of the failed 1987 Labor policy on getting soft on illicit drugs.

BROWNHILL CREEK VINEYARD

Mr HILL (Kaurna): My question is to the Minister for Human Services, representing the Minister for Urban Planning. Does the Minister for Urban Planning acknowledge that planning approval for a vineyard in the hills face zone near Brownhill Creek only became inevitable because of bungled changes to planning rules introduced by the Minister for Urban Planning? On 3 October an application by Andrew Garrett to establish a vineyard in the hills face zone was approved after three earlier applications dating back to 1996 had been refused. Approval became inevitable when Andrew

Garrett lodged a fourth application following the introduction of new planning rules by the minister, subsequently withdrawn, which temporarily allowed vineyard development in the hills face zone. The Conservation Council of South Australia, amongst others, has also expressed dismay that the development will go ahead as a result of action by this government.

The Hon. DEAN BROWN (Minister for Human Services): I will obtain a detailed reply from the minister in another place. I add, however, that I know that the minister is one of the fiercest defenders of the hills face zone, and the minister on a number of occasions has brought measures to cabinet to ensure that the nature of the hills face zone is preserved. Therefore, any suggestion whatsoever that the minister is not in there wholeheartedly fighting to protect the nature of that zone is wrong, to say the least. In relation to the actual application and the approval by the Mitcham council, I will certainly get an answer from the minister.

ELECTRICITY ACCOUNTS

Mr McEWEN (Gordon): Will the Premier advise the House as to his understanding of the conditions under which AGL can apply CPI to electricity accounts? A number of constituents of mine are bringing to my attention what could be at best described as a very aggressive commercial practice of AGL. In part they are struggling to understand the increases in their electricity tariffs as they seem to be well in excess of what would be a quarterly CPI plus GST on their quarterly accounts.

The Hon. J.W. OLSEN (Premier): I thank the member for his question and continuing interest in consumer protection. It was an issue that was pursued by the member during the debate in the House on the legislation that put in place the government's strong customer protection within the electricity disposal process. I refer to the electricity pricing order, which was part of the legislation that went through parliament.

The electricity pricing order, as members know, which is clearly backed by legislation, sets out the maximum increases that can be applied to this state's small electricity consumers between now and January 2003. In January 2003, it is currently scheduled that every South Australian power consumer will be contestable, that is, able to choose their own power supplier and able to choose the best deal available to them. Until then and very importantly, all South Australian households have the protection of parliament as it relates to power pricing.

The maximum increase is the CPI figure added to the total amount of power consumed in the year and therefore applied to each quarterly account. That is quite clear and specific. It is the March to March CPI of the previous year that AGL can apply. Reference was made in the member's explanation to the GST, and that is a federal taxation charge that is applied to all power consumers in Australia and therefore it is outside the protection of our electricity pricing order. That applies across Australia, so there are no overs and unders between the respective states.

I also remind the House that, when the legislation went through, particularly that relating to the EPO, it had strong support, including support from the member for Gordon, who was looking for these sorts of guarantees. We now have an independent electricity Industry Regulator in Lew Owens, who ensures that AGL cannot charge more than it is allowed to under the electricity pricing order. We also have an

Electricity Ombudsman in Nick Hakof, who is available to deal with any consumer complaints. In total, we have a pricing order supported by parliament and two independent consumer champions as the watchdogs of this parliament's legislation. With those protections in place, the member and the House can be assured that the CPI increases charged by AGL cannot be more than has been agreed to by this parliament.

NATIONAL WINE CENTRE

Mr FOLEY (Hart): Will the Premier confirm that the \$228 000 consultancy, which the Auditor-General has stated in his annual report was awarded in serious breach of government guidelines, without tender and well in excess of the original agreements, was in fact awarded to Dr Mal Hemmerling?

The Hon. J.W. OLSEN (Premier): The preface of the question is wrong. There was an original tender as I understand, and that is what I have thought—

Mr Foley interjecting:

The Hon. J.W. OLSEN: You said there was no tender. There was a tender. Since that time there have been extensions. I understand verbally that the board supported that. I repeat the answer that I gave to the leader: I have written to the chairman of the board requesting an explanation from the Chief Executive Officer. I look forward to that explanation and I am more than happy to pass that on to the House when I receive it.

REGIONAL DEVELOPMENT INFRASTRUCTURE FUND

Mrs MAYWALD (Chaffey): My question is directed to the Minister for Regional Development. What is the process for assessing applications for funding through the Regional Development Infrastructure Fund; what applicants have successfully accessed funds through this program since its introduction; and how much has been allocated to each successful applicant?

The Hon. R.G. KERIN (Deputy Premier): Obviously, I will have to take the finer detail on notice. I will discuss that with the member once I have an update on what the figures are at the moment. As far as the process goes, the Regional Development Infrastructure Fund has been well publicised mainly through the regional development boards throughout the state. Quite a few applications have been made. The applications are assessed by a panel which is made up of people from industry and trade, Primary Industries and the Office for Regional Development and which then makes recommendations to the Treasurer and me. The larger applications go to the state development subcommittee of cabinet.

Quite a few have been approved. Largely, they have been made to businesses trying to set up in rural areas to equalise some of the costs of getting infrastructure to the boundary of those developments. It has mainly involved the supply of electricity and other services to those businesses. In a couple of other cases, we have seen some benefits for regional areas. One that springs readily to mind is the sealing of the Balcanoona airstrip after its upgrade. This has resulted in charter flights from Sydney to Arkaroola on most weekends, and that is a real boost for that region. I undertake to obtain those figures and to talk to the member about the detail of them. I think she will be quite happy with what has been happening.

GOVERNMENT, CONSULTANCIES

Ms THOMPSON (Reynell): My question is directed to the Minister for Education, representing the Treasurer in the other place. Does the Treasurer's media release of 13 June 2000, in which he announced that, as a major reform, the state government would reduce its spending on consultants by \$40 million over the next two financial years, encompass a commitment to restriction on the use of contractors in situations where consultants were previously engaged? Following the issuing of the Treasurer's commitment, I have noticed that in community fora, public servants have been referring to the engagement of contractors and, on occasion, correcting their terminology and substituting 'contractor' or 'contract' for 'consultancy' or 'consultant'.

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): The member for Reynell is correct in saying that the Treasurer has indicated that we will reduce consultancies by some \$40 million over the next two years. As to the finer details in terms of consultants or contracts, I will seek further clarification from my colleague.

LOCUSTS

The Hon. G.M. GUNN (Stuart): Will the Deputy Premier give the House an update on the progress that his department and others are making in relation to the control of locusts in the northern parts of South Australia? The House would be aware of the effort which has been made and the urgent need to ensure that every necessary action is taken.

The Hon. R.G. KERIN (Deputy Premier): I thank the member for the question and also his interest in this matter. We are expecting quite a large invasion of locusts over the next couple of months. The big rains in the middle of Australia and what happened in the autumn in the northern areas of the state have signalled that we would have a problem, and that is certainly the case. Large numbers of locusts have hatched in areas where we would normally expect them to hatch in a year such as this. Those areas have significant infestations, although they are still very much at the hopper stage. However, it is somewhat worrying that we are also finding very significant hatchings in some areas where we do not normally see locusts at this time of year. I refer, in particular, to an area around Glendambo and south of it, and this would seem to signal an increased risk for the crops on northern Eyre Peninsula and Eyre Peninsula as a whole.

There is no doubt that damage will occur. The aim of the whole campaign is to minimise the damage as much as possible and to kill as many locusts as possible before they hit the wing, so that we can keep down the level of damage. That is all on track. The planning is absolutely thorough. A lot more resources than we have had in place in the past are well and truly in place. The level of cooperation we are receiving from the LGA, local councils, land-holders, the Farmers Federation and community reference groups is terrific. Enormous numbers of land-holders have turned out at public meetings that have been held to ensure that everyone understands what they should and should not do. At some meetings between 250 and 300 farmers have turned up and a couple of dozen meetings have been held.

Everyone realises that we face a major challenge. There is potential for a large amount of damage. The success of the program will depend on how many spraying days we get over the next month or so. If the weather turns against us, it will

make it extremely difficult, but everyone in the department and the councils and the land-holders are determined to give it their best shot to try to minimise the damage to the state's economy.

GOVERNMENT LAND

Mr CLARKE (Ross Smith): Will the Minister for Education and Children's Services honour the government's longstanding policy that surplus departmental land will, in first instance, be offered to other government agencies and, if not accepted, it will be offered to the appropriate local government authority at the Valuer-General's valuation before it is put on the open market? If so, will that policy apply to the proposed sale of the former Adelaide Secondary Language School site at Angwin Avenue, Blair Athol?

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): The usual tradition of government, as the honourable member would well know, is that if a site becomes vacant, either a school site or any government land, that it is—

An honourable member interjecting:

The Hon. M.R. BUCKBY: Yes, that is right. If a site is excess to government needs it is first offered to other government departments. If there is no interest from those government departments, it is then offered to local government. If there is no interest from local government, then it is then put out to open tender. That is the process that should be followed. It is then a matter of assessing the tenders and for the department to decide which tender it will accept. I am aware of the situation to which the member refers—

The Hon. M.H. Armitage interjecting:

The Hon. M.R. BUCKBY: The Minister for Administrative Services has just indicated to me that he raised this issue with me about a week ago. I am aware that Port Adelaide Enfield Council has put in a tender for this particular property, so upon receiving advice from the minister's department I will then make up my mind as to which way we go.

POLICE INITIATIVES

The Hon. R.B. SUCH (Fisher): Can the Minister for Police, Correctional Services and Emergency Services outline initiatives being taken to deal with negative behaviour being carried out by a minority of young people in the Aberfoyle Park and Hallett Cove area?

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I appreciate the point that the honourable member raised about a 'small minority of young people'. In recent times, the member for Fisher and the Minister for Mines and Energy have raised with me concerns over what is very much a minority group of young people who have not been working with the rest of the community in both Hallett Cove and Aberfoyle Park. Of course, that is not acceptable to the other members of the community who are good law-abiding citizens and who live in a good district and just want to get on with an enjoyable life.

Police are well aware of that situation. As a result of the new intelligence-based policing and the fact that more police are working in community policing, they have been able to pick up the intelligence around the untoward behaviour of this small group of young people in Aberfoyle Park and Hallett Cove.

As a result of that, two things have occurred. First, as all members would know, the government has a significant police recruiting program under way at the moment and in the Sturt area, which is one of the busier local service areas in the state and which covers both Aberfoyle Park and Hallett Cove, we have seen a significant increase in police resources in recent times. I also report to the House at this time how pleased I am at the fact that we are well and truly on track. We are looking at about 255 new police officers coming through the system either out on the beat or in the academy prior to the middle of July next year, and that includes 113 additional police officers coming into the force. For a start, where it counts, police officers are being located. Clearly, in Aberfoyle Park and Hallett Cove, through the Sturt local service area, that is the case.

The other thing that has been of huge benefit to police in combating the untoward activity in Hallett Cove and Aberfoyle Park, over and above what I have mentioned with respect to community-based policing and building up intelligence, is for members to encourage people in their community to report untoward behaviour to police. If the police do not know what is going on in the park, if the police do not know the pattern, then it makes the job a lot harder when it comes to combating this untoward behaviour.

As a result of the last enterprise agreement, we now have the opportunity for flexible police rostering and police are now able to put more police on the beat during busy periods when the untoward behaviour is occurring, often Friday and Saturday nights. They are setting up special operations, which are now starting to impact on the minority group of young people who do not want to work with the rest of the community in that area. I am confident that we will see positive results coming forward as a result of these police initiatives.

MEMBERS' TRAVEL REPORT

The SPEAKER: I lay on the table the annual travel report for 1999-2000 for members of this House.

GRIEVANCE DEBATE

Mr LEWIS (Hammond): I do not know what it is that the government has to hide or cover up these days, but it goes to great lengths to do that, it seems to me, and then to avoid creating the impression that it has done it. The point that I make then is: why is it, for instance, that the ballot for Speaker has the results shown, as is the case in the proceedings of the House, yet yesterday's ballot over the question of who would be the members of the Standing Orders Committee is not to become public? Let me say quite plainly that the word that I was hearing around the corridors of parliament yesterday was that the support for Murray De Laine was from all members of this parliament, but that there was a shortfall of full support for other members because there were seven in the ballot and that had to be so.

There were a couple of votes less for Michael Atkinson, so a couple of votes more therefore went somewhere else. Whether or not they went to Michael Armitage, I do not know but there were a couple of votes—or three votes—for Michael Armitage. There was one vote for Joe Scalzi, I was being told. Although there are only three Independent

members, there were 24 votes for Peter Lewis. I know that only 18 members of the Labor Party were in the House at the time. In fact, eight members were missing—four Liberal and four Labor. The bottom line of all that is: you do your own arithmetic. Some people did that overnight, and the story I hear around the place this morning is different. If it was not so, the only way in which we could check it for certainty would be if the ballot were recorded—and I believe it should be. I would have gladly moved for the suspension of standing orders to give the Speaker the opportunity to place on record, with the assistance of the Leader of the Opposition and the Premier, while their memory is still reasonably fresh, the result of the ballot. If they needed further assistance, they could have consulted the table officers who saw it. In that way, it would put the result beyond doubt.

Mr Foley: How many votes did Gunny get?

Mr LEWIS: I honestly do not know the answer to that question—and it would be pretty interesting. I guess it was probably less than one would have expected in the circumstances. I do not know what each of the candidates got. The fact is that it does not matter in the sense that we know who is elected. But it does matter in that I believe that secret ballots are important and that they are valuable because they produce the result the House wants, but the result needs to be placed on the record after the secret ballot is known.

None of us were elected here being told by the returning officer that we were elected and the other candidate was not and that the result of the ballot in terms of the numbers supporting the individual was simply not revealed. That is not democracy. There is a message in how many votes each of us gets in these ballots, and it is just as important for us to know it here in this chamber as it is whenever we contest any other election, such as when we are elected to this place to do our job. It strikes me as sad that we don't know. One way I propose to see it rectified is to move to amend standing orders at the earliest opportunity hereafter and avoid the unpleasant and unnecessary implications or inferences that there was a cover-up in some way or another.

Mr Foley: Secret government!

Mr LEWIS: Yes; I have come across that a good many times in recent times. I could talk about the Hindmarsh stadium for a long time. I have a heap of documents that were all crap. The real documents sought by the Public Works Committee were simply refused to it by the responsible minister or ministers of the day.

I want to turn now to another matter that I think is niggardly, mean spirited and small minded—and this is very personal. Everybody in this place knows that I had surgery last week to have the ulna nerve fixed on my right elbow, and everyone in this place and indeed the general public know that my left hand is maimed. I asked the Speaker, the Premier and the minister, the Hon. Robert Lawson, to provide me with assistance in how I could get around to do my job. They were long in replying. The only reply I got did not come from the Premier. The Speaker said, 'It is not my responsibility; it's really the government's.' I believe it ought to be the responsibility of the House and the parliament to decide those sorts of things, not the government of the day. I got a reply not even from the Premier's chief of staff but from the secretary to the Premier's chief of staff. Other members have been given access in the past, but I was denied.

Mr CONDOUS (Colton): The issue I would like to raise here today should concern both sides of the House, because it is important to the future sporting life of 204 young soccer

players who are playing for the West Adelaide Wizards, and also because of the way in which the Adelaide City Council as custodian of the parklands is handling the issue of park 27B. The Adelaide Sharks went into receivership some 18 months to two years ago. The appointed receiver at that time was Mulvaney, who decided he would sell up the assets of the Adelaide Sharks and then try to bring in some money to cover his expenses, because there will not be any money other than moneys that will cover what he is currently doing. The tragedy about this is that, because the permit holders of the ground at 27B were the Adelaide Sharks, along with Adelaide Oval, the receiver decided that he would put up the ground for sale to the highest bidder.

Some 204 young people, both girls and boys between the ages of eight and 17, are playing for the West Adelaide Wizards. The wonderful thing about that is that once they are over 17 this gives them the opportunity to graduate and play for Adelaide Olympic and possibly, like other Australians, to finish up in the national league or play overseas. But the Adelaide City Council has made a recommendation involving a body called the Adelaide Raiders comprised of past soccer players, who are past their use-by date other than for social soccer and who have agreed to pay \$25 000 to Mulvaney to take over that ground, and one of the conditions is that they will allow these 204 young people from West Adelaide Wizards to continue playing as well. The kids from West Adelaide Wizards want the ground to themselves.

The Adelaide City Council is the custodian of the parklands, and it should be acting responsibly by saying that the only things there to sell are the soccer goals, the lights and any other equipment that might be there. Once the Adelaide Sharks went into receivership, the council should have taken over the permit again and then made a decision as to what should happen to that land at 27B. It is setting a dangerous precedent. If at any stage organisations such as St Aloysius, Christian Brothers and Prince Alfred Colleges, the Adelaide Bowling Club and the South Australian Jockey Club decide not to continue with a ground, they will now be able to sell it off and receive moneys, and ask the council simply to transfer the permit to another body.

There is no value to the Adelaide parklands; it is crown land and belongs to the people of South Australia. The Adelaide City Council has a responsibility as custodian of that land to say to Mulvaney, 'Sell off anything tangible which can be sold and which you can remove; however, after that, 27B will revert to the Adelaide City Council and we will then make a decision as to what will happen to that land.'

I have raised this issue in the party room. It is the intention of the Premier to raise it with the Lord Mayor at the next monthly meeting. I am also asking for a ruling from the Minister for Local Government. The previous Minister for Local Government, the Hon. Mark Brindal, tells me that we should get Crown Law advice on this, because it is a very dangerous precedent. I ask the Adelaide City Council to defer this decision until there has been greater consultation between the government and the council, in the interests of the people but, more importantly, in the interests of 204 young sporting people.

Ms KEY (Hanson): Today I will devote my remarks on the grievance to the memory of a campaigner in Leigh Creek, Bruce Benn. Unfortunately in the last day we have had two vales for very important members of the South Australian community, Sir Mark Oliphant and the Hon. Dr David Tonkin, but in his own smaller way Bruce Benn has also been

a very important South Australian, in my view. Bruce was born in December 1948 in Port Pirie. He started his working career in the smelters before going into the army for a few years and at 27 he moved to Leigh Creek, where his wife got a nursing job at the local hospital. He got a job at the Leigh Creek coal mine as a store person and then worked servicing the heavy equipment used in the mine. Within five years he was working as a driver in the coal mine, a job he did for the next 15 years.

He was involved in a dirty and dangerous industry but had a strong work ethic and did whatever his employer asked of him. This often involved putting out fires caused by the spontaneous combustion of oil shale. He started to feel unwell and continually asked his employer, the Electricity Trust of South Australia, to review its health and safety practices. Fellow workers started to get sick; many were leaving and dying of unusual cancers at an early age. His own health got so bad that he had to leave Leigh Creek in 1994 and move to Kangaroo Island for a healthier lifestyle.

Then began a long campaign that was to consume his life. He began to research, ask questions and compile a list of people who had lived at Leigh Creek but who had met an early and often painful death. He became a thorn in the side of the Electricity Trust of South Australia, and I believe he caused some concern for the member for Stuart and the member for Frome, our Deputy Premier. At different times in this chamber, both of them have made comments about Mr Bruce Benn. As I said, he started to lobby the Electricity Trust of South Australia. He was a persistent source of aggravation for many politicians—some of whom I have mentioned—and also a campaigner against what he saw as being health and safety problems which he had identified but which had not been followed up properly by the trust or the government.

Mr Benn wanted the government to carry out a study of the health of workers and residents at Leigh Creek. He wanted to establish the full effects of the mine's fumes. He wanted justice for workers, their families and the residents who had lived at Leigh Creek. He was a gutsy fighter and was not put off by people telling him to go away. Throughout this campaign, Mr Benn's health continued to deteriorate. He had a heart condition that required surgery, and he had damaged chromosomes thought to be as a result of his exposure to carcinogenic fumes. In July this year, Bruce was diagnosed with lung cancer and tumours were found in his brain, ribs and spine.

Bruce's doctor stated that his cancer was thought to be caused by his exposure to oil shale fires. Bruce had known this himself. He continued to battle with the authorities not just for himself but also for the many hundreds of others who he knew were also in the same situation. Sadly, Bruce lost his battle on 21 September when he passed away in Port Pirie. Shortly before his death he said, 'I will make sure someone will keep the fight going—the wheels are in motion.' His concern for others and his persistent battle to seek justice for his fellow workers will be something for which we will always remember him. His friends will continue his fight.

Bruce was a brave man who thought more about others than himself. He will be sadly missed. I would like to put on the record that Allison Merchie, who has been doing some research for me in this area, has put together Bruce Benn's files, as well as taking an oral history from him before he died. We will be making that information available to any person who is interested in taking up the campaign with us in order to determine whether there is a case to answer with

regard to the spontaneous combustion of oil shale at Leigh Creek and the number of people who have lived and worked there and who have either died or who have cancers that cannot be explained in any other way.

Time expired.

Mr McEWEN (Gordon): I rise to speak briefly about the implications of shifting from a public monopoly to a private monopoly with the sale of the Optima/ETSA assets. AGL, of course, as part of that process, manages the retail arm of the new entities and, to that end, is the business that interfaces with the clients on a day-to-day basis. During question time I asked about one of four matters that concern me regarding AGL's aggressive commercial policy.

The first of those matters relates to the way in which AGL interprets CPI: it has added a full year's CPI to all accounts as from the start of the year. If that was, as the Premier has said, what we agreed to in the electricity pricing order, then we have all taken our eye off the ball. I believe it would have been far more appropriate to add CPI to accounts for the previous quarter. That notwithstanding, accounts have increased quite considerably on the basis that the new tariff first adds in a full year's CPI (March to March) from the year before and then, on top of that, adds in 10 per cent GST. All South Australians are therefore paying considerably more for their electricity. As I say, unfortunately, we are suffering from a very liberal interpretation in terms of CPI being added into accounts.

The second matter relates to the more aggressive interpretation of applying fees and charges. ETSA could always charge for querying an account, particularly if it visited the property and inspected the meter, but often it chose not to do so. In exploring the issue with the customer—where there could have been some confusion about the account, or the customer needed some advice, or perhaps there was a faulty reading, anyway—ETSA chose not always to enforce payment of the fee. Obviously, the role of the new private owner is to maximise profits and shareholder value, so on every occasion, of course, it charges the fee. I think that is unfortunate but, again, it is part of commercial reality when you have a private monopoly.

The third matter is particularly interesting and relates to back charging. In one situation a family moved from one home to another more than a year ago. I am told by this family that at the time they checked with ETSA they were told that they had to pay up fully the old account before they would be connected at their new property. They believed that in moving from the old property to the new property they had fully paid their account. They then continued to receive accounts at the new property. At no stage did they suspect that they still owed ETSA some money, until the new owner came along and told them that they owed \$200 from their old property.

They queried that because, of course, there was no evidence on their new accounts that this money was owed. They were not given any satisfactory answers but were paid another visit and told, 'If you do not pay the \$200 your power will be turned off.' It is most unfortunate for all South Australians if those practices are occurring.

Another interesting situation is that old meters are being replaced with new meters, which are far more efficient in more accurately recording usage. On occasion it has been discovered that the old meters have been under-charging considerably. What is then happening is that that extra amount is being calculated and, I am told, people are being

back charged for up to 16 months. Of course, this is long before the private entity even owns the assets. So, now some people are receiving a back account for up to 16 months on estimated use over and above the old meter's reading. Again, I believe that is a disgraceful practice.

Finally, of course, is the issue of competition. We are told, now that people are moving into a contestable market, that there will be more competition. If there is only one potential supplier, there is no more competition. There is still a monopoly but, unfortunately, it is now a private monopoly rather than a public monopoly and, as much as I can grieve today about some of the practices that are occurring, I do not believe that much will happen.

The Premier did indicate that the Independent Regulator, Lew Owens, and the Electricity Ombudsman, Nick Hakof, are both available to receive complaints. However, that notwithstanding, we will now have to expect this far more aggressive approach of a commercial operator and, sadly, to everyone's loss.

The Hon. G.M. GUNN (Stuart): During the comments I made yesterday noting the achievements of the former Premier, Dr Tonkin, I forgot to mention another important policy initiative which the Tonkin government made in relation to isolated communities, namely, the assistance given to parents living in isolated areas. This was the first time that this had happened in South Australia. Although not a large amount of money, it was some assistance when combined with federal assistance. I would like to indicate, of course, that, hopefully, this amount can be increased in the future, because the cost of educating children in the isolated parts of the state is very expensive for parents.

People have gone through a very difficult economic period, and it is absolutely essential that their children receive a good, broad education. They are therefore entitled to some assistance as the demands made upon the families in these cases are often far beyond their resources.

The second matter I want to raise is that some time ago, unfortunately, we witnessed some quite outrageous behaviour by anti-uranium protesters in my electorate. I am well aware—

Ms Rankine: What about the outrageous behaviour of the police, though?

The Hon. G.M. GUNN: I think the police demonstrated exemplary behaviour and those people got what they deserved. Let me just tell the honourable member—

Ms Rankine interjecting:

The Hon. G.M. GUNN: Look, if those ferals were the honourable member's friends, I can only say that she is not fussy about her friends.

Ms Rankine interjecting:

The Hon. G.M. GUNN: The honourable member was not there. The honourable member never saw them. Let me just explain what they did. A publication issued by Heathgate Resources states:

Militant anti-nuclear activists caused considerable property and environmental damage during their violent protest action during May. Heathgate Vice-President David Brunt says that in addition to sabotaging plant and equipment the protesters showed little regard for the environment they claimed to be protecting. 'They came ill-prepared for an extended stay in the outback and left a lot of damage behind them when they left. They tore down fences and trampled over the area with complete disregard for flora damage. They also stole wood from the pipeline construction site and burnt it in their camp fires. In addition, they caused considerable environmental damage over the area covering several hundred square metres where they camped, and left their rubbish behind to blow over the area.'

This included paper, plastic, cans and bottles. Heathgate personnel cleaned up after they left, but there was a lot of environmental damage that would not have occurred had they staged their protest peacefully and showed some regard to the outback.

For example, while Heathgate Resources places great importance on issues such as not driving vehicles off road, the protestors had no qualms about bouncing around the bush in their cars.

. . . in addition to environmental damage the protestors caused damage and other costs in excess of \$100 000 through the need to repair fences, excavators and pipeline equipment that had been sabotaged.

In addition, South Australian taxpayers were required to meet the cost of a considerable police presence at the site over a long period.

These people portray themselves as peaceful, environmentally responsible people, but they were far from that . . .

They showed no respect for the law or property.

They also, of course, blocked the road at Marree on 6 June between 3 p.m. and 6 p.m. A reply by the Minister states:

Approximately 20 protestors blocked the Oodnadatta Track, 25 kilometres north of the Borefield Road on Stuarts Creek Station to all traffic.

Protestors used vehicles, railway sleepers, cones, chairs and tables, and themselves to blockade traffic and lit a fire in the middle of the road. A tourist bus from William Creek was forced to stop at this blockade, as was other traffic.

All traffic, after being stopped, were handed anti-uranium, anti-Western Mining Corporate pamphlets, and were then able to proceed unimpeded.

They were eventually cleared by the police. I observed some of these characters, and on a previous occasion they interfered with the property owner of the station, terrified his family, and elderly tourists who were lawfully going about their business. But these people are meant to be treated with kid gloves! I believe that under great provocation and tolerance the police acted responsibly and in the best interests of the people there is only one thing wrong: use more batons on them.

Time expired.

Ms BEDFORD (Florey): Today we have witnessed a parade of champions through Adelaide, and reflecting on the festival called the Olympics I began to think about gender equity in sport, especially elite sport. Women have really featured in the recent Olympic competition and produced outstanding results, not only shaving seconds off or adding centimetres to personal bests, most notably in team sports.

Our Olympic equestrian team was without gender balance this time, lacking the presence of South Australia's Gillian Rolton and Wendy Shaeffer. Both are busy preparing new mounts for future competitions. We have, though, marvelled at the dressage skills of Kristy Oatley-Nist and Rachel Downs, who performed outstanding programs and produced Australia's best results ever.

In swimming, my own local hero, Phil Rogers, was pictured during the games with Liesel Jones. He would be an outstanding mentor for any young swimmer, and Liesel produced amazing swims at the Olympic meet, and will no doubt be a star of the future, much like Suzie O'Neill, whose performances in Sydney were a fitting end to an illustrious career. Spare a thought, too, for our recent past champions like Samantha Reilly and Hayley Lewis, not to mention Dawn Fraser, who played a vital role throughout the games and featured in one of the most stirring moments of the opening ceremony when the Olympic flag was carried into the stadium, a moment Gillian Rolton, too, will cherish forever.

Our women's gymnastic team, so cruelly hampered at the beginning of their team competition, fought on for a good finish in elite company under their coach, Peggy Liddick. Her work will certainly bear fruit in the not too distant future. I

was very impressed by her professional and caring manner during the competition and commend her for her work in lifting the standard of Australian gymnastics.

In team competitions no-one can go past the Hockeyroos, the Opals, beach volleyball, cycling, diving, sailing and rowing, featuring our own Kate Slatter. And I have left water polo until last because of the wonderful story of the women's fight for inclusion in the XXVII Olympiad, and then the heart-stopping gold medal goal that sealed the match.

In individual pursuits there was Tatiana Grigoreva in the pole vault, the courage of our javelin competitors, Lauren Burns in Tae Kwan Do, a new sport to the Olympics, and, of course, track and field, which saw Louise Sauvage do her demonstration race. And there were the relay teams featuring Cathy Freeman in the 400 metre run which truly transfixed our nation.

I pay tribute, too, to the many other truly fine performances, too many to mention. Of all, I was most touched by the efforts of Jane Saville, our 20 kilometre walker, not so much by the fact that she was so cruelly eliminated so close to the finish but because of her outstanding character in accepting such a public loss so graciously. This, to me, epitomised the meaning of Olympic spirit.

Yet, after all this, women do not see parity with male sports people, not only in sponsorship and contract deals, but often in crowd support. For although crowds were exceptional for the Olympics, domestic competitions, for example in netball, where Australia is the world champion, do not see the sponsor or spectator support that our teams deserve. Why is world class netball any less exciting than, dare I say it, football in any of its varieties? Last year I gave a speech on calisthenics in this House, which was the subject of some derision, and yet a South Australian calisthenics team starred with the South Australian Police Band at the recent Edinburgh Tattoo.

So we do have a glass ceiling in sport as well and, just as in business, women should support each other. With the level of skill from elite women in sport, like Carrie Webb in golf, and the promising crop of women tennis players, coming through, I hope we will keep in mind the necessity to support each other and our young athletes at a local level so that they, too, may eventually achieve personal bests, which ultimately will lead to the satisfaction and fitness levels which inspire participation in sport and good health in general.

SESSIONAL COMMITTEES

The Legislative Council notified its appointment of sessional committees.

GOVERNMENT BUSINESS

The Hon. J. HALL (Minister for Tourism): I move:

That standing orders be and remain so far suspended as to allow the introduction of government bills before the address in reply is completed.

Motion carried.

TRANSPLANTATION AND ANATOMY (PUTATIVE SPOUSES) AMENDMENT BILL

The Hon. DEAN BROWN (Minister for Human Services) obtained leave and introduced a bill for an act to amend the Transplantation and Anatomy Act 1983. Read a first time.

The Hon. DEAN BROWN: I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The purpose of this short bill is to recognise partners in de facto relationships as next of kin in the consent process for removal of tissue from a deceased person for the purposes of the Transplantation and Anatomy Act 1983.

The *Transplantation and Anatomy Act 1983*, in relation to adults, defines 'senior available next of kin' as the first in order of priority of the following persons who is available at the time:

- the spouse of the person;
- a son or daughter, who has attained the age of eighteen years, of the person;
- a parent of the person;
- a brother or sister, who has attained the age of eighteen years, of the person.

Removal of tissue from a deceased person for the purpose of transplantation can occur if:

- the donor whilst alive expressed the wish for, or consented to, the removal after his death of tissue;
- in the case that the donor when alive made no determination, the senior available next of kin consents to the removal of tissue after the donor's death.

It is important that the Transplantation and Anatomy Act recognises de facto partners as having the same status as spouses as 'senior available next of kin'. A definition of 'spouse' is therefore included to achieve that purpose.

I commend the bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 5—Interpretation

Section 5 of the principal Act is amended by inserting a definition of 'spouse' that includes 'putative spouse', and by inserting a definition of 'putative spouse' as a person who is a putative spouse under the *Family Relationships Act 1975* (whether or not a court has made a declaration to that effect).

Ms STEVENS secured the adjournment of the debate.

FAMILY AND COMMUNITY SERVICES (SERVICE AGREEMENTS) AMENDMENT BILL

The Hon. DEAN BROWN (Minister for Human Services) obtained leave and introduced a bill for an act to amend the Family and Community Services Act 1972. Read a first time.

The Hon. DEAN BROWN: I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

This bill makes an amendment to the *Family and Community Services Act* following a review in accordance with the National Competition Policy. The guiding principle in undertaking that review was that the *Family and Community Services Act* should not restrict competition unless:

- The benefits of the restriction to the community as a whole outweigh the costs; and
- The objectives of the legislation can only be achieved by restricting competition.

Section 24(3) currently restricts the Minister from entering into agreements with for-profit organisations if a viable non-profit option exists. This has ensured that not-for-profit agencies have been the preferred service providers, and has excluded the commercial sector from making competitive bids for the provision of services. By excluding potential commercial providers the government is denied the opportunity of testing the market price of services on offer from alternative providers.

The amendment repeals Section 24(3) of the Act and thereby removes the restriction imposed by subsection (3) preventing the Minister from entering into agreements with the for-profit sector for the provision of long-term care services. The removal of this

provision will allow for the contracting of family or community welfare services or other related services with the entire range of non-government services.

The quality of services will be protected as the commercial service provider will be required to demonstrate capacity for and comply with the same standards of service provision as any other tenderer.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 24—The Minister may enter into agreements for services

Section 24 of the principal Act is amended so that the Minister is not required to avoid entering into agreements providing for long-term care of persons with parties who seek to make a profit.

Ms STEVENS secured the adjournment of the debate.

SOUTH AUSTRALIAN PORTS (DISPOSAL OF MARITIME ASSETS) BILL

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I move:

That the bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

MARITIME SERVICES (ACCESS) BILL

The Hon. M.H. ARMITAGE (Minister for Government Enterprises) obtained leave and introduced a bill for an act to provide for access to South Australian ports and maritime services on fair commercial terms; to provide for price regulation of essential maritime services; to amend the South Australian Ports (Bulk Handling Facilities) Act 1996; and for other purposes. Read a first time.

The Hon. M.H. ARMITAGE: I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

This bill is one of three covering the Ports Corp divestment process and seeks to provide a framework for future third party access to certain port facilities that are currently owned and controlled by Ports Corp.

The bill will govern the commercial terms and conditions upon which the new port operator will be regulated and required to provide access by third parties to maritime services at proclaimed ports.

It is worth reiterating that an access regime is a legal avenue which allows a business or individuals to use services provided through infrastructure where that infrastructure is not economically feasible to reproduce, or where the regime is required to permit effective competition in other markets.

The commercial advice to the government in preparing the structure for the Ports Corp divestment is that it certainly would not be economically feasible to duplicate the channels at any port.

This is the same conclusion that was reached for the Victorian ports privatisation process where an access regime has been in place for around three years.

An access regime assists not only the future owner or lessee of a business in providing certainty prior to divestment, but is also central to fostering competition by providing the basis on which that competition can occur where a monopoly may otherwise continue, or occur later.

In our public consultation process we also picked up a lot of concern about whether open commercial access to the ports would continue. This bill will in fact ensure that it does.

Furthermore a State-based access regime already applies to the Bulk Handling Facilities that were previously owned by Ports Corp and which are now owned by SACBH.

To ensure this existing regime is effective it is necessary to connect the port channels to the bulk loaders by including the relevant berths in the access regime.

The objectives to be achieved under this access regime are therefore considered to be:

- (a) To provide access to maritime services on fair and commercial terms;
- (b) To facilitate competitive markets in the provision of maritime services;
- (c) To protect the interests of users of essential maritime services by ensuring that regulated prices are fair and reasonable for the industry concerned;
- (d) To ensure disputes about access are dealt with efficiently.

It is not proposed to regulate facilities that are currently used by a single entity under an existing agreement where there is little prospect of, or need for, competition.

The Port of Klein Point which is used only by ABC as a source of limestone for its cement making operation in Port Adelaide is an example, along with other berths in Port Adelaide which are the subject of current single user agreements such as the Sea-Land container terminal and Penrice berth, and in Regional ports the Pasmenco berth at Port Pirie. It is not intended to provide third party access to these particular berths through the access regime, but other berths in most ports (including Port Pirie) will be subject to the third party access regime.

It is proposed to seek National Competition Council certification of the third party access regime prior to divestment pursuant to Part IIIA of the Trade Practices Act 1974 as an 'effective' State based access regime. Once certified, it is proposed that regulation will be undertaken by the South Australian Independent Industry Regulator (SAIIR).

The access regime will be in two tiers comprising essential maritime services in conjunction with prescribed prices, and other maritime services for which less formal arrangements will apply eg excluding prescribed prices.

The formal access regime will cover essential maritime services at six ports (excluding Klein Point), being the provision of:

- (a) channels
- (b) common user berths
- (c) berths adjacent to Bulk Handling Facilities.

Ceiling prices will be set initially by the Minister in a Pricing Order for these services which will be based on Ports Corp existing price structure. The proposed levels of the initial ceiling prices are currently being developed but would be based on a normal 'CPI minus X' factor which will be of great interest to certain port customers.

Common user berths will be those that exist on commencement of this measure and the SAIIR will be empowered to issue exemptions to take into account changing circumstances on the relative need and ongoing mix of single user and common user berths.

The initial ministerial pricing determination will be in operation for a period of three years at which point the SAIIR will review the pricing determination to assess its continued applicability. The review will take into account, among other things, any countervailing competitive forces that may have emerged during the period. The review may result in a continuation of the regime, a narrowing or even removal of the pricing determination. It is to be noted that, as a result of a review by the Office of the Regulator General in Victoria, the pricing determination in that State is to be narrowed.

The access regime provided for in the bill must also be the subject of a review by the SAIIR at the end of a three year period. The SAIIR must prepare a report, containing his or her recommendations as to whether the access regime should continue for a further three year period or not, and forward that report to the Minister for tabling in both Houses of Parliament and publishing in the *Gazette*. If it is the recommendation of the SAIIR that the access regime should continue in operation, the access regime will be continued for a further three year period by regulation.

Flexibility will exist for the SAIIR to approve the prescribed prices being adjusted to take account of subsequent augmentation to essential maritime services such as deepening of a channel.

The less formal arrangements will apply to the Bulk Handling Facilities and the provision of pilotage and storage services where a State based dispute resolution process will be administered by the SAIIR comprising conciliation, and if necessary, arbitration, with appropriate appeal mechanisms.

Thus the whole regime will be administered independently by the SAIIR and with the essential maritime services proposed to be certified by the NCC.

I commend this bill to honourable members in conjunction with the other two bills.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Objects

This clause sets out the objects of the measure as follows:

- to provide access to maritime services on fair commercial terms; and
- to facilitate competitive markets in the provision of maritime services; and
- to protect the interests of users of essential maritime services by ensuring that regulated prices are fair and reasonable having regard to the level of competition in, and efficiency of, the regulated industry; and
- to ensure that disputes about access are subject to an appropriate dispute resolution process.

Clause 4: Interpretation

This clause sets out definitions for the purposes of the measure.

Clause 5: Proclaimed ports

This clause sets out a process for determining the ports that are to be subject to the measure.

A proclamation is required to declare the relevant ports and to define the boundaries of a proclaimed port.

The ports that may be brought within the measure are those listed in the clause (Port Adelaide, Port Giles, Wallaroo, Port Pirie, Port Lincoln and Thevenard) and any others listed in regulations (which are, of course, subject to disallowance).

PART 2

REGULATION OF MARITIME INDUSTRIES

DIVISION 1—ESSENTIAL MARITIME INDUSTRIES

Clause 6: Certain maritime industries to be regulated industries
This clause applies the *Independent Industry Regulator Act 1999* to essential maritime industries.

An essential maritime industry is an industry of providing an essential maritime service or essential maritime services. An essential maritime service is a maritime service consisting of—

- providing or allowing for access of vessels to a proclaimed port; or
- providing port facilities for loading or unloading vessels at a proclaimed port; or
- providing berths for vessels at a proclaimed port;

The application of that Act is varied by providing that the first pricing determination for the industry is to be made by the Minister rather than by the Industry Regulator.

Clause 7: Review to be conducted by Industry Regulator

The Industry Regulator is required, within 3 years, to conduct a review of essential maritime industries to determine whether essential maritime services should continue to be subject to price regulation and, if so, the appropriate form of the regulation. The Regulator is required to seek submissions and to report to the Minister.

DIVISION 2—PILOTAGE

Clause 8: Obligation to maintain a current schedule of pilotage charges

The operator of pilotage services in a proclaimed port is required to maintain and make available a schedule of charges. Notice of proposed changes to charges must be given to the Industry Regulator.

DIVISION 3—GENERAL FUNCTIONS OF INDUSTRY REGULATOR IN RELATION TO MARITIME INDUSTRIES

Clause 9: General functions of Industry Regulator

The Industry Regulator is required to keep the regulation of maritime industries under review with a view to determining whether regulation (or further regulation) is required under the *Independent Industry Regulator Act 1999*.

This clause gives the Regulator an additional power to develop and issue standards to be complied with in the provision of a maritime service. The standards are not mandatory unless promulgated as regulations.

PART 3

ACCESS TO MARITIME SERVICES AT PROCLAIMED PORTS DIVISION 1—REGULATED PORT OPERATORS

Clause 10: Regulated port operators

The application of the access regime set out in this Part is to be determined by proclamation. The Part applies to businesses in proclaimed ports providing maritime services declared by proclamation to be regulated services.

DIVISION 2—BASIS OF ACCESS

Clause 11: Access on fair commercial terms

A regulated operator must provide regulated services on terms agreed between the operator and the customer or, if they do not agree, on fair commercial terms determined by arbitration under the measure.

DIVISION 3—NEGOTIATION OF ACCESS

Clause 12: Preliminary information to assist proponent to formulate proposal

This clause enables a person who intends to ask a regulated operator to provide a regulated service to obtain information about—

- the extent to which the regulated operator's port facilities subject to the access regime are currently being utilised; and
- technical requirements that have to be complied with by persons for whom the operator provides regulated services; and
- the rules with which the intending proponent would be required to comply; and
- the price of regulated services provided by the operator (being information required to be provided under guidelines issued by the Industry Regulator).

Clause 13: Proposal for access

This clause governs the making of a written proposal for access to a regulated maritime service. It is made clear that the proposal may extend to the modification of port facilities on land occupied by the operator for the purpose of providing the relevant service or the establishment of additional port facilities on land occupied by the operator for the purpose of providing the relevant service.

The operator is required to give notice of such a proposal to the Industry Regulator and any person whose rights would be affected by implementation of the proposal. The operator is also required to give a preliminary response to the proponent within one month.

Clause 14: Duty to negotiate in good faith

The operator and affected third parties who give notice of an interest to the proponent or the operator are required to negotiate in good faith with the proponent.

Clause 15: Existence of dispute

If agreement is not reached within 30 days, a dispute exists and any party may refer the dispute to the Industry Regulator.

DIVISION 4—CONCILIATION

Clause 16: Settlement of dispute by conciliation

The Industry Regulator is required to attempt to resolve a dispute by conciliation unless of the opinion that the subject-matter of the dispute is trivial, misconceived or lacking in substance or the parties have not negotiated in good faith.

Clause 17: Voluntary and compulsory conferences

The Industry Regulator is empowered to call conferences of the parties to explore the possibility of resolving the dispute by agreement.

DIVISION 5—REFERENCE OF DISPUTE TO ARBITRATION

Clause 18: Power to refer dispute to arbitration

The Industry Regulator may refer a dispute to arbitration if conciliation is not successful, but need not do so if of the opinion that the subject-matter of the dispute is trivial, misconceived or lacking in substance or the parties have not negotiated in good faith or for other good reason.

Clause 19: Application of Commercial Arbitration Act 1986

The above Act applies to the extent that it may do so consistently with the measure.

DIVISION 6—PARTIES AND REPRESENTATION

Clause 20: Parties to the arbitration

The arbitrator may join a person as a party if the person's interests may be materially affected by the outcome of the arbitration.

Clause 21: Representation

Representation by a lawyer is allowed and the arbitrator may allow representation by some other person.

Clause 22: Industry Regulator's right to participate

The Industry Regulator may participate in an arbitration, including by calling evidence or making submissions.

DIVISION 7—CONDUCT OF ARBITRATION

Clause 23: Arbitrator's duty to act expeditiously

The arbitrator is required to proceed with the arbitration as quickly as the proper investigation of the dispute, and the proper consideration of all matters relevant to the fair determination of the dispute, allow.

Clause 24: Hearings to be in private

Arbitration proceedings are required to be conducted in private unless all parties agree to have the proceedings conducted in public.

An arbitrator is authorised to give public notice of the outcome of an arbitration if the arbitrator considers it to be in the public interest to do so.

Clause 25: Procedure on arbitration

The method of obtaining information is left to the arbitrator. Written submissions or oral presentations may be required.

Clause 26: Procedural powers of arbitrator

This clause gives the arbitrator various powers of a procedural nature and allows the arbitrator to engage a lawyer to provide advice on the conduct of the arbitration and to assist the arbitrator in drafting the award.

Clause 27: Power to obtain information and documents

The clause provides the arbitrator with powers to require a person to provide a written statement or to appear as a witness.

Clause 28: Confidentiality of information

If a person requests information or the contents of documents to be kept confidential, the arbitrator may impose binding conditions to that end.

Clause 29: Proponent's right to terminate arbitration before an award is made

The proponent may terminate an arbitration before an award is made.

Clause 30: Arbitrator's power to terminate arbitration

The arbitrator may terminate an arbitration (after notifying the Industry Regulator) if satisfied—

- the subject matter of the dispute is trivial, misconceived or lacking in substance; or
- the proponent has not engaged in negotiations in good faith; or
- the terms and conditions on which the maritime service is to be provided should continue to be governed by an existing contract or award.

DIVISION 8—AWARDS

Clause 31: Formal requirements related to awards

The arbitrator is required to give a copy of an award to the Industry Regulator and to the parties. The award must include reasons and specify the period for which it is to remain in force.

Clause 32: Principles to be taken into account by the arbitrator

The arbitrator should take into account the following principles:

- the operator's legitimate business interest and investment in the port or port facilities; and
- the costs to the operator of providing the service (including the costs of any necessary modification to, or extension of, a port facility) but not costs associated with losses arising from increased competition in upstream or downstream markets; and
- the economic value to the operator of any additional investment that the proponent or the operator has agreed to undertake; and
- the interests of all persons holding contracts for use of any relevant port facility; and
- firm and binding contractual obligations of the operator or other persons (or both) already using any relevant port facility; and
- the operational and technical requirements necessary for the safe and reliable provision of the service; and
- the economically efficient operation of any relevant port facility; and
- the benefit to the public from having competitive markets.

Clause 33: Incidental legal effect of awards

An award may vary the rights of other customers of the operator, but only if—

- those customers will continue to be able to meet their reasonably anticipated requirements measured at the time when the dispute was notified to the Industry Regulator; and
- the terms of the award provide appropriate compensation for loss or damage (if any) suffered by those customers as a result of the variation of their rights.

An award may require the operator to extend, or permit the extension of, the port facilities under the operator's control, but only if—

- the extension is technically and economically feasible and consistent with the safe and reliable operation of the facilities; and
- the operator's legitimate business interests in the port facilities are protected; and
- the terms on which the service is to be provided to the proponent take into account the costs and the economic benefits to the parties of the extension.

Clause 34: Consent awards

The arbitrator may make an award in terms proposed by the parties if satisfied that the award is appropriate in the circumstances.

Clause 35: Proponent's option to withdraw from award

A proponent has 7 days (or such longer period as the Industry Regulator allows) to elect not to be bound by an award.

If a proponent elects not to be bound, the proponent is precluded from making another proposal related to the same matter for 2 years unless the operator agrees or the Industry Regulator authorises a further proposal within that period.

Clause 36: Termination or variation of award

An award may be terminated or varied by agreement between all parties to the award. If there has been a material change in circumstances and the parties cannot agree on termination or variation, the dispute may be subject to arbitration under the Part.

DIVISION 9—ENFORCEMENT OF AWARD

Clause 37: Contractual remedies

An award is enforceable as if it were a contract between the parties to the award.

Clause 38: Injunctive remedies

The Supreme Court may, on the application of the Industry Regulator or a person with a proper interest, grant an injunction restraining a person from contravening an award or requiring a person to comply with an award.

Clause 39: Compensation

If a person contravenes an award, the Supreme Court may, on application by the Industry Regulator or an interested person, order compensation of persons who have suffered loss or damage as a result of the contravention.

The order may be made against a person who aided, abetted, counselled or procured the contravention, or induced the contravention through threats or promises or in some other way, or was knowingly concerned in, or a party to, the contravention, or conspired with others to contravene the award.

DIVISION 10—APPEALS AND COSTS

Clause 40: Appeal from award on question of law

An appeal lies to the Supreme Court from an award, or a decision not to make an award, on a question of law. An award may not be challenged in any other way.

Clause 41: Costs

The costs of an arbitration are to be borne by the parties in proportions decided by the arbitrator, and in the absence of a decision by the arbitrator, in equal proportions. However, if a proponent terminates an arbitration or elects not to be bound by an award, the proponent must bear the costs in their entirety.

DIVISION 11—SEGREGATION OF ACCOUNTS

Clause 42: Accounts and records relating to the provision of regulated services

A regulated operator is required to keep separate accounts relating to the provision of regulated services for each port.

DIVISION 12—EXPIRY OF THIS PART

Clause 43: Review and expiry of this Part

This clause requires the application of the Part to be reviewed by the Industry Regulator before the end of 3 years after its commencement. The Part will expire at the end of that period unless the Industry Regulator recommends to the Minister that it should continue in operation for a further three year period and a regulation is made to that effect. While the Part continues in operation, provision is made for further similar review processes.

PART 4

MISCELLANEOUS

Clause 44: Hindering access

This clause makes it an offence to prevent or hinder a person who is entitled to a maritime service from access to that service.

Clause 45: Variation or revocation of proclamations

This clause enables proclamations (other than a commencement proclamation) under the measure to be varied or revoked.

Clause 46: Transitional provision

This clause includes a transitional arrangement in relation to agreements and awards in force under the *South Australian Ports (Bulk Handling Facilities) Act 1996*.

Clause 47: Regulations

This clause provides general regulation making power.

SCHEDULE

Amendment of South Australian Ports (Bulk Handling Facilities) Act 1996

This Schedule makes consequential amendments to the Act providing for the removal of the access regime to this measure.

Mr FOLEY secured the adjournment of the debate.

HARBORS AND NAVIGATION (CONTROL OF HARBORS) AMENDMENT BILL

The Hon. M.H. ARMITAGE (Minister for Government Enterprises) obtained leave and introduced a bill for an act to amend the Harbors and Navigation Act 1993. Read a first time.

The Hon. M.H. ARMITAGE: I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

This is the third of three bills associated with the divestment of the SA Ports Corporation. The purpose of this bill is to amend the *Harbors and Navigation Act 1993* to allow the lessee of the Ports Corp assets to operate the divested ports whilst also securing the ongoing safety of South Australia's marine waters.

The bill proposes a number of changes to the Act which are designed to recognise and give effect to the different operational and regulatory responsibilities of the port lessee and the government. In brief, the lessee has operational responsibility for directing vessel activity and securing maritime safety within leased ports, including the maintenance of channel/berth depths and navigational aids. The government will continue to have responsibility for all regulatory functions under the Act, including the monitoring of marine safety in all waters of the State, including within ports, and the issuing of all licences and certificates to vessel owners or operators.

A key element of the bill is the introduction of Port Operating Agreements (POAs) as the instrument which details the duties and responsibilities of the lessee for securing safety within a port operated by the lessee. A POA will be an agreement under the Harbors and Navigation Act between the Minister for Transport and Urban Planning and the port lessee. A separate POA will exist for each leased port, allowing for the unique characteristics and needs of each port to be accommodated. However, it is envisaged that all POAs will cover matters such as:

- The maintenance of port waters to a navigable standard and the provision of appropriate navigational aids;
- The lessee's responsibility for directing vessel movement and related activities in accordance with agreed port rules;
- A requirement for the lessee to have contingency plans for dealing with emergencies in the port;
- A requirement for the lessee to enter into and maintain agreements with appropriate bodies regarding access to port facilities by commercial fishing and naval vessels;
- Provision of information about the port, for example channel depths and navigational charts;
- Payment of an annual fee to cover the costs of supervising the lessee's operation of the port.

POAs will be tabled in Parliament, in conjunction with the Lease Agreement envisaged by the South Australian Ports (Disposal of Maritime Assets) Bill 2000.

The bill further secures port safety by enabling the Minister to take action should the lessee fail to fulfil the duties and responsibilities set out in a POA. The bill allows for the action taken by the Minister to differ according to the significance of the lessee's breach, from a warning through to the termination of the POA. The POA would only be terminated in the event of a major default by the lessee, or a continued failure by the lessee to rectify a problem. In such a circumstance, the Minister can either operate the port at the lessee's cost or appoint another party to operate the port.

The bill also includes a provision to amend section 20 of the Harbors and Navigation Act to clarify that any subjacent land leased or licensed to the lessee of the port will not be rateable by local councils. Subjacent land is defined in the Act as land underlying navigable waters. In the case of the ports being divested this will include subjacent land associated with channels and wharves/jetties which are over water. The lessee will not have exclusive possession or use of these areas, making it inappropriate for rates to be levied. Land above the high water mark will be rateable in accordance with normal practice.

Although it is intended that the government will continue to be responsible for regulatory functions under the Act, a number of provisions require alteration to recognise the lessee's role in operating certain ports. For example, the issuing of licenses for aquatic activities under section 26 or the creation of restricted areas under section 27 will be amended to ensure that the lessee's

concurrence is obtained before action is taken which affects one of the lessee's ports. Similarly, while the Minister's ability to issue directions in the event of a maritime emergency is preserved in section 67, provision is made for the impact on the lessee of any interruption in port operations to be recognised.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 4—Interpretation

New definitions of port, port management officer and port operator are inserted into the principal Act.

Ports are to be constituted by the regulations but must comprise or include the whole or some of the land and waters constituting a harbor.

The port operator is the person authorised by the port operating agreement to operate the port or, if there is no such person, the Minister.

A port management officer is a person appointed as such under the measure or an authorised person.

Clause 4: Amendment of s. 12—Appointment of authorised persons

Section 12 is amended to enable the CEO to appoint, with the agreement of a port operator, an officer or employee of the operator to be an authorised person in relation to the relevant port. This takes the place of a provision relating to appointments made with the concurrence of the Corporation.

Clause 5: Amendment of s. 15—Property of Crown

Section 15(3) of the principal Act excludes certain land from vesting in the Minister under the section.

Paragraph (a) refers to land transferred by the Minister to the Commonwealth, a council or into private ownership. The amendment removes the reference to transfer by the Minister so that the paragraph applies generally to all transfers.

Paragraph (ba) refers to land subsequently vested in the Corporation. The amendment removes this paragraph as it will be otiose after divestiture.

Clause 6: Amendment of s. 18A—By-laws

Section 18A provides for the making of by-laws by councils in relation to harbors or adjacent or subjacent land with the approval of the Minister.

The amendment ensures that the approval of the port operator is required in the case of a port.

Clause 7: Amendment of s. 20—Rateability of land

The amendment ensures that subjacent land in a port is not subject to council rates.

Clause 8: Amendment of s. 21—Liability for damage

The amendment removes a reference to the Corporation that will not be required after divestiture.

Clause 9: Amendment of s. 22—Control of navigational aids

The amendment provides for delegation to a port operator of control over navigational aids within ports.

New subsection (3) creates a statutory easement for existing navigational aids not located on land owned by the Minister.

New subsection (4) creates a statutory easement conferring rights of access where reasonably necessary for the purpose of operating, maintaining, repairing, replacing or removing a navigational aid on adjacent land or waters.

Clause 10: Amendment of s. 25—Clearance of wrecks etc.

New subsection (1a) empowers a port operator to require the owner of a wreck within the port to remove the wreck. New subsection (2a) empowers a port operator to require a person who deposits any substance or thing within a port so as to obstruct navigation, or to pollute waters to remove the substance or thing or to mitigate the consequences of pollution.

Clause 11: Substitution of s. 26—Licences for aquatic activities

The new section provides that the CEO may only grant a licence for aquatic activities within a port with the consent of the port operator (although that consent is not to be unreasonably withheld).

The amendments also introduce an expiation fee for the offence of intruding into waters when a licensee has the exclusive right to use the waters under a licence.

Clause 12: Amendment of s. 27—Restricted areas

The amendment requires the consent of the port operator before a regulation is made under section 27 in relation to waters within a port.

The provision enabling costs to be recovered where a council requests the making of a regulation under section 27 is extended to private port operators.

Clause 13: Substitution of ss. 28 to 32 and headings

The sections are substituted by a new Part as follows:

PART 5

HARBORS AND PORTS

DIVISION 1—CONTROL AND MANAGEMENT OF HARBORS AND PORTS

28. *Control and management of harbors*

This section provides that subject to this Part, the Minister has the control and management of all harbors in the State.

28A. *Power to assign control and management of ports*

This section provides for conferral on another (the proprietor) of the right to carry on the business of operating a particular port under a port operating agreement. If the proprietor chooses to have the Minister continue to have the control and management of the port or the proprietor has committed a serious breach of a port operating agreement and the Minister has cancelled or refused to renew the agreement on that ground, the Minister will control and manage the port but at the expense of the proprietor.

28B. *Port operating agreements*

This clause sets out various matters that may be included in a port operating agreement. The agreement—

- may require the port operator to have appropriate resources (including appropriate contingency plans and trained staff and equipment to carry the plans into action) to deal with emergencies; and
- may require the port operator—
 - to maintain the waters of the port to a specified navigable standard; and
 - to provide or maintain (or provide and maintain) navigational aids; and
 - to direct and control vessel movement in port waters; and
- may require the port operator to enter into and maintain in operation—
 - agreements with bodies representing the fishing industry about access to the port and port facilities by commercial fishing vessels; and
 - an agreement with the Royal Australian Navy about access to the port and port facilities by naval vessels; and
- may require the port operator to maintain and make available navigational charts and other information relating to the port; and
- may regulate the performance of statutory powers by the port operator; and
- may provide for the payment of an annual fee to the Minister (fixed by the Minister having regard to the cost of providing government supervision of the activities conducted under the agreement); and
- may deal with any other matter relevant to the control and management of the port.

28C. *General responsibility of port operator*

This section places obligations on the port operator relating to the safe operation of the port and the management of the port in a way that avoids unfair discrimination against or in favour of any particular user of the port or port facilities.

28D. *Variation of port operating agreement*

This clause provides for variation by agreement.

28E. *Agreements to be tabled in Parliament*

A port operating agreement and any agreement varying a port operating agreement are required to be laid before both Houses of Parliament.

28F. *Power to deal with non-compliance*

The Minister is empowered to reprimand or fine a port operator or cancel a port operating agreement for non-compliance with the agreement or this Act. The port operator must be given a reasonable opportunity to make written submissions. An appeal is provided to the Court of Marine Enquiry. A port operating agreement may contain provisions governing the exercise of the Minister's disciplinary powers.

28G. *Power to appoint manager*

28H. *Powers of the manager*

These sections provide for the appointment and powers of an official manager where a port operator is seriously in breach of its obligations under a port operating agreement or a port operating agreement is cancelled or expires without renewal.

DIVISION 2—PORT MANAGEMENT OFFICERS

29. *Port management officers*

A port operator is empowered to appoint port management officers with powers set out in this Part.

DIVISION 2A—OPERATIONAL POWERS

29A. Interpretation

Authorised officer is defined for the purposes of this Division to mean a port management officer in relation to a port and an authorised person in relation to a harbor that is not a port or a part of a harbor that is not within a port.

29B. Power of direction

An authorised officer may give a direction (orally, by signal, radio communication, or in any other appropriate manner) to a person in charge, or apparently in charge, of a vessel in or in the vicinity of a port. Under subsection (2) a direction may, for example—

- require that vessels proceed to load or unload in a particular order; or
- require that a vessel be moored or anchored in a particular position; or
- require that a vessel be secured in a particular way; or
- require that a vessel be moved from a particular area or position; or
- require the production of documents relating to the navigation, operation, pilotage, use or loading of the vessel.

It is an offence not to comply with a direction. (cf section 32 of the current Act)

29C. Power to board vessel

This section gives an authorised officer power to board and inspect vessels. (cf section 32 of the current Act)

DIVISION 3—HARBOR IMPROVEMENT WORK

30. Dredging or other similar work

This section provides for dredging and other work carried out by the Minister or port operator. Contributions towards the cost of the work may be recovered from the owners of wharves who benefit from the work. (cf section 29 of the current Act)

30A. Development of harbors and maritime facilities

This section provides for development or other improvements to a harbor or port by the Minister or port operator. (cf section 30 of the current Act)

The section also obliges the port operator to establish and maintain facilities and equipment for the safety of life and property in the port as required under a port operating agreement and to establish and maintain other facilities and equipment for the safety of life and property.

30B. Application of Development Act 1993

This section makes it clear that the Development Act applies to development under this Division.

DIVISION 4—HARBOR CHARGES etc.

31. Power to fix charges

This provision provides for charges to be fixed by the Minister for facilities or services provided by the Minister or for entry of vessels into waters under the Minister's control and management, subject to any relevant law or determination. (cf section 31 of the current Act)

31A. Power to waive or reduce charges

This section enables the Minister to waive or reduce a charge or extend the time for payment of a charge.

31B. Charges in respect of goods

31C. Charges in respect of vessels

31D. Power to prevent use of harbor or port facilities

These sections provide various powers to the Minister relating to the recovery of charges, similar to those currently contained in section 31.

Clause 14: Substitution of heading to Division 5 of Part 5

Division 5 is converted into a new Part dealing with Pilotage.

Clause 15: Amendment of s. 33—Licensing of pilots

Clause 16: Amendment of s. 34—Pilotage exemption certificate

Clause 17: Amendment of s. 35—Compulsory pilotage

These are consequential amendments.

Clause 18: Substitution of s. 67—Minister's power to act in an emergency

The power of the Minister to act in an emergency is replaced to ensure that directions may be given to any person as necessary. The new section contemplates a port operating agreement containing provisions governing the exercise of the Minister's powers in relation to a port.

Clause 19: Amendment of s. 80—Review of administrative decisions

Section 80 is amended to make a decision of the Minister to insist on the inclusion of a particular provision or particular provisions in

a port operating agreement, or not to renew a port operating agreement, subject to review.

Clause 20: Amendment of s. 83—Regattas, etc.

The amendment provides that an exemption cannot be granted under section 83 by the CEO in respect of an activity that is to take place within a port unless the port operator agrees.

Clause 21: Amendment of s. 89—Officers' liability

Section 89 is amended to ensure that liability for the actions of officers or employees of a port operator attaches to the port operator.

Mr FOLEY secured the adjournment of the debate.

Mr MEIER: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

CONSTRUCTION INDUSTRY TRAINING FUND (MISCELLANEOUS) AMENDMENT BILL

The Hon. M.K. BRINDAL (Minister for Employment and Training) obtained leave and introduced a bill for an act to amend the Construction Industry Training Fund Act 1993. Read a first time.

The Hon. M.K. BRINDAL: I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The purpose of this bill is to amend a range of definitional and operational matters associated with the business of collecting and distributing the construction industry training levy. These changes will assist in streamlining the work of the board: they will create efficiencies and support the move to electronic business. In doing so they will set a very sound foundation for the future of skills development within the State's building and construction industry.

South Australia needs a properly skilled workforce to serve the state's economic needs and to ensure that a sufficient number and breath of job types remain available here for those who wish to pursue them. To this end, the government is committed to the maintenance of training arrangements which ensure that the skills profile of particular industry sectors are developed and maintained.

The construction industry training fund is an example of a very effective training arrangement which was established by industry and which is owned, managed and controlled from within industry. The building and construction industry had the foresight to propose this arrangement. It did so because of various reasons. For example the industry is cyclical in nature, meaning it is hard for an individual employer to commit for a long period of training; and it is made up of micro small business enterprises with very tight margins making it difficult for any single business to provide the sustained and various range of work necessary for multi training.

It was acknowledged that these conditions placed at risk the industry's ability to ensure that skilled labour would be available to meet its future needs. This may in turn result in the loss to South Australia of potential new major contracts. This situation has not occurred, and one of the reasons has been through the supply of training provided through the Fund.

The training benefits accruing from the Fund to the building and construction industry have been substantial. For example, during the 1999-2000 financial year, the CITF Board as administrators of the fund will be committing over \$7.6 million to support training for building and construction workers. This is set to grow in the next financial year, as a result of my approving recently the CITF's plan for over \$9 million worth of investment in training.

The existence of the CITF's various programs have seen workers throughout our State access training courses that were previously not available. Many of those accessing training had not before attended structured vocational training programs. Since the establishment of the CITF, an annual average in excess of 10 000 persons have attended CITF funded training programs.

The Construction Industry Training Board has demonstrated their commitment to regional enterprises. Approximately 25 per cent of the CITF's effort is focused into regional areas, and the board of the CITB meets twice yearly in a regional location.

Young South Australians have been a major beneficiary of the CITF's programs. Already in 1999-2000 the CITB has supported the training and employment of over 850 apprentices and trainees. This number is set to continue to grow. Much of this growth will be possible because of the existence of the CITF.

The CITF has also established a new VET in Schools project which currently links 115 participating high school students to some 250 building and construction businesses, with the program being piloted in six schools across the state. Students who graduate successfully from this project are expected to be able to gain employment with either the enterprises which are a part of project or with the various Group Training Companies operating in metropolitan and regional South Australia. The board estimates that participant numbers in this program are set to double each year for the next five years. This augurs well for an industry which, research tells us has an aging workforce.

The Construction Industry Training Fund Act has been in operation since 1993 and needed to be reviewed. The result of this work is a series of recommendations which have been widely supported by industry and which have been encapsulated in this amendment bill.

The amendments will provide greater clarity for industry about how the levy will be applied and will provide better direction for the Construction Industry Training Board which is required to administer the Act.

The structure of the Construction Industry Training Board remains unchanged. Indeed, the government commends all those persons who have served on the board for their tireless effort on behalf of their industry. The government would especially like to commend Mr Richard McKay, the board's Presiding Member since its inception, for his strong leadership.

The bill does allow the Minister to be more flexible in discussions with industry about who shall be appointed to the Construction Industry Training Board. Both the government and building and construction industry enterprises need to be assured that those industry representatives who are appointed to the board and have the responsibility of managing and administering the fund have the confidence and support of all of the industry. The bill provides a framework for this to take place.

The government is determined that enterprises who are embarking on major building and construction work are clear about their levy obligations at the commencement of a particular project. Confusion about levy obligations provides difficulties for the board and consternation for enterprises that need to comply with the requirements of the legislation.

The bill clarifies these obligations by providing specific guidelines for the application of the levy.

Issues surrounding the treatment of plant and equipment have been clarified by this bill. The amendments highlight the government's intention that plant and equipment should be leviable where that plant and equipment constitutes an integral part of the building and construction work. Where plant and equipment is not essentially an integral part of a building or structure, it will not be leviable. However its installation will be leviable.

The effect of the amendment then is that plant and equipment which is necessary for the conduct of a business and which does not form an integral part of a building or structure construction work will not be levied.

The bill raises the levy threshold. It is not the government's wish to impose an unnecessary administrative burden on builders who are undertaking projects that are low in value therefore the levy threshold has been increased from \$5000 to \$15 000. This amendment will have the effect of decreasing the fund's training income by 3 per cent but the advantage for industry will be that there will be in the order of 27 per cent fewer levy payments as a result. It is the government's view that this will minimise administrative overheads for the board and for small operators as well as maximising the total expenditure available for training.

The board needs some flexibility in the manner by which project owners are able to pay the CITF Levy. This will support the growth of E-commerce and allow the board to adopt improved administrative arrangements. Similarly, the government would want the board to be able to allow flexible payment arrangements in circumstances where enterprises are able to demonstrate real financial hardship. The bill provides for these arrangements.

The majority of building and construction work carried out by State and Local Government Authorities is contracted out. Therefore the government is of the view that the exemptions previously granted to these authorities are no longer appropriate. Indeed, already both

state and local government have directly benefited from the training programs available through the CITF, with many of their building and construction workers having attended the various courses offered through the Fund.

The board has a range of legislative requirements relating to assessment and collection processes that need to be fulfilled and reported on to the Auditor General. The government needs to be satisfied that these processes are being applied in such a way as to guarantee the equitable application of the training levy across all enterprises that are required to pay it. The bill covers arrangements that will assist officers of the board in carrying out this work.

The relevant amendments relating to the collection of information require a person to answer questions posed to them by authorised officers. If the person objects to doing so, the person's answers are not then admissible in criminal proceedings other than proceedings with respect to providing false statements or in the nature of perjury.

It is the government's view that this amendment will better provide for the board's levy collection responsibilities under the Act but will limit the likelihood of prosecution proceedings while at the same time protect the individual's common law privilege against self-incrimination.

The bill also provides for a further review of the Act to be undertaken early in 2003. This will provide industry and the Parliament with the opportunity to once again reassess the future of the CITF.

I am pleased to be able to report that, during the review process associated with this Act, there was almost unanimous agreement by industry that the training levy be continued in its current form. Indeed, during the period of the review, both the Australian Capital Territory and Queensland have introduced a training levy for their building and construction industries. The ACT has structured its arrangements on the South Australian model.

In short, the building and construction industry is to be commended for its continued support of the Construction Industry Training Fund. All South Australians will certainly continue to benefit as a result.

I commend the bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will be brought into operation by proclamation.

Clause 3: Amendment of s. 3—Interpretation

The definitions of 'building approval' and 'local council' are to be revised to refer to more recent legislation. The definition of 'project owner' is to be revised to remove the particular reference to building or construction work carried out by or on behalf of a government authority, and to provide that the concept of 'project owner' may include a person who is engaged to carry out (or to cause to be carried out) substantially all of the building or construction work associated with a particular project.

Clause 4: Amendment of s. 5—Composition of the Board

Section 5 of the Act is to be amended so that the Minister will be able to act if the industry associations recognised under the Act fail to make a nomination for a vacancy on the board, or fail to nominate an appropriate person.

Clause 5: Amendment of s. 22—Estimated value of building or construction work

The levy under the Act is imposed with respect to a specified percentage of the estimated value of building or construction work. The estimated value is currently determined under the regulations. This matter is now to be dealt with under new schedule 1A of the Act.

Clause 6: Amendment of s. 23—Exemptions

An exemption currently exists for work if the estimated value does not exceed \$5 000. This amount is to be increased to \$15 000. An exemption for certain government work is to be removed from the Act.

Clause 7: Amendment of s. 24—Liability of project owner to pay levy

The board will be able, with respect to a particular project owner, or project owners of a particular class, to allow a levy to be paid in monthly instalments, or in other periodical instalments determined by the board.

Clause 8: Amendment of s. 26—Notice of variation

Clause 9: Amendment of s. 27—Adjustment of amount paid

These are consequential amendments.

Clause 10: Amendment of s. 34—Powers of entry and inspection

It is intended to amend the Act so that a person will not be excused from answering a question or producing a document under the Act on the ground that to do so might incriminate the person or make the person liable to a penalty. However, if a person makes an objection, the answer or document is not admissible in criminal proceedings, other than for an offence with respect to false or misleading statements, information or records, or for perjury.

Clause 11: Amendment of s. 38—Review of Act

Another review of the Act must be conducted after 1 January 2003.

Clause 12: Amendment of schedule 1

The list of items in clause 1 of schedule 1 will no longer be exhaustive. Certain clarifying amendments are also to be made.

Clause 13: Insertion of schedule 1A

The scheme for determining the estimated value of building or construction work is now to be dealt with under a schedule to the Act. Issues surrounding the treatment of plant and equipment are to be clarified.

Clause 14: Amendment of schedule 2

References to relevant employer associations in schedule 2 are to be updated.

Clause 15: Amendment of schedule 3

References to relevant employee associations in schedule 3 are to be updated.

*Clause 16: Revision of penalties
Schedule*

The penalties under the Act are to be revised and expressed as monetary amounts.

Ms KEY secured the adjournment of the debate.

ADDRESS IN REPLY

The Hon. D.C. WOTTON (Heysen): I move:

That the following Address in Reply to His Excellency's opening speech be adopted:

May it please Your Excellency—

1. We, the members of the House of Assembly, express our thanks for the speech with which Your Excellency was pleased to open parliament.
2. We assure Your Excellency that we will give our best attention to the matters placed before us.
3. We earnestly join in Your Excellency's prayer for the divine blessing on the proceedings of the session.

It is a privilege to be able to respond officially to the speech of His Excellency the Governor. I am not quite sure why I have been given this privilege. I presume it is because I am not going to be around for very much longer!

The Hon. M.K. Brindal: You are ancient and honourable.

The Hon. D.C. WOTTON: The minister says it is because I am ancient and honourable, so I presume that is a good enough reason. At the outset, I take this opportunity to commend His Excellency the Governor and Lady Neal for the way in which they carry out their responsibilities as Governor and first lady of this state. As I have said on a number of occasions, I think that the way in which Sir Eric and Lady Neal carry out their responsibilities is quite remarkable. They are prepared to travel around the state, they always seem to be available, and both Sir Eric and Lady Neal are respected by the majority, if not all, of the people of this state. I commend them and I commend particularly His Excellency for the manner in which he delivered the speech to open the parliament yesterday.

In his opening speech, His Excellency referred to this parliamentary session as being a landmark session for this state. He was referring to the fact that we are on the verge of celebrating the Federation of Australia. His Excellency referred to a number of the achievements that have been made as a society over the last 100 years, and I think that, as Australians, we can all be proud of many of those achievements, not all of them, and I am talking not just about political achievements but about achievements generally.

The Governor also referred to the many challenges that people have faced in recent times and, in particular, the way in which the government has responded to those challenges, turning them into opportunities. He referred particularly to sectors such as our manufacturing industry, reminding us that we were the only state in Australia to increase the total number of people employed. He indicated that our defence industry, for which we have secured vital funding for local jobs while ownership details concerning the Australian Submarine Corporation are yet to be finalised by the commonwealth government, is also of note.

His Excellency made the point that, over the last year, South Australia has recorded the strongest economic growth in the nation between June quarters. He talked about the economic prosperity that this state is enjoying, but I think we all realise that, for that to continue, we need to meet the challenges that are still out in the community. I was very pleased that reference was made by His Excellency to the fact that it is so important for the parents of our children to have the security of knowing that their children have a future in this great state of South Australia.

Sir Eric referred to the major asset management program, through which the government has been able to do a considerable amount in working towards retiring debt, reducing the annual interest burden and reducing the exposure of the budget to fluctuating interest rates and the inherent risks of the national electricity market.

His Excellency reminded us that our state's competitive position is underlined by the reduction of WorkCover costs to business of 7.5 per cent on average and by our industrial relations record, which we all recognise as being very good.

As was pointed out by the Governor, the government is committed to ensuring that our education system meets the demands of the new century, and that in turn has meant looking at how we educate our children and deciding to do it in what the Governor referred to as a different manner, and he went on to talk about the highly successful Partnerships 21 scheme. I am delighted that so many of the schools in my electorate have decided that they should go into that program.

Reference was made to the fact that the government is committed to educating our young people, and I am very pleased that a \$10.8 million commitment by the government has been made towards building Australia's first special science and mathematics secondary school within the Flinders University precinct. I hope people realise that that school will be a state and national focal point for teaching, professional development and research aimed at boosting science and mathematics in secondary schools and, in particular, in transforming students' attitudes to those areas as career paths. I think that is very good news.

As a result of the Governor's speech, we learnt that South Australia now has a record number of people in jobs—683 300 in the month of August—and we are basking in the fact that we now have the lowest unemployment rate since July 1990 and, with the Minister for Employment and Training present in the chamber, I am sure that he is delighted with that result, which comes after a lot of hard work. As the minister says, he and all of us hope that continues to improve. The government is committed to making employment growth across the state its first priority. I am sure all South Australians believe that the surest way to provide security and certainty is through the creation of a work ethic, and that in turn means that there must be jobs available for those who want them.

I was also pleased to hear His Excellency the Governor report on the commitment to working with local communities to address key regional concerns, and all of us recognise the need for that to happen because there is concern in the regions that perhaps the government could be doing more. That is one of the frustrations of being in politics and in government at this time, because it is so difficult to get positive stories into the community. It is important that that should happen because this government has achieved a considerable amount in the last seven years, and people should know about what we are achieving and what we have achieved. However, it is not always easy to ensure that that happens.

I was pleased to see that we are to have a new health complaints bill, the purpose of which will be to ensure that complaints are independently investigated and resolved for patients in both the public and private health care systems. That is an excellent move. I was also very pleased, particularly because of the representation that I have received in my electorate, to learn that the level of funding allocated to disability services is to be \$173.9 million, recognising that that is the highest amount that has ever been dedicated to disability services in this state.

We learned through the Governor's speech that the government will continue to support programs which build on the theme positive ageing by encouraging older citizens to participate in community activities and lifelong learning, and because of my involvement as Minister for the Ageing for some three, four years, I support that very strongly and, because I have a conflict of interest as I move towards ageing, I hope I can be as positive as the Governor's speech would suggest is necessary.

The government will also continue with its proposal to amend the Controlled Substances Act. I see that as being very necessary because we really do need to allow for the introduction of a police drug diversion scheme to deal with drug offences relating to the possession or use of minor amounts of illicit drugs. That matter has been brought to my attention through representation in my electorate over a period, so I am pleased that that will happen.

There is no doubt that the matter of personal security is an issue in the electorate, and therefore the Governor's advice is significant that, in moving to ensure that the police have the capacity to provide improved levels of service particularly in local areas, the government has provided some \$3.1 million extra funding for this year, increasing to \$8.2 million in 2004-05 and, as a result of that, some money being made available will see the recruitment of an additional 113 police.

I have a particular interest in tourism in this state, but again I was pleased to learn that the tourism industry in South Australia in 1999 generated \$3.1 billion in expenditure and supported some 36 000 full-time equivalent jobs and, as a result, is providing immense opportunities for economic and employment growth across our state. The tourism boom that we are experiencing in this state will auger well for the advancement of South Australia.

In the area of the environment and water resources, we again are reminded just how much we as a state depend upon the sustainable management of the state's water resources. I will say more later about the State Water Plan 2000 which the minister has just released. That plan sets out the strategic policy direction for sustainable use and management of South Australia's water resources over the next five years and builds on the previous plan that I was pleased to introduce in 1997, which was the first such plan to be introduced by any

state in Australia and which came hand in hand with the Water Resources Act of 1997 which I also introduced. I will be interested to see the amendments that are being proposed to that legislation in this session.

I will say more later about my interest in the preparation of natural resource management legislation and I am pleased to learn that the government intends to proceed with the preparation of that legislation. It will advocate the streamlining of existing administrative arrangements through the formation of regional bodies with responsibility for coordinating community input into natural resource management strategies.

In concluding my reference to His Excellency's speech in opening parliament, I was pleased to see that a volunteers' protection bill will be introduced later this year. Amendments will be made to the Aboriginal Lands Trust Act and those amendments will look at achieving greater cooperation and stronger working relationships between the states three Aboriginal land-holding authorities. In reference to information economy delivering the future, which is also referred to in the Governor's opening speech, I have to say that I am delighted with the response that we have had to the release of that program. It is a bold plan, as the Governor has said, containing 21 initiatives for the 21st century.

The Governor in closing his speech referred specifically to the death of former governors, the Hon. Dame Roma Mitchell and Sir Mark Oliphant, the former member for the former seat of Alexandra, Hon. David Brookman and also the tragic loss of the former Premier of this state, Hon. David Tonkin AO. Condolence motions have been passed in this place in recent times relating to each one of those people who all served this state very well indeed. I was able very briefly to participate in the condolence motion on the passing of Dame Roma Mitchell, but I want to add to what I said at that time, because Dame Roma was a remarkable person. We all recognise that she was one of Australia's most highly regarded women. Her extraordinary list of achievements included a significant number of firsts for women, but I want to recognise her particularly in the role as Presiding Officer of the Ministerial Advisory Board on Ageing, because, as I have said previously in this place, I recall vividly waiting upon her while she was still Governor to ask whether, on her retirement, she would be prepared to take up this post and she was very gracious in accepting to do that. I would suggest that Dame Roma in her mid-80s was nothing short of a tireless example of what positive ageing can be about. I am reminded of a speech that Mrs Barbara Garrett MBE, Vice-President of COTA SA, gave at the opening ceremony of the International Year of Older Persons in which she said:

Before the year began the board under Dame Roma met with the CEOs of all state departments and asked them, to the surprise of many, what their plans were for celebrating the International Year of Older Persons. All responded, although I think for some the answer was muted.

Throughout her term as chair of that board, there were numerous activities, many attended by Dame Roma, and with visits to rural areas led by Dame Roma. Many of them were quite strenuous visits. She visited the Aboriginal communities, had meetings in Cooper Pedy and visited Eyre Peninsula. Again, Mrs Barbara Garrett said:

We have a responsibility to continue to improve circumstances for older people, including health maintenance, and to encourage ongoing participation in community life, as a tribute to Dame Roma Mitchell.

I think all of us would agree with that.

I have referred to a number of the government achievements that have been picked up through the Governor's speech in opening the parliament. I will refer to a few more, because, as I said earlier, the achievements of this government in the last seven years are quite remarkable. As far as economic growth is concerned, there is no doubt that South Australia leads the nation. We have recorded the strongest economic growth in the nation between June quarters and that is no mean feat. We are also leading the nation in business investment with private new capital expenditure in South Australia growing more strongly than in any other state in the year to the June 2000 quarter, a growth of 18.4 per cent compared with a fall of 2.2 per cent nationally. Of course, investment spending in the key manufacturing sector involved a particularly strong growth of 34 per cent. A breakdown of employment in the state—and I referred earlier to the significant growth in employment—is certainly something of which to be proud. Also, I have been pleased to learn that the *Yellow Pages Small Business Index* for August 2000 found that the level of small business confidence in South Australia was the highest in the country, with a net 57 per cent of respondents expressing confidence in business prospects over the next 12 months. That is up 22 per cent on the previous quarter.

As I said earlier, our unemployment rate is now at its lowest level in 10 years. We have created jobs for more than 40 000 South Australians, and job advertisement surveys give us more hope for the future. That really is very good news for South Australians who are out there continuing to seek work. There is still a long way to go, but it is certainly moving along well. The drop in the jobless rate to 7.6 per cent is very welcome. Certainly, it is a vast improvement on the situation we had under the previous Labor government of more than 12 per cent. I think it is very real proof that our tough decisions have boosted job opportunities. The fact is that we now have more South Australians in work than ever before, and I am sure all South Australians are pleased with that result.

There are a number of matters about which I want to speak and in which I have a particular interest, and it will be no surprise to members in this place to learn that one of those is sustainable development and the environment generally. It is an issue about which I feel very strongly. I want to talk about some of the points that were made during a speech on 5 June this year in celebration of World Environment Day which, of course, was held in South Australia. It was a speech that was delivered by the Deputy Executive Director of the United Nations Environment Program. He was asked to speak about environmental issues that are growing in importance internationally and also the relationship of the private sector and the environment.

In talking to the first topic, he made the point that he believed that a number of issues will grow in importance globally. Those issues, in particular, were identified in UNEP's *Global Environment Outlook Report of 2000*. That is an important report which was released last year. The conclusion of that report, for those members who have had the opportunity to read it—and if members have not, I encourage them to do so—is very sobering. It is quite clear that so many of our natural systems are in decline and time is running out quite dramatically to reverse this trend.

A number of statistics were referred to and I will go through some of them, including the fact that over one-half of all wetlands have been altered or destroyed; some 25 per cent of the earth's surface is already affected by land

degradation; since 1960—and, after all, that is only 40 years ago—more than one-fifth of the world's tropical forests have been lost; more than one-half of the world's coral reefs are potentially threatened by human activities; almost 70 per cent of marine fisheries are either fully exploited or over-fished; and carbon dioxide emissions have increased 400 per cent since 1950. Considerable reference was given to the biggest threat to humanity—certainly in the eyes of this particular speaker—that is, climate change. The climate is getting warmer. We were told that eight of the hottest 10 years on record occurred last decade. The Arctic Ocean has lost 40 per cent of its ice cover in 30 years. So one could go on with those statistics.

I was very encouraged that reference was made to the Australian environment minister, Robert Hill, who we were told was working hard to convince Australians and other nations that the Kyoto protocol must be implemented, and the minister was referred to on that occasion in glowing terms. Mention was made of the fact that Australians are, of course, no strangers to other environmental challenges, particularly with water. We were reminded that humanity's use of freshwater soared six-fold over the last century and continues to rise. It is remarkable to learn that demand is expected to increase by over one-third in the next 25 years and to almost double for drinking water. About one in every five people on earth currently lacks safe drinking water. If I had the time, there are so many of these statistics about which we should know.

In regard to the environmental challenges that can be considered in terms of business, a number of issues emerge. Some of the points that were made are such that, first, it is not just desirable for business to get involved in the quest for sustainability: it is essential. Mention was made of the fact that the Secretary-General of the United Nations has recognised this particular fact and has called on the private sector to take a leading role in the protection of the environment through his global contact. We were told that, just prior to World Environment Day this year when the global environment ministers met in Sweden (and more than 100 environment ministers were present), they deliberated on a number of issues. They concluded with the adoption of the Malmo ministerial declaration, which clearly underscores that governments, international organisations, the business community and private citizens are all necessary partners if we are to meet the environmental challenges that face us.

Coming out of that, the ministers declared that the international and regulatory capacities of government should be enhanced to better interact with the private sector. They agreed that a greater commitment by the private sector should be pursued to engender a new culture of environmental accountability through the application of the polluter pays principle, environmental performance indicators and reporting, the establishment of a precautionary approach in investment and technology decisions, and many others.

I guess the most telling thing that came out of this speech is a quote from the former Executive Director of the United Nations environment program, who said:

With such wealth combined with both the Australian natural innovation and expanding markets for greener products, Australia and Australians are in an enviable position. Indeed, the world is watching, for if Australia cannot manage the path to sustainability given these gifts and a low population, the rest of the world will be even harder pressed to succeed.

I think we could all take that on board.

Talking further about the environment, I was interested to read the Qantas Club magazine for spring of this year, which again talked about sustainability. It made the point that at the start of the 21st century 'green' is starting to look like 'a big word', stating:

It means more than 'environmentally friendly'; we are now looking at the combination of 'environmentally friendly', 'socially desirable' and 'financially rewarding'. The word is 'sustainable', and everyone is taking it seriously. Sustainability, of course, means that economic, social and environmental developments should meet the needs of present generations without compromising the ability of future generations to do the same.

If I had the time I would mention a number of excellent points that are made in that article. It is still the current Qantas Club magazine, and if people have the opportunity to read it I would encourage them to do so.

Another matter which I have followed with interest is the new federal legislation, the Environment Protection and Biodiversity Conservation Act. That will be an interesting piece of the legislation to watch. The act consolidates much of the legislation dealing with the commonwealth's involvement in environmental matters, and it repeals and replaces a number of pieces of commonwealth legislation. It will be vitally important that the states work closely with the federal government through that legislation because, while there has been close cooperation among the states, each state has been approaching these various issues slightly differently. While some states are likely to enter into bilateral agreements for assessments, others are adopting a 'wait and see' attitude, which is probably the attitude that South Australia has adopted, so it will be interesting to see what happens.

In his speech His Excellency the Governor said that the government intends to proceed with the preparation of a draft natural resource management bill. I have always been a very strong advocate for the introduction of integrated natural resource management. I must say that I am frustrated and disappointed that this is not moving as quickly as I would have liked. If we look at some of the publications that are being introduced now, particularly in regard to the Murray River and the Murray-Darling Basin, we see that those articles and brochures are making much reference to integrated catchment management and integrated natural resource management.

I hope that it will not be too long before we can see natural resource management working as well in South Australia as it has worked now for a number of years in New Zealand. I had the opportunity to see it when it was first introduced over there in 1980 and again last year when I was in New Zealand for a Commonwealth Parliamentary Association conference. It has been very effective over there, and I believe it could be equally as effective in South Australia. We have an excellent opportunity to learn from the few mistakes that have been recognised in the New Zealand legislation.

The Hon. M.K. BRINDAL (Minister for Water Resources): I move:

That the time for moving the adjournment of the House be extended beyond 5 p.m.

Motion carried.

The Hon. D.C. WOTTON: In conclusion, with respect to the importance of integrated natural resource management, on a number of occasions I have suggested that the Mount Lofty Ranges would be an ideal place in which to introduce integrated resource management, even on a trial basis,

because of the importance of everyone working together in that area. I am certainly keen to see integrated resource management or functional reform introduced, even on a trial basis, to avoid duplication of responsibilities on the part of government agencies and statutory authorities working in the hills. I hope that we see it introduced in South Australia very soon.

I could not let this opportunity pass without referring to the Murray River. I know that the Murray is of vital concern to all of us, and if it is not it should be because the Murray-Darling Basin is our most important agricultural production region and, of course, it has been recognised that it is our most significant environmental challenge. The recent—or not so recent now—Murray-Darling Basin Commission Salinity Audit I think highlighted the impact of land clearing and water diversion on what was once our majestic waterway. The audit predicts that within 20 years South Australia's major source of water will not pass World Health Organisation drinking standards on two days out of four. In fact, three tonnes of salt per minute salinity flows past the river township of Morgan every day of the year.

We are all aware of the significance of the basin. We are all aware of the importance of the Murray River to South Australia because, in this state, the Murray supports dry land and irrigated agriculture worth over \$500 million each year. Of course the cities of Whyalla, Port Augusta and Port Pirie are almost totally dependent on the river to assist in manufacturing industries which are worth over \$1 billion annually. On top of that the Murray-Darling Basin produces 75 per cent of Australia's irrigated crops.

There are some huge challenges and very difficult decisions that need to be made. I think by working together as a nation we are equipped to meet the challenges that lie ahead, and it is so important that that should be the case. It is not appropriate, at this stage, for me to go into detail about the findings that we are recognising through the select committee on the Murray River. However, I must say that it is probably one of the more interesting responsibilities I have had in chairing that committee since coming into this place because the ecologically sustainable development of the state's water resources is vital to South Australia's future prosperity. Nowhere is achieving this outcome more important than in the Murray-Darling Basin.

The Murray River is arguably the most important natural resource in South Australia. The Murray River provides water to urban and industrial users throughout the state and to the horticultural and dairy industries adjacent to the river, and it also provides the basic resource for tourism in a variety of recreational activities along the entire river.

There have been significant achievements over time in working towards improving the state of the river and the management of the natural resources of the Murray-Darling Basin. Probably one of the most significant achievements was the establishment back in 1985 of the Murray-Darling Basin Ministerial Council. The establishment of that council is symbolic in that it marked a significant shift in the approach to the management of natural resources in the Murray-Darling Basin. The predominant focus on water sharing and management as the main issues have now given way to an understanding that to reduce the risk to water supplies and ecosystem health we need to manage the natural resources base of the whole basin and recognise it as an integrated catchment basin.

In 1988 we saw the ministerial council agree to continuous water accounting between New South Wales and Victoria.

The commission, of course, now keeps account of how much water the states use, whilst ensuring that South Australia's legal entitlements under the Murray-Darling Basin Agreement are fully protected. The Salinity and Drainage Strategy came into effect in January 1988. That strategy was a world first and incorporated cross-jurisdictional trading and pollution rights. Salt interception schemes such as Woolpunda and Waikerie have been developed as a result of that strategy and, since its inception, the strategy has been effective in reducing salinity in the Murray River at Morgan, for example, by approximately 60 EC units.

We then saw the Integrated Catchment Management/Natural Resource Management Strategy in 1989. The cap followed in 1995 following an audit of water use in the Murray-Darling Basin. The Murray-Darling Basin Ministerial Council agreed to an interim cap on all diversions from the basin's rivers at the 1993-94 level of development. That was a major achievement and I was delighted to be part of the ministerial council at that time. It was always meant to hold matters at a set rate. It is not the total answer. We still must go further as far as the cap is concerned, and I hope that that will happen.

We saw interstate water trading with a pilot project in 1997. That was introduced to enable trade in permanent interstate water property rights in the Mallee region, and that is working very satisfactorily. The Natural Heritage Trust funding has been a huge benefit for the Murray. South Australia has, since the inception of the Natural Heritage Trust program, attracted now more than \$7 million per annum for natural resource management activities within the South Australian Murray-Darling Basin. We have seen the basin salinity audit of 1999 to which I have already referred, and so we can go on. A considerable amount of work has been done dealing with issues relating to the management of the Murray River.

I believe that some of the material and documents that are now being released are quite superb. These documents are being released for consultation and include a draft South Australian River Murray salinity strategy and associated feedback form; a draft basin salinity management strategy 2001-15; a draft integrated catchment management in the Murray-Darling Basin 2001-10; community summaries and many others. I do not have the time to refer to all of them but they really are excellent publications, as is the case with the draft Water Allocation Plan for the River Murray Prescribed Water Course, which was released only a couple of months ago by the Murray River Catchment Water Management Board. It is an excellent document.

The release of that plan for the Murray River in South Australia is certainly recognised as a major step towards restoring the health of the river. While on the subject of water, I again want to refer to the launch of the State Water Plan. That plan sets in place policy directions in South Australia for the next five years. It re-affirms the state's position as an Australian leader in water resource management and, of course, follows the release recently of the state's salinity strategy for the River Murray to which I have already referred.

As I said earlier, the state water plan builds on the same key themes of the state salinity strategy—that the environment problems facing our waterways require a national approach, with cooperation from all states involved, as well as local communities. It is recognised that no state government can combat the problems facing our rivers and catchment areas in isolation. We must work with the community

and, of course, that is what our catchment water management boards are about. They have local knowledge of the problems facing a region and engage local communities to help solve these problems. I am delighted that we now have seven catchment management boards in place across the state.

I want to take this opportunity to again commend the boards for the excellent work that they are doing. I know that it is easy for people to be critical of the way that they are going about their responsibilities but, when you look at what has been achieved and the support that the boards are receiving from the community generally, you see it is a vast—a massive—improvement on what we have seen previously in this state.

It is interesting to note that other states of Australia are taking so much interest in the catchment boards and are looking to copy what we have been able to achieve in South Australia through these plans. There is no doubt that there is greater public awareness than ever before of our dependence on water resources. We need to ensure that this awareness continues to grow because it is when the community as a whole, together with governments, gets behind an issue that real results can be achieved. There are clear signs that South Australia is a national leader, and the State Water Plan 2000 is set to ensure that we remain a leader in this important area.

I refer very briefly to another matter that is of particular interest to me—the EPA. Most members in this place would be aware that the EPA is under review. Fairly recently, an Environment, Resources and Development Committee report was released with recommendations relating to the management of the EPA, and I intend taking a particular interest in the outcome of that report and the future of the EPA. I do not care what anybody says, environmental protection is vital to our state's environment and economic prosperity. A number of issues have come out of the ER&D report, and many of them require clarification, for example, the resources provided to the authority. Some changes were recently under the restructuring of government agencies earlier this year and I believe that they have had a significant impact on the level of resources available to the authority, particularly when we consider the responsibilities of the EPA in meeting its statutory functions.

We saw the staff of the former Water and Environment Licensing and Water Monitoring and Inspection sections being removed from the EPA. Now a lot of—if not all—the water policy development capacity has been transferred to the Department of Water Resources, and that has had an impact upon the EPA in many ways, including the one-stop shop for water and environmental licensing that was a feature of the direction in which the EPA was taking us. The capacity of the EPA to meet its statutory functions is naturally of great interest to all of us when we consider the extremely broad functions of the authority, including its responsibility to administer and enforce the act and the high expectations placed on the authority by the community. How many times have we heard questions in this place about the role of the EPA and the community's expectations of the authority?

The current role of the authority, of course, needs to be considered very carefully. It is certainly of concern to me that the authority finds itself being held accountable for issues that I think are outside its own control. The current gap that exists between statutory responsibility, community perceptions and the actual capacity of the authority to deliver are of concern to me. Again, I could spend a lot more time—and will spend a lot more time at a later stage—on this subject, but my personal thoughts are that section 14 of the act is far too

broad, and I think that needs to be looked at carefully. Obviously, the authority must retain its role as a regulatory authority. I would like to see the EPA given far more independence. I think we could learn a lot—and I have said this on numerous occasions—from the EPA in Victoria. I would suggest that, unless resources are significantly increased, the responsibility for the EPA preparing policies should be reviewed and, as far as I am concerned, they should be removed and rest with the agency, unless the minister requests in writing that certain policies be prepared.

There are a number of other issues to which I want to refer concerning my own electorate, for example, and I will have the opportunity to do that at a later stage. There are a number of issues that I wish to raise. Also, it would be my intention to talk at some time in the near future about my thoughts on how this parliament could be improved. A number of people have come forward with suggestions as to what action might be taken to see improvements in the way that this parliament goes about its business, and I would like to make my contribution regarding that matter at a time in the near future. However, on this occasion it is for me to move that the draft Address in Reply be agreed to, and it is my privilege to do just that.

The Hon. G.M. GUNN (Stuart): I have much pleasure in seconding the motion for the adoption of the Address in Reply. This is the first occasion on which I have had the opportunity to move or second the motion for adoption of the Address in Reply, and I am pleased that my colleague and friend, the member for Heysen, was given the opportunity to move the motion on this occasion.

I would like to congratulate His Excellency the Governor on the manner in which he presented his speech to the parliament and for the great work that he and his wife do in travelling around South Australia, where they are very popular, carrying out their duties in an exemplary manner. In my dealings with the Governor, I found him to be well informed and to have the best interests of the people of South Australia at heart.

In relation to the matters covered in His Excellency's speech, like the member for Heysen, I am very pleased that we will again look at the Water Resources Act, because I am convinced that, during the next 50 years, one of the most important topics that this parliament and other parliaments around Australia will have to address will be the responsible management of our water resources—and not only the quality but also the quantity. I know that throughout South Australia there is ongoing pressure on the resource and on the quality. In my own electorate, in the hundred of Baroota, there has been a need for restrictions, which is absolutely essential if the existing irrigators and the resource are to be protected on an ongoing basis, as well as responsible management of the Great Artesian Basin.

I recently had the pleasure of meeting with members of the water catchment board that has responsibility for the arid areas, and I was very pleased to have the opportunity to discuss with them a range of issues. I know that they will give their best endeavours to the matters that are referred to them and, obviously, they have a very important role. The capping of our artesian bores, which have been flowing for a long time, is important. A number of ecosystems have been developed with the free flowing bores and, obviously, it is important to save some of those systems and to make sure that we achieve an essential balance in this area of government involvement. I am pleased that the overwhelming

majority of people on this board are locals who live in the area and understand the difficulties and the peculiarities of the area. I also was interested in my colleague's comments about the EPA. I have an interest in the EPA, and I think there is one—

An honourable member interjecting:

The Hon. G.M. GUNN: Yes, and I have been dealing with them today. It has really highlighted to me that when the parliament, with the best will in the world, passes legislation and creates a situation where the parliament or a minister has no further role to play it can create problems. Having dealt with some fairly bureaucratic decision-making in relation to that organisation and a failure to properly understand the difficulties in relation to a council in my electorate, I think that these people need to be subject, obviously, to one of the parliamentary committees on a basis similar to water catchment boards having to answer to the Economic and Finance Committee. It is a safety valve: where people have complaints, they have an ability to have them independently judged. In the case of the matter with which I have been dealing, they have been bureaucratic, they have been slow and they have been less than considerate and sensible. I had to suggest, in relation to the EPA, that it was getting close to me moving a motion of censure with respect to certain people in this House, and I would have carried that out without any hesitation. I am pleased to say that I think perhaps the matter now has been resolved.

Hopefully, a number of ongoing issues in my electorate will be addressed in the next 12 months. Before addressing some of those issues I want to say that, like other members, I had a great deal of respect for the way in which Dame Roma Mitchell carried out her duties and functions as Governor and how she travelled around the length and breadth of the state. I remember visiting the Pitjantjatjara lands on a very hot day (it was very rough flying up there), where we attended the opening of a very nice school. When we arrived, we were standing on the back of a Toyota Landcruiser utility (I am not sure whether you are supposed to do that these days). Dame Roma Mitchell seemed to be quite unmoved by the whole escapade, and certainly showed no sign whatsoever of any stress because of the heat. She carried out her duties in an exemplary manner, and I commend her for it.

When I came into this parliament, one of the people who was a great deal of help and assistance to me was the late David Brookman, who had been a minister for a number of years and held various portfolios. He gave me wise counsel and was a person with a good understanding of rural affairs and a great love and interest in the Far North, with properties in that area. I appreciated his guidance and assistance during my early days as a member of parliament. I mentioned yesterday my appreciation of the great work that David Tonkin did, and I mentioned earlier today another feature of his administration.

I refer to some of the industries in my electorate and the need for the people of South Australia to set priorities which are sensible and practical and which can achieve important benefits for all South Australians. One of the things I find most frustrating—as do many people in South Australia—is the bureaucracy. It is a wonderful thing: it takes on all sorts of powers; it is insensitive; and it certainly can make life very difficult for people who want only to do good things. If there is one industry that has suffered in this respect, particularly in the early days, it is the aquaculture industry. I well recall being involved with it on Upper Eyre Peninsula. It always amazed me that the only desire of some people within the

bureaucratic system was to shut down that industry and stop it. It has proved to be a most efficient, effective and well run industry, creating great opportunities and a great number of jobs for people who would not otherwise have had the benefit of that income had it not been for that industry.

People are going on about the tuna industry. Do they really want to close it down? When looking at the sort of people whom I mentioned earlier today and who have been acting quite disgracefully at Beverley, Honeymoon and elsewhere, it is interesting to see where they came from. A interesting question needs to be asked: 'Who was financing them?'. I made a few inquires. Many of them were not short of money, although they were a bit allergic to water and to having a haircut and a few other things. However, they were well briefed. I suggest a lot of the money is overseas money. Greenpeace and others could perhaps answer a lot of very good questions in relation to these people, who—

An honourable member interjecting:

The Hon. G.M. GUNN: Overseas money—have no regard for the citizens of South Australia.

Mr Koutsantonis: Especially Greenpeace.

The Hon. G.M. GUNN: Greenpeace. Their behaviour was irresponsible. They had no regard for the citizens of Leigh Creek or for other people, and the attacks that they made on law-abiding citizens who were going about their business, including elderly people travelling in cars and caravans, was horrendous. When the police eventually moved in, they did so after a great deal of restraint was shown. The officers in charge were very responsible people, despite a great deal of provocation. These people were professional agitators. I put on the public record that that project at Beverley is well managed and well run and is creating a lot of jobs for my constituents in Port Augusta. It will create opportunities to have power at the Balcanoona National Park and surrounding areas that would not otherwise take place. People who would otherwise not do so will have access to air travel back to Adelaide. At the end of the day, what harm have they done? These people are environmentally responsible.

I put to the House that, if we want a future for the people of this state, we must have responsible development. It is unfortunate that our resources are being tied up by irresponsible elements such as that. I am most concerned that we streamline bureaucracy and government operations to assist those people in the tourist industry and others who are creating such good opportunities in South Australia. Anyone who has been in the northern parts of the state of recent times will have seen that thousands of people have been moving through. It is unfortunate that Lake Eyre does not get water in it every year, but the tourist industry and this government have spent a lot of money improving infrastructure, and it has been well used and well supported.

There is a need to put another airstrip in the Simpson Desert, because a huge number of people are moving through there and there will be accidents, and it is important to get in there to get people out. There are some old air strips in the area, and the member for Gordon is probably aware of some of them, having spent some of his early time at Oodnadatta. At least one of those should be upgraded to allow for evacuation and rescue. I intend to take up this matter with the Minister for Tourism and other ministers. The improvement of the airstrips at Hawker and Balcanoona has created opportunities.

Another thing that has concerned me is that we still have elements within government that seem to have a set on the

pastoral industry, the tourist industry and the farming industry. There are elements that do not seem to understand that these people only want a fair go. They do not want unnecessary restrictions. They do not want to be hogtied with unnecessary regulation and bureaucracy. They cannot afford to pay excessive fees and charges or to be interfered with by unnecessary humbug and nonsense. In the next few months in this place I intend to pursue a number of issues in relation to those areas. I think that there is an urgent need to amend the Pastoral Act to give better security and better opportunities for people involved in that industry.

I have been concerned for a considerable amount of time about the issues of law and order and our failure to adequately address certain areas. Recently, I had the pleasure of having lengthy discussions with people in the United Kingdom as to how they address this issue, and I was fortunate enough to be given a briefing paper setting out a number of initiatives that have been taken to deal with villains who have no regard for other people's property, their rights and their person.

I had the opportunity to speak to the head of a council housing authority, which has 32 000 houses, on some of the steps that it took. In relation to the NACRO briefing I received on the Crime and Disorder Act, dealing with youth, one of the measures that it has initiated is anti-social behaviour orders. Section 1 of the Crime and Disorder Act creates a new community-based order that can be applied for by the police or a local authority (that is, the council) in consultation with each other against an individual or several individuals whose behaviour is anti-social. 'Anti-social' could be that the individual causes alarm, distress or harassment to one or more people not in the same household as himself. The order, which has effect for a minimum of two years, imposes prohibitions that the court considers necessary to prevent further anti-social acts. The orders are expected to be used mainly against adults but can be used against family members aged 10 and above.

A breach of these orders is a criminal offence and punishable as such. They also have orders in relation to sex offenders, they have local strategies for reducing crime and they also have parenting orders, which provide:

This order will impose requirements on parents or guardians with a view to addressing their child's anti-social or offending behaviour. It will be available in criminal, civil and family proceedings courts. A court may impose a parenting order in any of the following situations:

- when a court makes a child safety order;
- when a court makes an anti-social behaviour order or a sex offender order;
- where a child or young person has been convicted of an offence (in the case of a child or young person aged under 16 years, the court must give reasons for not making an order where it declines to do so); or
- where a person has been convicted of an offence under the Education Act 1996, failure to comply with a school attendance order or failure of a registered pupil to secure regular attendance at school.

The parenting orders may last for up to 12 months but I believe the time has long since passed when we should make similar sorts of orders. It also gives the police power to remove truants, and that section empowers a police officer to take a child or young person who he or she has reasonable cause to believe is of compulsory school age and is absent from school without lawful authority back to school or another place designated by the education department. A number of other provisions that relate to what has taken place in the United Kingdom could well apply in South Australia.

These are not draconian or over-the-top orders but common-sense provisions that have been brought forward after community concern about anti-social behaviour.

The housing people told me that, where there is anti-social behaviour in the street, they video the culprits so there is evidence and so the culprits cannot deny that they have been involved in that sort of activity. That evidence can be used for later court requirements. These provisions would be most welcome where people are concerned about large groups of young people congregating late at night and where there have been ongoing break-ins and other activities.

During this session I intend again to bring my legislation to parliament to increase the speed limit on certain designated highways in South Australia. For the life of me I cannot understand why people do not want to give this sensible piece of legislation a good hearing and a trial. Also by way of legislation I intend to ensure that speed cameras are not hidden and that the signs are made more visible. On Monday night when I came back into Adelaide I counted five vehicles that I believe contained speed cameras. They all had plain numberplates but they should all have government numberplates. They are government cars and they are carrying out lawful activities as designated by this parliament, but there should be no secrecy in relation to the administration of the law.

Mr Koutsantonis: It is surprising you say that, given this government's record on secrecy.

The Hon. G.M. GUNN: All governments have used this as a revenue cow to milk.

Mr Koutsantonis: You perfected it.

The Hon. G.M. GUNN: No, I haven't. I noticed that one of the signs was attached to the fence, so you had to be really observant to see it. I understand that the police are within their rights to operate these cameras, but it should be absolutely clear that they are government vehicles and the signs should be visible. We had quite a debate to get those signs put back and I believe they should be more visible because I am of the view that it is not necessary for the police to hide around corners. They should be up-front.

I am aware, as the honourable member would be, that there has been some concern about the safety of operators, and I am all in favour of ensuring that they are properly protected. They are not the ones on whom the public should vent their anger; they are only doing their job. But it is important that these matters are raised in this place. The police should be aware that this is not done as a matter of public criticism for the sake of it but there are suggestions which they should be aware of which reflect comments that the public make to us as members of parliament. In a democracy the public is entitled to make these comments to members of parliament and members of parliament have a responsibility to pursue them. In my view, in a democratic process that is healthy, but I am concerned that, at times, they appear to be stuck back in driveways and all sorts of places where they should not be. The police do have a difficult role in administering and managing other areas of the law and I am all in favour of a cooperative approach.

I am looking forward to organising votes on a number of other issues during this session of parliament. I am concerned, as I said earlier, to bring forward some amendments to the Pastoral Act. I also believe that we need to be very careful when we pass legislation to ensure that we do not include provisions that can be misused, taken out of context or used in a manner which this House never intended. Of

course, that is why it is often necessary to review legislation or have sunset clauses.

When I was briefly overseas a few weeks ago one of the things that I had a very close look at in a couple of provinces in Canada was legislation known as balanced budget legislation, which puts certain requirements upon the executive to balance the budget within a prescribed period. I am giving that matter a great deal of attention as I personally believe that governments, if they want to spend revenue, should accept the responsibility of collecting it. Governments should accept the responsibility of collecting revenue and not pass on the responsibility to another generation.

I have sat in this parliament and seen governments spend huge amounts of money which they have borrowed. We have come to the end of that sort of nonsense. I believe that the community expects a reasonable amount of expenditure, but it expects the government to be responsible enough to collect it, and therefore it is a matter of the government getting its priorities right. I wish that we were in the same position as is the province of Alberta, which is sending a dividend cheque to the long suffering taxpayers. Due to the increase in oil prices and the amount of excess oil it has, the government is in considerable surplus and it will send a cheque to everyone because it has too much money. I do not think we will ever have that problem in South Australia, but it is something which was of interest to me. However, I do believe that we need to look very closely at legislation of this nature which prevents governments from irresponsibly spending money to buy short-term popularity. One of the states has a provision that, if the government does not do it, the ministers have their salaries reduced. I think that would be some incentive—

The Hon. M.K. Brindal interjecting:

The Hon. G.M. GUNN: I thought it had a considerable amount of merit, but it is a matter which I look forward to pursuing with the government over the next few months, because I have a considerable interest in this matter and I believe that it will be in the interests of the taxpayers. I am of the view that this is something to which we should give sensible consideration and about which we should have a constructive debate without any sort of ongoing political nonsense. Obviously, it would test the will of the bureaucracy.

I look forward to this session. My constituency has had a very difficult few years. The rains which have taken place in certain parts have created a very good season. There is the potential for great damage caused by locusts. That is a problem which the government has been addressing and there has been a great deal of cooperation from a great number of people. I sincerely hope that we can successfully control them. Obviously, nature will take its course in this matter, but we need to understand and appreciate the position, and we have had the co-operation of a lot of people. Over the next few weeks, it will be interesting to see how successful we are with aerial and land-based spraying.

It would have been unfair to expect the landholders to meet all the costs because, if the locusts are allowed to continue to come south, others will find out the full effect of what they can do if left unchecked. It will be interesting to see what happens if they get into the gardens of North Adelaide or the Adelaide Oval. Some of my constituents think perhaps that would be a good thing because it would attract some attention. They actually set off the security system in my office at Peterborough. They came through the door and landed on the green curtains and set off the security

system on a few occasions. I think the government has put forward a constructive and sensible program to the parliament. I shall look forward to debating the legislation.

Let me say one thing in conclusion. Certain people have set themselves up in high moral judgment of others. The member for Hammond is one of those people who has set himself up on a number of issues. If he continues in that way, he may carry the responsibility of helping to endanger the future of this government. The only reason that the member for Hammond is in this parliament is that he was fortunate enough some years ago to be endorsed by the Liberal Party. He has never taken on the Labor Party; he has left that to some of us. He has been in that secure and safe seat. It is all very well for him to sit in judgment of others and reflect upon us and the government, but he was pleased to have the support and concurrence of the Liberal Party over a long period. It is all right now when he has been here for a long time to want to vent his vengeance upon that organisation and ourselves. He, like me and a number of others, would not be in this place if he had not had that ticket on the first occasion. I support the Address in Reply and I look forward to the session as I look forward to many more sessions in the future.

The Hon. M.K. BRINDAL (Minister for Water Resources): I move:

That the sitting of the House be extended beyond 6 p.m.

Motion carried.

Mr KOUTSANTONIS (Peake): I would like to address a few comments that I heard earlier from the member for Stuart in relation to the member for Hammond. As far as I know, the member for Hammond has never been disloyal to the Liberal Party. He never called for the election of a Labor government or the installation of a Rann Labor government; he simply called for the return of the premiership to its original owner, that is, the person who won the election which brought the party into government: the Minister for Human Services. From my recollection, the member for Hammond has never been disloyal to the Liberal Party. He is the one who has been shown disloyalty—

The Hon. M.K. BRINDAL: I rise on a point of order, Madam Acting Speaker. I ask you to rule on relevance. The subject under discussion is the Address in Reply. I believe that the last speaker did address his remarks to the Address in Reply, but this speaker is rebutting what the last speaker said.

The ACTING SPEAKER (Mrs. R. Geraghty): I understand that is appropriate.

Mr KOUTSANTONIS: Thank you for your protection, Madam Acting Speaker. It is good finally to have the protection of the chair. That is very rare—you are a breath of fresh air. As part of my duties as the local member for Peake, I sit on the Airport Consultative Committee, which is conducted by the Adelaide Airport. This committee consists of local members of parliament (federal and state), local government representatives, local environment groups, the Environment Protection Authority and local residents. Recently the committee voted to allow the breaking of the curfew by airlines because of daylight saving time in New South Wales, Victoria and Queensland due to the Olympics. I was shocked to find that the hapless member for Hindmarsh (Ms Chris Gallus) has put out her 'Chris Gallus Update' at the expense of the taxpayer, an eight page glossy pamphlet in two colours, which arrived in people's letterboxes on the

same day as my letter about the airport arrived—a funny coincidence in itself. In the pamphlet, Ms Gallus says:

Besides myself, I understand that only one person voted against ending the curfew at 5 a.m., and that was the City Manager of Holdfast Bay, Doug Aylen.

This is just not true; this is a lie. It is just an untruth. What happened is that Ms Gallus's vote was not recorded in opposition to the breaking of the curfew. Ms Gallus was flying away on a trip to Paris, or London, or somewhere in Europe, to enjoy herself at the expense of the taxpayer.

Mr Hanna: So she didn't oppose it?

Mr KOUTSANTONIS: She didn't oppose it. She sent a fax indicating her opposition, and now has put out, in a taxpayer-funded newsletter, that besides herself only one other person voted against it. She is implying that she voted against the curfew being broken. This is a lie. I would have to say that Ms Gallus is the biggest hypocrite in federal parliament. When Labor's Cheryl Kernot (the former shadow transport spokesperson) moved an amendment to her curfew bill to allow for insulation in homes affected by airport noise surrounding the Adelaide Airport, Ms Gallus actually rang Adelaide Airport Managing Director, Phil Baker, who is on record in the *Sydney Morning Herald* or the *Telegraph*—I am not quite sure what the paper is called—as saying that Ms Gallus called him to get some lines, some relevant information to fight this proposal. She actually rang the airport and asked the airport's advice on how to stop insulation being put into homes surrounding Adelaide Airport.

Mr Hanna: Showing her true colours.

Mr KOUTSANTONIS: Yes. It does not stop there. Again in her taxpayer-funded pamphlet Ms Gallus goes on to say:

When some houses around Sydney airport were insulated against aircraft noise I called for equal protection for Adelaide households.

She was quoting her 'Airport Update, Winter 1998' edition. The fact is that the *Hansard* record of the federal parliament will show that Ms Gallus spoke against homes surrounding Adelaide Airport being insulated, and when a division was called after the amendment was moved to her bill to have insulation included in homes surrounding Adelaide Airport what did Ms Gallus do? This is the person who said that she called for the same for South Australia. But what did she do? She voted against it. Who is the other member of parliament who voted against it as well? It was the member for Adelaide, Ms Trish Worth, another champion of the downtrodden. Both of these members of parliament who are taking credit for the \$65 million worth of insulation for Adelaide homes are the same members of parliament who voted against it in the federal parliament. Ms Gallus actually telephoned the Adelaide Airport and asked for advice from the Managing Director, who has gone on record as saying that she asked him: 'Give me some lines to help me fight this and knock this off.' This is the so-called champion of that Adelaide Airport curfew.

Another thing she does not mention in her newsletter is that the Federal Minister for Transport is the person who under her bill has discretion at any time to break the curfew and to grant an exemption. It does not need a vote of the Adelaide Airport Consultative Committee; nor does it need a vote of the local members of parliament. It is irrelevant what I think or what the members for Hanson, Colton or Morphett think. It is entirely in the hands of the federal minister: he can refuse or accept any recommendation that the

Adelaide Airport Consultative Committee makes. But Ms Gallus hides behind this.

When the curfew was broken, I was not responsible; nor were the member for Hanson or the state government. Rather, it was the federal government; it is John Howard, Chris Gallus and Trish Worth. They are the people who control federal cabinet; they are the people who are sitting on the Treasury benches; they are the people who made the decision on whether or not the curfew should be broken.

I asked the Premier in question time yesterday whether he had had any correspondence or made any contact with the federal government in relation to the breaking of the curfew to allow in extra carriers, such as Virgin Airlines or Impulse. The Premier gave an interesting answer. He said that there has been no contact—that he had made no offers or incentives. That is interesting. A way to describe the character of the Premier is that he is liberal with the truth. At the next sitting of this House, I will bring in some documents and correspondence.

The Hon. M.K. Brindal interjecting:

Mr KOUTSANTONIS: I am sure you do get correspondence. The Premier said that no incentives or offers were made—there was no offer of assistance for Impulse and Virgin Airlines to break the curfew in order to have discounted flights coming into Adelaide Airport. We will find out whether or not that is true. I understand that the federal shadow minister has a very different opinion on what has been offered to the two airlines. I will bring up that information as soon as I can. If this is true, not only will the Premier have misled the House but also the member for Hindmarsh has misled her electorate. She has misled the people who sent her to Canberra to represent their views.

I sent out a mail-out asking my constituents to fill in a petition calling on members of parliament to increase the range and scope of the people who are getting insulation in their homes surrounding Adelaide Airport. I also sent a letter to Ms Worth, Ms Gallus and Mr Howard about having the insulation criteria expanded so that Adelaide gets the same amount of money that was spent in Sydney. In Sydney, approximately \$325 million was spent on insulation. Adelaide has been promised \$65 million, although none of that money has yet been spent. According to the government's own estimates, it will cost only \$32.5 million to fund insulation in the 550 homes. I would like to know from the federal government where the other \$32.5 million is going, but I doubt I will ever find out. It goes to show that the member for Hindmarsh is completely misleading the public.

It also concerns me that on page five of her pamphlet she is shown in a photograph with two residents. I will not mention their names because I do not think they want to be mentioned in state parliament. However, there is a photograph which implies that they are supporting her initiative to allow insulation and ground noise surveillance for insulation to be installed around homes in Adelaide. It basically implies these two residents support Chris Gallus and her candidacy at the next election. The fact is that these two people pictured in Ms Gallus's pamphlet are in fact supporters of Steve Georganas, the Labor candidate for Hindmarsh. We found out that these people rang Ms Gallus to complain about airport noise, the curfew being broken and the number of homes that are not receiving insulation. Ms Gallus said, 'Yes, I will come out and talk to you; can I bring my camera?' These people said 'Yes, of course you can,' thinking she might take pictures of aeroplanes flying over their home. They were not quite sure why she wanted a photograph. Ms Gallus turned

up with someone else, took a picture of these two people standing around a wheelie bin, and—surprise, surprise—it appeared in her newsletter. That newsletter talks about how residents near the airport have asked Chris Gallus about increasing ground noise at Adelaide Airport and whether or not the ANEIs used to determine noise bans take ground noise into account. The answer is 'yes and no'. She goes on to talk about how hard she is working and how much she cares about these local residents.

The fact is that these people have been duped. Ms Gallus did not ask for their permission to use a photograph of them in her party political newsletter, and they were not asked to sign an agreement that would allow their picture to be seen. I will be bringing up that issue with Ms Gallus and the federal parliament.

I want to bring up another matter before I resume my seat; I know people have long drives home. On the front page of the Chris Gallus airport update she advertises a film night, as follows:

Our film mornings are back; only \$7 for film and morning tea. See the new Aussie hit, *The Dish*, 10 a.m., Wednesday October the 18th at Glenelg Wallis theatres.

I am sure that Liberal members of parliament will be rushing to this fundraising event. At the bottom of the update she states:

You can ring this number to buy a ticket or visit the electorate office for tickets. Note: this function is an election fund-raiser for Chris Gallus by the Hindmarsh FEC.

This pamphlet was printed using Australian taxpayers' money—

An honourable member: How do you know that?

Mr KOUTSANTONIS: Because the information is open and available to the public for them to know exactly what members of parliament print and their printing allowance. This has been used by Chris Gallus. If I am wrong I will apologise to Ms Gallus and withdraw my remarks. I will accept that if I am wrong. This was posted out at the expense of the taxpayer. She is advertising a Liberal Party fund-raiser. I wonder how the Minister for Administrative Services would feel if we used our global budget to advertise for Labor Party fund-raisers. I am very concerned about this, and I will be raising this and taking it further.

To conclude my remarks, I cannot believe that there is so much deceit crammed into the eight pages of the pamphlet that has been put out by the member for Hindmarsh. On the back page she has a series of questions and answers which she calls 'misleading claims'. She details the questions and then gives her answers on the bottom which she claims are the accurate answers. One of the questions is: 'Why did the Labor candidate (Steve Georganas) say that an Ansett flight broke the curfew if it didn't?' implying that the Labor candidate lied. Her answer is:

'I don't know. He's a staffer to Nick Bolkus, and as such has the same access to information as my office. Air Services have records of all the flight times.'

I am not sure what she is trying to imply there, except that she thinks that Steve Georganas has misled people, which is completely untrue. We have been asking Ms Gallus and the federal Department of Transport how many microphones were set up to register ANEI bans around the western suburbs of Adelaide to find out exactly how much noise there is to calculate who gets insulation and who does not. Ms Gallus says in her letter that the Labor candidate also claimed in the *Weekly Times Messenger* that there are microphones every 100 metres in Sydney and only one in Adelaide. Is this true?

She says: 'No, there are 12 microphones in Sydney and five in Adelaide.' That is surprising because the Department of Transport tells us there was one. That is surprising because one of them is lying. One of them has been misled. I have the utmost faith in the Department of Transport but very little faith in the member for Hindmarsh.

All I can say is that this drivel that the member for Hindmarsh has put out is a pathetic attempt to hide her deceit and the fact that she has, at every stage, tried to stop insulation at Adelaide Airport. She has voted and spoken against it. She has not supported it. She has brought it out at the last minute because she realises that, after receiving the largest swing in South Australia against a sitting Liberal member of parliament, her days are numbered. She has now committed the federal government to spending \$65 million of taxpayers money to insulate only 550 homes when we all know that

there are more homes—in Glenelg North affecting the Speaker's own electorate—which deserve insulation; and more homes in my electorate which deserve insulation which are not getting it but which, if they were in Sydney, would fit the criteria.

For some reason Ms Gallus does not want to listen. She will be listening at the next election because I can tell you right now that Steve Georganis has the support of the electorate of Hindmarsh and the outcome is already known.

Mr MEIER secured the adjournment of the debate.

ADJOURNMENT

At 6.12 p.m. the House adjourned until Tuesday 10 October at 2 p.m.