HOUSE OF ASSEMBLY

Wednesday 29 November 2000

The SPEAKER (Hon. J.K.G. Oswald) took the chair at 2 p.m. and read prayers.

ASSOCIATIONS INCORPORATION (OPPRESSIVE OR UNREASONABLE ACTS) AMENDMENT BILL

His Excellency the Governor, by message, intimated his assent to the bill.

AUTHORISED LOTTERIES 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.

LOTTERIES COMMISSION (DISPOSAL) 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.

UNDER-AGE CHILDREN, PROTECTION

A petition signed by 932 residents of South Australia, requesting that the House urge the Government to protect under-age children from illicit drug use and sexual exploitation, was presented by Mrs Geraghty.

Petition received.

PROSTITUTION

A petition signed by 13 residents of South Australia, requesting that the House strengthen the law in relation to prostitution and ban prostitution related advertising, was presented by Mr Hanna.

Petition received.

NUCLEAR WASTE

A petition signed by 212 residents of South Australia, requesting that the House prohibit the establishment of a national intermediate or high level radioactive waste storage facility in South Australia, was presented by Mr Hill.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Education and Children's Services (Hon. M.R. Buckby)—

Education Adelaide Corporation—Charter
Education Adelaide—Report, 1999-2000.

LEGISLATIVE REVIEW COMMITTEE

Mr CONDOUS (Colton): I bring up the seventh report of the committee and move:

That the report be received and read.

Motion carried.

Mr CONDOUS: I bring up the eighth report of the committee and move:

That the report be received.

Motion carried.

Mr CONDOUS: I bring up the report of the committee concerning an inquiry into a proposal to create a public interest advocate in relation to listening devices and move:

That the report be received.

Motion carried.

QUESTION TIME

ELECTRICITY, PRIVATISATION

The Hon. M.D. RANN (Leader of the Opposition): Will the Premier accept and act upon the Auditor-General's recommendation 32 that compensation be sought from the lead advisers to the sale of the electricity assets, Morgan Stanley, Pacific Road, because of the unavailability of key personnel through a conflict of interest?

The Hon. J.W. OLSEN (Premier): I will refer the leader's question to the Treasurer who, as minister, has responsibility in this matter.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The leader has asked his question.

Members interjecting:

The SPEAKER: Order, Minister for Police! Order, Minister for Minerals and Energy!

The Hon. J.W. OLSEN: I will seek advice from the Treasurer on the specifics of recommendation 32 as referred to by the leader and respond.

AUSTRALIAN SUBMARINE CORPORATION

Mr CONDOUS (Colton): Can the Premier inform the House of the latest developments concerning the future of the Australian Submarine Corporation and, in particular, the 700-strong work force at Osborne?

The Hon. J.W. OLSEN (Premier): This morning I met with the union representing the UTLC, the AMWU, the CEPU and the AWU. I met them at their request to have discussions in relation to the Submarine Corporation and its future, and was happy to do so. We all have one common goal, that is, the long-term future of the ASC at Osborne, and the long-term job security of its 760 strong work force in this state.

The UTLC has put to the government its case for investment and development of the ASC at the Osborne site, and we are at one in relation to the outcome. Various issues were discussed in an hour long meeting this morning, including how best the Australian Submarine Corporation could be restructured to allow it to undertake surface ship work in addition to ongoing refits and maintenance work on the Collins class submarine.

For some considerable time now, we have sought to look at how we might be able to expand the work opportunities for that facility. I have reported to the House that we have too many ship building sites for a country the size of Australia. We have five or six locations around the country. We ought to have one major ship building facility with perhaps maintenance facilities on both the eastern and western sides of Australia.

Given that the Osborne submarine site is the most modern and advanced of its type in Australia, it would be logical to use that site as the basis for consolidation and expansion. That is an opportunity for South Australia to become a centre for excellence and, together with the workers and the unions, we will work towards that goal. I am happy to work at their request with them to develop a package so that we can attract national and international investment, and consolidation on that site.

The Submarine Corporation should be the seed for this centre for excellence, which could work with defence industries already in the state and attract more from other parts of Australia, that is, the consolidation within South Australia.

For two years now, I have been talking to a range of defence related companies internationally with the same objective as the discussion that took place today with the unions, for I believe that we can become a centre for excellence and maintain the defence base in this state. As I have mentioned in the past, the wine industry and its importance to gross state product is well known by all South Australians.

However, the defence electronics industry and its contribution to the state is not so well known, yet it is well on the way to a significant contribution—although not the same contribution—towards gross state product. Earlier this year, I visited Rhode Island in the United States. It has become the naval defence state of the United States, and we can do the same here. We wanted to duplicate the Northern Hemisphere facility and locate in the Southern Hemisphere in warm waters, which Australia and nearby regions are designated as, as a Southern Hemisphere defence location.

I am advised that the federal government is about to release its defence white paper, which will chart the future of the defence sector in Australia. It is clear that there will be additional expenditure by the commonwealth in defence related matters. We have put to the commonwealth government the importance of developing Australian industry capability in defence related infrastructure provision. You can do that only if you have some degree of continuity year after year. You cannot have the peaks and the troughs in the work because that does not enable the company to keep the skills base and the work force there constant during a period. It is why we sought and obtained from the federal government—and it responded—a $72 million injection into the Submarine Corporation during this period while the share ownership is being determined over the course of the next nine months or so.

The work force at the ASC has proved that it can undertake the work, and the criticism of the Collins class submarines has not been as it relates to the workmanship in South Australia at all. Rather, it has involved the imported platforms, technology and design that have come from overseas. Every defence company with which I have had discussions nationally and internationally clearly indicates that our work force and the skills base are second to none. We want to work on that—as we have done and seen a degree of success now with Mitsubishi and other industry sectors in the state—and to continue to build on them.

We are committed to ensuring that every opportunity to expand the manufacturing base and the Australian Submarine Corporation is explored, and we will do everything we can to work with the ASC and the federal government to bring new work to this facility. This year the federal government took over control of the ASC, and discussions are currently taking place with a range of potential purchasers. We have had discussions with all those potential purchasers of shares in the ASC and will continue to do so to look at how we the state government might facilitate their investment and consolidation within South Australia. This is an opportunity for us to build on a natural strength, a skills base, that we have. It is logical in the national interest and we will continue to pursue with a degree of vigour the expansion of work at the Australian Submarine Corporation.

With a number of these factors, it takes some time to work through these issues. You cannot in a one year or a six month time line get these matters and policies in place and major investments from companies sourced with a view to underpinning development and job employment. What we are seeing in a range of areas, whether it is BHP, Email or BAE, is a result of years, not months, of work, as it is with the Submarine Corporation, where we took the initiative two years ago to take up with a range of United States defence companies the matter concerning the transfer of their technology and the establishment of regional headquarters based in South Australia. With the couple of years work we have put in, and now with cooperation from appropriate union officials and the like who want to work with the government, we will put forward a package to the commonwealth government in an endeavour to maximise the benefit and the opportunity for South Australia.

ELECTRICITY, PRIVATISATION

The Hon. M.D. RANN (Leader of the Opposition): My question is again directed to the Premier as head of the government. Does the Premier agree with the Auditor-General that the payment of a success fee of $7.7 million to lead advisers Morgan Stanley Pacific Road for the sale of the electricity assets created a potential risk for the state?

Members interjecting:

The Hon. M.D. RANN: It is the Auditor-General who said this.

Members interjecting:

The Hon. M.D. RANN: So, you are now dumping on the Auditor-General: is that right? Such is your level of accountability, it is now the Auditor-General's Report telling the truth about you.

Members interjecting:

The SPEAKER: Order! The leader will come to order.

The Hon. M.D. RANN: The Auditor-General, the official watchdog of the state, says that, because the lead advisers were closely involved in the analysis of risk, the success fee structure created a conflict of interest. The Auditor-General says:

> I am of the opinion that the state should not have agreed to pay a success fee unless it could be demonstrated to be clearly in the interests of the state.

The Hon. J.W. OLSEN (Premier): What clearly is in the interest of the state is the reduction and retirement of debt. What this process has done is reduce the debt levels from $6 416 to $2 006 for every man, woman and child in this state. This is about giving financial security to our future. As it relates to risk, the Leader of the Opposition—

Members interjecting:

The SPEAKER: Order! The leader will come to order and members on my right will remain silent.

The Hon. J.W. OLSEN: As it relates to risk, which was a key part of the leader's question, I point out that the Auditor-General, whom he quotes, previously identified the

level and range of risk if we did not dispose of these assets. What we have done is remove the—

Members interjecting:

The SPEAKER: Order! I do not want to have to start warning the leader at this stage of question time. I ask him to be silent so we can at least hear the Premier's reply.

The Hon. J.W. OLSEN: I can continue to shout if you like, Mr Speaker, above some of this but, in relation to risk, which was the key component, we have eliminated the risk to the taxpayers of South Australia—importantly, for the taxpayers.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: I well remember, not so long ago, it was either the member for Hart or the leader—I forget which—who was saying that this was so bad it was of State Bank proportions—a little bit of hypocrisy there 'of State Bank proportions'. I remind the member for Hart and the leader: where are the court proceedings that you predicted?

The Hon. M.D. Rann interjecting:

Mr Foley interjecting:

The Hon. J.W. OLSEN: You said that you didn't and the leader says, 'Wait for it'—get your messages right. I suggest to the opposition that the leader and the member for Hart ought to talk to one another and at least get the same message across the chamber. What clearly is identified is that there is no impropriety in this matter, and the Treasurer has said that he will be undertaking an update of the guidelines as it relates to consultants.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I call the leader to order!

The Hon. M.D. Rann interjecting:

The SPEAKER: I warn the Leader of the Opposition for interjecting immediately after I have brought him to order.

The Hon. J.W. OLSEN: Well, in relation to the interjection that is out of order I say this: we have done something about increasing generating capacity in South Australia to eliminate brownouts and blackouts within the community. We have actually increased generating capacity. It was more than what Labor did—that ignored infrastructure needs. What we have achieved in terms of economic growth is putting greater pressure. As it relates to earlier this week, I again refer the House to the comments of the Regulator, Lew Owens, on Monday who said that the problems experienced on Monday were not to do with generating capacity: there was plenty of it. What it was to do with was unprecedented and unknown demand at the end of the line where the transformers could not keep up with that demand. That is what it was.

Members interjecting:

The Hon. J.W. OLSEN: Here they go again. They quote Mr Owens as the Regulator—

Mr McEWEN: I rise on a point of order, Mr Speaker. I wonder if you would direct these dodos over here to desist from knocking loudly to try to interrupt debate in the House. It is childish and puerile.

The SPEAKER: Order! I draw members' attention to the standing order that I used yesterday when I suggested that someone may wish to volunteer to become subject to that standing order. Standing order 137 states:

If any member

1. persistently or wilfully obstructs the business of the House, or
2. persistently or wilfully refuses to conform to any standing order of the House, or
3. refuses to accept the authority of the chair. . .

That standing order is available to me if members do not stop trying to treat this place as a circus. Unless we can get on with question time and run it at a standard which the South Australian public expects I will have no hesitation in using standing order 137, and I will be looking for volunteers to let this House test its own standards and set its standards. I am perfectly happy to put someone up so the House can make a ruling on the standards they expect of their members, because at the end of the day it is in your hands.

The Hon. J.W. OLSEN: In summary:

1. The sum of $5.3 billion worth of proceeds;
2. The risk eliminated from the taxpayers of South Australia;
3. No impropriety;
4. Guidelines being put in place that are upgraded.

And, Mr Speaker, South Australia far better off.

MEDICAL OFFICERS' SALARIES

The Hon. G.A. INGERSON (Bragg): Can the Minister for Human Services advise the House on the offer from the Department of Human Services to the salaried medical officers?

The Hon. DEAN BROWN (Minister for Human Services): The Department of Human Services and the Minister for Human Services have made an offer to the salaried medical officers. From the outset, I point out that the claims in some of the media are quite incorrect, that we are reducing the take-home pay of the doctors who work in the public system by 30 per cent.

Let me assure the House and the doctors that we, the government, through the offer that has been made, have offered to pick up the entire cost of paying the fringe benefits tax. So, the doctors would lose absolutely nothing in terms of take-home pay over the offer that has been made by the Department of Human Services. In addition, the government has offered a 3.5 per cent salary increase from 1 January 2001 and a further 3.5 per cent increase in salary from 1 January 2002. Also, we have offered a 50 per cent increase in on-call allowance for trainee medical staff as well as an overtime provision for part-time trainees. We have also improved access to maternity leave; we have guaranteed days free per month; we have reduced the maximum shift lengths; and we have guaranteed breaks from duty after overtime and recall.

This government has made a very significant offer, and the total cost of that offer to the salaried medical officers in a full year is about $32 million. It is a very substantial offer—a $32 million offer to the doctors who work in the public hospital system. I know that the doctors met last night; I know that they intend to meet again on Friday.

The state government has not yet received details from the doctors as to their reaction to the government's offer. I would urge the doctors to sit down and continue the talks with the Department of Human Services. After all, the claims that are made that people will lose salary are not correct. The doctors are being offered a substantial and, I think, very fair increase, and we wish to continue constructive discussions with those doctors.

ELECTRICITY, CONSULTANTS

Mr FOLEY (Hart): Does the Premier agree with the Auditor-General that the government should not have deleted the requirement for ETSA consultants to indemnify the

Crown against any loss or damage arising from their actions, and why is there no documented risk assessment of this decision? The Auditor-General reports—

Members interjecting:

An honourable member: Oh, be quiet, Joe.

Members interjecting:

The SPEAKER: Order!

Mr FOLEY: Thank you, sir, for your protection. The Auditor-General reports that, while the successful lead advisers (the accounting adviser and the economic adviser) all initially agreed to the standard indemnity provisions in favour of the state, this requirement was dropped during contract negotiations. The Auditor-General says that there is no documented risk assessment of this decision and no evidence that this change was assessed against other bids.

The Hon. J.W. OLSEN (Premier): The honourable member's question is about specifics during the contract negotiations. I will get some details for him.

REGIONAL DEVELOPMENT

The Hon. G.M. GUNN (Stuart): Will the Deputy Premier provide details of the status of regional development that is taking place across South Australia?

The Hon. R.G. KERIN (Deputy Premier): I commend the *Advertiser* journalists for the series of articles which they are presently writing and which are informing South Australians about what is happening in regional South Australia. I believe that recognition is very important. The articles, which cover a wide area and many industries, are playing a very important role in communication, not just to metropolitan South Australians but also to bankers and investors as they make the decisions that affect the progress of economic development in these areas. The articles are creating a good feel. It is a great confidence boost and it is appreciated.

Obviously, not everyone is doing as well as some of the people who have been highlighted, but those articles are pretty typical of what is happening in many of the regions. Having had two weeks of positive articles within that series, it was disappointing to see the article written by the deputy leader. That was the only negative article printed in the series. It talked down many of the achievements of the people who are creating this economic development in regional South Australia.

It put forward some job figures that are pretty hard to reconcile with all the others that we have been able to come up with. But it particularly talked down the prospects of Upper Spencer Gulf, and I think that was an interesting aspect of it, because in the 25 years of predominantly Labor government in this state before 1993 very little happened in the three Upper Spencer Gulf cities. I contrast that with what we have seen over the past couple of years with respect to project development. Such development has included the Adelaide-Darwin railway; the SASE, (the South Australian steel and energy project) out of Whyalla, on which there has been good news in the past week or so; the magnesium plant at Port Pirie, which still has a little way to go but certainly that has also advanced considerably over the past couple of months; aquaculture, which is not just happening at Port Lincoln and west of Port Lincoln but also along the coast extending to the north of Whyalla; and the hatchery at Port Augusta, which also is bringing new job opportunities to that area. And there are quite a few other possibilities.

I think that this is a region that particularly needs bipartisan support. Certainly, through the Upper Spencer Gulf Common Purpose Group, we have seen the three cities in that area working with the government in an endeavour to find ways forward. They certainly need new investment, and currently they have the best opportunities they have seen for many years. They certainly do not need anyone talking down the region as they go about looking for investment in the projects that are bringing great promise to that area.

The opposition obviously did not like the up-beat articles, particularly the article on employment figures which was quite an outstanding one that perhaps started to turn around some of the perceptions wrongly held about regional South Australia. The *Advertiser* figures were further backed up today with the release of BankSA figures on the state of the rural economy. Importantly, those figures show that employment growth in regional South Australia over the past 12 months has been 4.1 per cent, which is almost double the 2.1 figure for the metropolitan area. The unemployment rate in the regions—and this is in stark contrast to 1993—is 7.8 per cent compared to 8.2 per cent in the city. Once again, the perception on that issue has been wrong. Average grain prices are up 11 per cent compared to a year ago; livestock, wool and milk are up 13.2 per cent; national wool exports are up by 30 per cent; sheep meat is up by 25 per cent; and there also have been solid rises in beef and veal.

In addition, with respect to the wine industry, we have seen over 10 times the amount of exports involved 10 years ago. Aquaculture, which was virtually nothing 10 years ago, is now worth hundreds of millions of dollars. As we have heard constantly over the past couple of years, exports are increasing rapidly: exports to Korea are up 42 per cent; Taiwan, 34 per cent; Japan, 28 per cent; and the USA, 48 per cent. This is an enormous credit to our exporters and also those who are out there encouraging those exports to go ahead.

This series of articles really shows that there is a turnaround in regional South Australia. To keep that momentum, we need recognition of what is happening, we need encouragement and we do not need anyone talking it down.

ELECTRICITY, CONSULTANTS

Mr FOLEY (Hart): My question is again directed to the Premier. What probity checks were made on consultants short-listed for the sale of ETSA? The Auditor-General says that the only probity checks made on short-listed firms or their personnel during the evaluation of proposals were telephone calls to referees. The Auditor said that, after the contract with lead advisers Morgan Stanley had been signed on 15 April 1998, the company confirmed that its US parent had been fined over charges made 16 months earlier in relation to manipulating the US share market, and that such information is critical in assessing the ability of the consultants to undertake the project.

The Hon. J.W. OLSEN (Premier): I do not have at my fingertips the series and range of probity checks, and I will seek the advice.

STATE ECONOMY

Mr SCALZI (Hartley): Will the Premier outline to the House the highlights of two recent report cards on the South Australian economy?

The Hon. J.W. OLSEN (Premier): I thank the member for Hartley for his question. We have had, as discussed in the House yesterday, the Mitsubishi announcement, which was

great news. In addition to that this week we have had two strong indications that this state is heading in the right direction. We have the Bank SA Trends Economic Bulletin and the Yellow Pages Index—small to medium enterprises. They were both released yesterday, and I think Trends SA was due for release an hour or two ago.

Mr Williams: Good news.

The Hon. J.W. OLSEN: Well, it is good news as the member indicates. South Australians have every right to feel good about the immediate prospects for the state as we head into this festive season. Bank SA has given the Adelaide-Darwin Railway—the 'Steel Snowy of the 21st Century'—a glowing report card. It describes the rail link as an unprecedented shot in the arm for the economy, particularly the South Australian economy, involving $250 million to $600 million in direct economic benefits to our state, with no less than 7 000, perhaps, direct and indirect jobs during the construction phase, supporting remote and regional communities in particular.

It endorses the government's strategy to turn South Australia into a transport hub and the gateway to Asia for a range of fresh produce right along the eastern seaboard, and highlights that South Australia has done better than most out of the pre-GST housing boom. It is interesting to note that housing finance levels have dropped off nationally following the GST, but South Australia is bucking the national trend, with housing finance actually picking up in the last couple of months. Housing prices have also continued their three year growth. Adelaide has experienced an 8 per cent rise over the past year, with the strongest growth being in the Onkaparinga, Gawler and Salisbury areas. House prices in the country are also on the rise, from 5 per cent in Mount Gambier to 12.8 per cent in the Riverland.

The Bank SA report recognises that unemployment rates continue to be the lowest for a decade, and these trends in employment and housing will not happen unless there is an environment of confidence and activity. The Yellow Pages small/medium business report indicates that small businesses are as confident as anywhere in Australia. Seventeen per cent more South Australian small businesses intend to increase employment over the next three months than intend to decrease it. Thirty two per cent more expect to increase sales over the next three months than expect a fall in sales. It is the second highest figure of all the states in Australia. Thirty three per cent thought the economy would be even better in 12 months time.

The most negative attitudes in terms of that section towards state government policies and the impact on the small business sector were from the Labor states of New South Wales and Victoria. Reading the front page of the Melbourne *Age* today I could understand why small business is becoming particularly apprehensive. I mentioned yesterday that Workcover had a $781 million unfunded liability and today there is a concession that Workcover premiums have risen by up to 85 per cent in the year to small and medium businesses. What we have is a stark contrast. On 1 July we reduced Workcover costs by 7.5 per cent. There is a commitment for a further reduction of Workcover costs by 7.5 per cent. Compare that to Victoria where it is escalating, not by seven or 10 per cent, but by up to 85 per cent. That is what the competitive advantage will be. They are the reasons—

An honourable member interjecting:

The Hon. J.W. OLSEN: Well, we are certainly telling the public of South Australia what they can expect under any Labor administration because the track record is clear and explicit. In South Australia the largest employer is, in fact, small and medium businesses. What we are seeing is reduced costs on our small business, compared to other states where there is an escalation in cost. Clearly, the policy direction and settings that we have are building a future and will build an even greater opportunity for us, compared to that which is happening in Victoria.

ELECTRICITY, CONSULTANTS

Mr FOLEY (Hart): My question is again directed to the Premier. Why did the government allow consultants for the ETSA sale, specifically the legal, actuarial, economic, engineering and environmental advisers, to start work before consultancy agreements were signed and approved by the government? The Auditor describes—

Members interjecting:

The SPEAKER: Order, the member for Bragg!

Mr FOLEY: There are a few volunteers over there, I think, sir. The Auditor describes this as an unsatisfactory position, far from ideal and represents poor contract management. He also says that this weakened the government's bargaining position with the consultants.

The Hon. J.W. OLSEN (Premier): I am sure there is an explanation that the Treasurer can give in this matter, and I will be happy to obtain that for the member for Hart. It is clear that the Labor Party does not want and cannot accept the achievements that have been put in place in terms of retirement of debt. Instead of the Labor Party standing up and saying, 'We apologise to South Australians for creating the problem; we give you some credit for fixing the problem,' it simply casts around and casts aspersions over a process that has retired $5.3 billion worth of debt and created financial stability and security for our state in the future that we have not had. The simple fact that the member for Hart cannot ignore is that his party created this massive problem: this party in government fixed it.

DRUGS

Mr VENNING (Schubert): My question is to the Minister for Police, Correctional Services and Emergency Services. Will the minister inform the House of the progress of the drug lab phone-in being conducted today?

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I thank the member for his question. Again I appreciate his support in the government's tough-on-drugs strategy. As an ongoing, comprehensive strategy to reduce illicit drugs in this state, today I had the opportunity of launching, through BankSA Crime Stoppers, the clandestine drug lab 'What's cooking in your street?' phone-in, which started at 10 o'clock this morning and will go until 10 o'clock this evening. I encourage the community to report to BankSA Crime Stoppers on 1800 333 000 if they see any suspicious activities relating to illicit, clandestine drug lab developments in their own streets.

There are a number of ways that the community can pick up these activities. Often they will see a home that is rented, especially for a short term. They will see the blinds down in the home and not a lot of activity, but cars coming and going at small intervals during the day and evening. They may also notice smells such as rotten egg gas coming from the house next door because, unfortunately, when these clandestine labs are developed, they use very toxic, potent and dangerous chemicals. Because they do not have a pharmaceutical

background, the amphetamines that these people are producing, particularly speed, are very inconsistent with the way in which pharmacists would develop a legal drug, and we therefore see situations where many people are getting into trouble.

I am delighted to report to the honourable member that so far today we have received 62 telephone calls on that initiative. I thank the community for what it has done thus far. If we are to rid ourselves of the illicit drugs issues in South Australia and take up the challenge, we need to look at supporting our police and supporting the government with the comprehensive drug strategy that we have. I commend the members of the community who are prepared to be observant in their own area, to take up the initiative and to help police combat the biggest threat facing society today.

Over 20 per cent of all of the drug offences reported to police in the first three months of this year revolved around amphetamines. Between 1 July 1999 and May 2000, 34 South Australians died, and those deaths were attributed to illegal drug overdoses. That is 34 South Australians too many who are no longer living as a result of the activities of these criminals.

We can now continue to go forward as a state: we are looking at rehabilitation; we are looking at drug courts; and we are involved in drug action teams and diversion programs, as well as therapeutic drug rehabilitation within the prison system. Our government makes no apology whatsoever for being tough on drugs.

It was interesting to hear on Saturday that the opposition leader was quick to get on the bandwagon while he was sitting out there on the boundary, as he always does, accountable to no-one and not having to cost anything: because there had been some activity in relation to sharks, and a threat to the community, he suddenly called for planes to fly all over South Australia at a cost of thousands of dollars an hour. But, of course, we know that that particular threat to society—

The SPEAKER: There is a point of order.

Mr FOLEY: Again, the minister is not complying with standing order 98. He is deviating from the substance of the question, sir, and I ask that you rule that way.

The SPEAKER: I cannot put words into the minister's mouth, but in his reply I ask him to adhere to the question he was asked.

The Hon. R.L. BROKENSHIRE: This is very relevant, because we are committed to the tough-on-drugs strategy. I have highlighted that today. We have the policies; we have the initiatives. We also have them in emergency services, even though the Leader of the Opposition, who quietly supports that policy, will not come up front and tell the community that he does so. Here is an opportunity for the Leader of the Opposition to come across with the government and support our tough-on-drugs strategy and not send mixed messages, as he is allowing the Labor Party to do, to South Australians, particularly young South Australians.

ELECTRICITY, CONSULTANTS

Mr FOLEY (Hart): Why was the Premier involved in the appointment of the Electricity Reform Unit's communication consultancy, and can the Premier explain why only one firm was interviewed for the job, which included the Premier's close associate and former staffer, Alex Kennedy, who had started working for the Electricity Reform Unit the day before her firm was interviewed for the job? According to the Auditor-General's Report tabled yesterday, 10 firms applied for the communications consultancy for the ETSA sale but all 10 applications were rejected as being unsatisfactory. Even though the Electricity Reform Unit cannot remember issuing this instruction, the lead advisers were instructed to find 'a strategic adviser'. Firms were asked to submit their proposals to the Premier or the lead adviser, but evidence shows that Miss Kennedy's firm had already begun working for the Electricity Reform Unit on 27 April 1998, the day before it was interviewed by the Under Treasurer, and two days before its appointment.

The Hon. J.W. OLSEN (Premier): I do not propose to respond to something that happened on specific dates two years ago without going and checking the facts.

Members interjecting:

The Hon. J.W. OLSEN: Let me give an example. The leader was very forthright when talking about a meeting on Monday night in this chamber. Does he remember referring across the chamber to a meeting held on Monday night? It was in the context of, 'What was happening?' I can tell the leader what was happening. It was about how we keep a conservative government in South Australia: that was the tenor of the meeting. A check on some of the statements which the leader claimed had been made revealed that they are simply not accurate. So, a lesson learned over the last seven years: always check first the substance of the facts claimed in the question and then reply.

SA WATER

Mr LEWIS (Hammond): Did the Premier ask any minister, or require any minister, to sign any exemption order or did he himself sign such an order under the Freedom of Information Act provisions or use the cabinet process so as to prevent public access to documentation showing that Kortlang and Mr Ian Smith were involved in market research work done for SA Water which was wholly or partly financed by approximately $250 000 of taxpayers' money to determine the levels of support, or disenchantment, with the then Liberal Government, and will he now release all documentation related to the Kortlang episode?

The Hon. J.W. OLSEN (Premier): Here we go again! This is a question of about five or six years duration. There are about five questions contained in the one and, as I said to the member for Hammond in relation to a question some time ago—and I took some exception to the interference in that question—I am happy to have a look at it and respond.

ELECTRICITY, CONSULTANTS

Mr FOLEY (Hart): Did the Electricity Reform Sales Unit follow the Premier's strict instructions on the hiring of consultants when it made the recent decision to extend the consultancy of the Premier's former staff member Ms Alex Kennedy without the consultancy being put to open public tender? They are quiet over there now, are they not? Following the National Wine Centre Board's decision to extend the consultancy of Mr Mal Hemmerling without it going to public tender, the Premier made a ministerial statement in this House on 24 October saying that 'proper process from now on must be followed'. The Premier told this House that:

> Certainly, it must be recognised that special rules and processes must apply to the expenditure of taxpayer funds.

The Premier added:

> In effect, the National Wine Centre will be expected to satisfy the demands of both best commercial practice and the government

guidelines. The guidelines will be promulgated widely so that all people involved in the expenditure of government funds can be in no doubt as to their requirements.

The Hon. J.W. OLSEN (Premier): I do not understand where the member for Hart is coming from or what he is actually asking me. By the time he got to the end of the question and explanation I was confused as to what he was actually asking me. I will get the question out of *Hansard*, have a look at it and, if it is possible to respond, I will. Could I ask the member for Hart to at least get some clarity to his questions so we understand exactly what he is talking about.

WOMEN, INFORMATION TECHNOLOGY

Mrs PENFOLD (Flinders): Will the Minister for Employment and Training outline what measures the government is taking to encourage more women into information technology and telecommunications careers?

The Hon. M.K. BRINDAL (Minister for Employment and Training): I thank the member for Flinders for her question and her obvious interest in women in information technology and telecommunications. This morning I was delighted to launch the women into IT&T project in which at least 50 young women, and possibly up to 100, will get the opportunity for traineeships in information technology and communication. I realise that the state of torpor that members of the opposition are in because of the inane questions asked by members on their side means that they might have to concentrate a bit more on this, but I would hope that at least the women on the other side of the chamber support women in IT&T, because information technology and telecommunications have been real growth areas—

Ms Stevens interjecting:

The Hon. M.K. BRINDAL: That is very unkind. Information technology and telecommunications have been real growth areas in our state. We have seen IT&T companies like EDS and Motorola set up their bases in South Australia and create real jobs for South Australia, contributing to the lowest level of unemployment in our state for the past 10 years. Unfortunately, while information technology is such a huge growth industry, women are under represented in employment in this sector.

The member for Flinders will be interested to know that only about 30 per cent of IT&T employees are women, and that figure should be much higher. That is why the women enter the IT&T project, which was devised by SA Business Vision 2010 and managed by the information industry's training board (ITB), which is why they aim to correct it. Traineeships will provide both on the job and off the job training for young women. If, as I suspect, there is a surge of young women wanting to take up initial training spots there is a capacity to double the number of training positions.

The government is putting $45 000 into this project, but, more importantly, the Premier earlier this month announced that Motorola would create a further 70 high-tech jobs; and most of the IT graduates from our state (currently more than 330) work at Motorola's Mawson Lakes site. An extra 270 jobs have been created by Motorola's presence. EDS has also announced plans to boost its base here with the creation of 60 jobs in December. Indeed, EDS's Asia-Pacific President, George Nustrom, was highly complimentary of the work force in South Australia when he said (and the opposition may be interested in this):

> There's a huge trend in the information technology industry and we try to find locations in the world where we get a skilled work force. . . that stays loyal to its employers—that's right here in South Australia.

He went on to say:

> I think we have found a nugget as we move forward.

That is high praise indeed for this state and its workers, and it is no wonder the member opposite shakes his head and does not want to hear—and never wants to hear—the good news. You would go a long way to get better compliments than that from an international firm.

I remember well, as do all members on this side of the House, when members opposite carped and criticised Motorola and EDS. Motorola and EDS were things that we were manufacturing, that we did not need and that we did not want. It is a sector that is moving forward. It is a sector that is creating enormous growth and enormous job opportunities. It is a sector for highly skilled, highly paid people in South Australia, and this government is working hard with that sector to get on with the job and create high powered, high paid employment opportunities for women.

LE MANS RACE

Ms THOMPSON (Reynell): Has the Minister for Tourism advised cabinet that there will not be live national coverage of the Le Mans Race of 1000 Years in Adelaide on 31 December, given that cabinet agreed to undertake $4.6 million worth of work in connection with the race on the basis of her advice that the race staging deed included a provision for live national TV coverage? A submission to the Public Works Committee said that an essential term of the contract with Panoz Motorsport Australia was to provide live national coverage of this race. However, the committee has since been told by the minister that, even though the same submission went to cabinet, TV coverage will be limited to a two hour package to be broadcast the following Sunday—that is, six days after the race—on Channel 10. The committee was originally told that a race staging deed signed off by the Premier—

The SPEAKER: Order! The member is now starting to drift into comment. I ask the member to tighten up her explanation. The Minister.

The Hon. J. HALL (Minister for Tourism): The member for Reynell well knows that the Public Works Committee was notified on 29 September that there was a clerical error in one section of the report that was prepared for the Public Works Committee. I have had correspondence with the member for Hammond concerning this; and I might say that the member for Hammond has been extremely courteous and helpful in the way in which this has been progressed.

Some of the allegations made by the member for Reynell concerning this are outrageous. She was a member of the committee that heard evidence from the General Manager of Australian Major Events, who went through clearly all the material relating to the race staging deed, the international coverage and the coverage that was to be in Australia. I think it is quite unfair that her allegations should be allowed to go unanswered, and I believe that the member for Hammond could substantiate what I am saying because there is considerable correspondence between the two of us.

EDUCATIONAL AND SOFTWARE PROGRAMS

Mr MEIER (Goyder): Can the Minister for Education and Children's Services outline to the House the broad range

of innovative educational and software programs developed in South Australia and their successes in the international marketplace?

Mr CLARKE: I rise on a point of order, sir. I draw your attention to Erskine May, in particular page 300, 'Items of business at Commons sittings'. Point (9) states:

> . . . questions requiring information set forth in accessible documents (such as statutes, Treaties, etc.) have not been allowed when the member concerned could obtain the information of his own accord without difficulty.

The SPEAKER: Order! The chair is not too sure whether the information is easily accessible.

Members interjecting:

The SPEAKER: Order! I would be happy to let the minister commence his reply.

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): Thank you, Mr Speaker: it was an excellent decision. This government has created enormous international interest in our local expertise, none less than in our education area. We now have a delivery of some 230 education projects in some 41 countries, and that has been a significant improvement in the term of this government. That is why I was somewhat bemused by the recent plan of the Leader of the Opposition to bring international thinkers into this state, because Mr Rann must think that only good things come from overseas. Well, we believe that our educators and our researchers are of extremely high quality here in this state. Further, we do not have to go to international backyards to get inspiration: we can get it here and, what is more, we support our own people in this state.

Let me tell the House about a few of those highlights. This government will lead a consortium to deliver a $5 million contract to boost the skills of workers in West Java's metals, electrical and apparel production industries. Under the program involving English as a second language, some 30 000 teachers have been trained throughout Australia, and that is now being exported to England, New Zealand, Hong Kong and a range of international schools from Copenhagen to Beijing. In addition, we are now selling educational expertise on how to compete in solar car racing to no less a country than Argentina.

Furthermore, our TAFE institutes are exporting their know-how. We are delivering information technology and also international business courses into Vietnam in both Hanoi and Ho Chi Minh City industrial colleges.

Mr Atkinson interjecting:

The Hon. M.R. BUCKBY: It is actually Ho Chi Minh City.

Mr Atkinson interjecting:

The SPEAKER: Order, the member for Spence!

The Hon. M.R. BUCKBY: The Douglas Mawson Institute is doing an excellent job in this area and is delivering into Vietnam, for the first time, significant projects. Our Torrens Valley TAFE language program is now being delivered in Bangladesh, and in the future my department will expand its capabilities in web delivered learning. It is predicted that some 720 million people will be using the internet in less than two years. It is forecast that online education will grow by some 75 per cent a year for the next five years.

South Australian TAFE Online and the Technology School of the Future are well placed in the future to pick up much of this market. This government values South Australian innovation. We will retain our intellectual property and ensure that people of this state have the benefit of its commercial returns. We are not sending money out of the state: we are creating it.

KAURNA MEYUNNA INCORPORATED

Mr HANNA (Mitchell): My question is directed to the Minister for Aboriginal Affairs. Why did the minister create dissension in the Aboriginal community by appointing the Kaurna Meyunna Incorporated Organisation to replace the Kaurna Aboriginal Heritage Committee Association on 4 April this year? The Kaurna Aboriginal Community Heritage Association has, for years, under statute represented the Kaurna community, and 16 extended families in particular.

Members interjecting:

The SPEAKER: Order! The members on my right will be quiet so that I can at least hear the explanation.

Mr HANNA: On 4 April this year, the minister appointed an alternative organisation, Kaurna Meyunna, to replace the statutory function of KACHA (Kaurna Aboriginal Community Heritage Association). This prompted the Marion council to write to the minister on 14 June 2000.

Members interjecting:

Mr HANNA: When I can hear myself speak, sir.

The SPEAKER: You proceed; we can hear.

Mr HANNA: The council stated that the decision would:

> . . . [be] excluding a significant group of Kaurna people associated with KACHA from involvement in Aboriginal cultural matters but also works against past efforts by council and KACHA to develop a long-term working relationship.

The Hon. D.C. KOTZ (Minister for Aboriginal Affairs): I apologise to the House in the first instance because I am so taken aback with the first question that the opposition has asked me as Minister for Aboriginal Affairs that I might not quite be able to contain myself. The honourable member may take into consideration that this is a government that does not intervene or interfere in Aboriginal Affairs. The Minister for Aboriginal Affairs has certain responsibilities under the acts that pertain to areas of responsibility, but interference is not one.

Mr Hanna: Divide and rule.

The Hon. D.C. KOTZ: The honourable member has already asked his question; perhaps he would like to listen to the answer. The answer is that, as a result of this government's non-interventionist policies, which the opposition does not seem to understand, the Minister for Aboriginal Affairs actually takes advice from Aboriginal communities and on that advice I then can take certain actions. The incident that the honourable member has mentioned concerning the creation of another Kaurna heritage committee occurred as a result of advice given by the Aboriginal community and the head and the Chairman of the Heritage Committee who have, under the act, responsibility for advising the minister on issues within Aboriginal communities. Upon understanding those issues, the minister takes that advice and issues certain things that can occur. In this case all of what the honourable member has sought to address in the parliament today has occurred because it is what Aboriginal communities have asked for, and this government has complied through the Minister for Aboriginal Affairs.

SITTINGS AND BUSINESS

Mr ATKINSON (Spence): I move:

That standing orders be so far suspended as to enable the introduction forthwith and passage of a bill through all stages without delay.

The SPEAKER: I have counted the House and, as there is an absolute majority of the whole number of the members of the House present, I accept the motion. Is it seconded?

An honourable member: Yes, sir.

The SPEAKER: Does the member wish to speak in support of the motion?

Mr ATKINSON: Yes, I do, sir. Once again, the Premier has said, 'Enough is enough. We must act to cap poker machine numbers.' I agree with the Premier. However, the bill will not be seen until March, at the earliest, and could not pass through all stages until at least late 2001. Meanwhile, there will be a deluge of new poker machine applications.

'Enough is enough' means that we act now to cap poker machine numbers as of Friday 24 November. Otherwise, the Premier's announcement will have the opposite effect to what he says. Publicans need a firm and fair message that the Premier was serious when he announced the cap.

The Hon. M.K. BRINDAL: Sir, I rise on a point of order. I thought that the member was speaking on a motion to suspend standing orders, not the substance of the debate that might then ensue.

The SPEAKER: Order! The chair is very much aware of that. At this stage, I am listening carefully to the speech, and the member has not yet drifted into that area: he has come perilously close, but he has not got there.

Mr ATKINSON: It is important now that the parliament helps the Premier by drawing a line under the applications as at the close of business on 24 November. It is better that this bill—the bill I am to introduce—be six days retrospective rather than nine months retrospective. It is up to the House to decide whether standing orders should be suspended to allow deliberations on a cap on poker machines. Each member will be responsible to his or her constituents for the vote that he or she makes today on this motion to suspend standing orders.

This legislation is a matter of urgent necessity, given what the Premier told the public of South Australia last Friday. This is an age when governments—Labor, Liberal and National—prefer to announce policy changes in the media than in parliament or by introducing legislation—

The SPEAKER: Order! I ask the member to return to the motion.

Mr ATKINSON: If a cap is not in place as of 24 November, there will be a deluge of pokie applications before the Premier gets around to introducing the legislation next March—March 2001. Meanwhile, publicans are already moving to set up new venues or to increase the number of machines. Members should have a look at the applications in the *South Australian Government Gazette* on Thursdays. In my own electorate, Marinelli's Tavern at Allenby Gardens, which has traded without poker machines for six years, is now removing its bottle shop on its Port Road frontage so that it can install 39 poker machines.

The opposition did not move this motion yesterday because the government had an important bill still before the House, namely, the TAB (Disposal) Bill. We did not agree with the bill, but we agreed that the government deserved to have it pass all stages as a matter of priority before the House rose for the pre-Christmas period. There are 17 bills still to be dealt with this week or next week but, as the opposition spokesman on eight of them, and having perused the others, I know that only one of them is controversial. The others can go through all stages in an average of 10 minutes.

The opposition is committed to expediting the business of the House. We know that, if this motion is defeated and the Premier ducks his responsibilities—

Members interjecting:

The SPEAKER: Order!

Mr ATKINSON: —to the people of South Australia on pokies, most of us will be sitting home watching television on Thursday night. Debate on the bill should not take long. The member for Gordon's bill (of which mine is a copy, except for the 24 November date), attracted 32 speakers: 32 members of the House have spoken on this bill this year, so none of them need speak again. A cap ought to be imposed on pokies, and debate on it should start in this House today. Enough is enough: here is your chance.

Members interjecting:

The SPEAKER: Order! The Deputy Premier.

The Hon. R.G. KERIN (Deputy Premier): Sir—

Members interjecting:

The SPEAKER: Order! I ask the House to come to order. This is an important motion.

Members interjecting:

The SPEAKER: Order! The Deputy Premier has the call.

Members interjecting:

The SPEAKER: Order! The Deputy Premier will resume his seat. If this debate is to proceed, I would ask members to treat it seriously and remain silent so that the Deputy Premier can at least be heard. The Deputy Premier.

Members interjecting:

The Hon. R.G. KERIN: Thank you, Mr Speaker. Despite—

Members interjecting:

The SPEAKER: Order! Some people will not be here for the vote shortly.

The Hon. R.G. KERIN: Despite the high ground taken by the member for Spence, this is not what he is saying it is. This is no more than a political stunt. There is absolutely—

Members interjecting:

The SPEAKER: Order!

The Hon. R.G. KERIN: If in fact it was any more than a political stunt then I, as leader of business in the House, would have been informed. You talk about the correct way of doing things. You talk about how you expedite business or whatever: this is nothing but a stunt. You quoted, or half quoted, what the Premier had to say. The Premier has taken a stance on this and if you read what he said he mentioned back-dating it to the day of the announcement. He said that—which you have left right out.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I warn the Leader of the Opposition for the second time.

The Hon. R.G. KERIN: What you are doing here in pulling a stunt like this is setting a very dangerous precedent without giving any warning to members in the House. You did not even give notice to people on your own side. We saw this cheer leader act halfway through question time. You did not even give notice to your own people. I doubt if you have told your leader or deputy leader. You are pulling a pure stunt. We have had a legislative program which has been set down for a while. That has been held up by filibustering to a fair extent but we need to continue on. For you to stand up

in here at the end of question time and try to introduce a bill without notice is not fair on the people on that side, the people on this side, or—

Members interjecting:

The Hon. R.G. KERIN: You talked about the needs of the people of South Australia in relation to poker machines. Do you think it is good legislation—

Members interjecting:

The SPEAKER: Order!

The Hon. R.G. KERIN: We have seen a lot of people getting on their high political horse lately about correct political procedure. What we have here is the introduction of legislation without people having been consulted on the fact that it will go ahead. You have not had the courtesy to even tell us about it. You are setting a very dangerous precedent for how we proceed. You have misrepresented the Premier's position. The Premier has taken a responsible position on this matter; you have not.

Mr Hanna: Tell us what his position is.

The Hon. R.G. KERIN: Calm down. We oppose the motion.

The SPEAKER: The member for MacKillop will resume his seat. Only one member on either side is permitted to speak, with 10 minutes allowed for each, and then the motion must be put.

The House divided on the motion:

AYES (23)

Atkinson, M. J. (teller)	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Key, S. W.	Koutsantonis, T.
Lewis, I. P.	McEwen, R. J.
Rankine, J. M.	Rann, M. D.
Snelling, J. J.	Stevens, L.
Such, R. B.	Thompson, M. G.
Wright, M. J.	

NOES (21)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Ingerson, G. A.	Kerin, R. G. (teller)
Kotz, D. C.	Matthew, W. A.
Maywald, K.	Meier, E. J.
Olsen, J. W.	Penfold, E. M.
Scalzi, G.	Venning, I. H.
Williams, M. R.	

PAIR(S)

White, P. L.	Wotton, D. C.

Majority of 2 for the Ayes.

The SPEAKER: There are 23 ayes and 21 noes, a majority of two for the ayes, but it lapses through lack of an absolute majority.

Motion negatived.

Members interjecting:

The SPEAKER: Order! I ask members to resume their seats.

Mr ATKINSON: On a point of order, sir: as the House is well aware, the member for Taylor is away owing to the birth of her first child and she was paired. Why does her vote not count in constituting an absolute majority?

The SPEAKER: Because on these occasions you actually have to be physically in the chamber and be present to be counted in the vote. The question before the chair is that the House note grievances.

Members interjecting:

Mr Foley: You are not serious.

The SPEAKER: Order! The member for Elder.

GRIEVANCE DEBATE

Mr CONLON (Elder): I want to speak about something light and frivolous—I do not know whether I should go ahead now.

Mr Venning: What's new?

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

Mr CONLON: I advise the television cameras that nothing I am about to say is worthy of filming—

An honourable member: As per usual.

Mr CONLON: As per usual, it is said. I will speak briefly on two short matters. I assure everyone that it is only a slight matter. This week a publican, who has been somewhat of an icon in this town for over 20 years, is leaving the pub he runs. I refer to the Exeter Hotel in Rundle Street, which anyone in South Australia will tell you is an iconic pub. It has no poker machines at all, relevant to the earlier debate. It is a special pub and the publican is special for reasons I will go into shortly. It is a very famous pub in Adelaide, famous for its egalitarian nature in that, if you drink at the front bar of the Exeter you are likely to run into the fellow from Shiels, an accountant, a stockbroker, a lawyer or people from any walk of life. It is very entertaining. It is true that you are likely to run into me there from time to time.

The publican in question, Nick Binns, has been there forever and ever. He is an absolute legend in this town for having been a publican for over 20 years and never having brought a beer for anyone in his life. Nick Binns is proud of being the meanest publican this town has ever seen. I assure this parliament that when he leaves this week he will go with that perfect record in tact. While I was a mature age university law student, I would occasionally relieve my studies with a drink at the Exeter Hotel. After five years of full-time study I graduated and I put to Nick that he should buy me a free beer. A 15 minute fight ensured, glasses were thrown: he finally conceded and gave me the first free beer that he had ever given in his entire history as a publican. He then cried for three hours and was morose for a fortnight. After a fortnight he was again a happy and grinning person. I asked whether he had finally recovered. He said no and merely explained that for the past fortnight he had be charging me 5¢ extra per beer and he had finally caught up and the world was right again. Well, Nick, I will be sorry to see you go, even though you are the meanest publican I have ever met in my life. Good luck in your retirement, good luck with the golf and your record is in tact—not a free beer to all those millions of clients over the years. I think you are a model and an icon in this town.

The other matter I will refer to briefly in the short time left concerns a *Sunday Mail* article on police statistics about a week and a half ago. Briefly, the article may have created a couple of unfortunate impressions. I want to clear them up in the time left. I have a view about how statistics should be reported in terms of multiple offences. The Commissioner of Police has a different view. We have a difference of opinion.

The article created unfortunate impressions in that regard. I have no doubt the commissioner genuinely believes that how he does it is the right way. We disagree and the debate should be in that perspective. I also referred to the political role of the commissioner. Unfortunately, the article went on to refer to such matters as party politics. That was not my intention in talking about it. I was talking about the public role of the commissioner. To set the record straight, I do not believe the commissioner's views on statistics are influenced by party politics. I believe he would be doing the same thing no matter which party was in government. I put those matters in perspective. We continue to have a difference of opinion. My complaint is with the minister who, as usual, is doing a pretty lousy job.

Mr HAMILTON-SMITH (Waite): I rise to speak about the forthcoming Le Mans race and, in particular, Adelaide City Council's decision not to allow major sponsor Coopers Brewery to advertise on infrastructure being assembled in the parklands as we speak. The House is well aware that the Le Mans race has been a great coup for South Australia: it follows a great deal of work by the government; by the Minister for Tourism; by a range of government staff; and, of course, by Mr Don Panoz and his team, so that we can set up and conduct here in South Australia an international sporting event to rival the Formula One Grand Prix, or to exceed it.

I am one of those people who believes that there is no going back to Formula One: in fact, we have actually gone beyond it and put it well and truly behind us. With the V8 Super Car race, the Le Mans and other great events such as Tour Down Under, we are setting up South Australia—and particularly Adelaide—as a great international venue for absolutely fantastic sporting events. One hopes that the whole of Adelaide will get behind the event, and I am sure it will.

I was therefore disappointed to see that major sponsor, Coopers Brewery, is having trouble getting the Adelaide council to agree to have Coopers signage set up on the overpasses and on some of the infrastructure being established, not only in the parklands but also on roads that run through the parklands. I understand that the objection by the council is that a by-law prohibits third party advertising in the parklands. It seems a bit odd to me (I know that the by-law was passed only this year), because there is plenty of precedent, such as the Formula One Grand Prix and the V8 Super Car race, for advertising being erected on infrastructure associated with the race. There is plenty of prior example of this and how important it is to sponsors that that sort of access be provided.

Here we are in late November and very early December, with the race about to come to us, and the infrastructure is going up: it is quite an exciting time. Why will the council not let Coopers put their signage on the overpasses, infrastructure and race constructions that are going up right now? For years we witnessed Fosters and other brewers put their signage up, and that was fair enough, because they were terrific sponsors. Now, suddenly, Coopers is being denied the right to enjoy the same sort of privileges as a consequence of its quite expensive sponsorship of the event. I do not think it is very fair to the sponsor, and I appeal to the Adelaide City Council to show some leadership on this, to carve through the red tape and to find a way to allow Coopers to enjoy its privileges and rights as a major sponsor of the event.

The people of Adelaide have much for which to give the Adelaide City Council credit. I think the new council has shown considerable leadership in a range of areas and is certainly sending a pro-development message to Adelaide and to the broader community in respect of the city and its future. The Adelaide City Council is also showing great reverence for our parklands, as indeed I do, and as I am sure all members of the House do: they are a treasure to be guarded preciously. However, we as a state have made a decision to allow this racing event to go ahead, and Coopers have dipped into its pocket rather substantially to sponsor it. I think it ought to go ahead.

There is a question whether even the roads running through the parklands are actually parklands. How can we possibly object to Coopers signage going across the roads, for heaven's sake? I hope that commonsense arrives at the Town Hall on this issue in the next few days, because it is pressing. I understand that negotiations are under way, but I think it is time for the Adelaide City Council to be part of the fun and part of the action in respect of this fabulous Le Mans event that the government has got up. A great way to do that would be by saying to Coopers from the outset, 'We will amend our by-laws and we will take whatever steps are necessary to ensure that you benefit, as you should, from your sponsorship of this and to facilitate an opportunity for all sponsors to benefit,' because that is what is so necessary to make this event a success.

Time expired.

Mr HANNA (Mitchell): Today I bring to the House one of the horror stories concerning hospitals and health care. I hear a story like this every week or two, but this one, I think, is fairly typical of some of the things that are happening in our hospitals today.

I refer to a particular elderly lady who contracted a fairly serious disease and required hospitalisation in early October. She was in hospital for about 15 days and was very ill during that time. On one Friday night in late October, a junior doctor went around to the people in her ward and asked who would like to go home. Because she was feeling pretty homesick after a 15 day stay in hospital, she said yes. Upon later investigation, I found that it is said around the hospital that Friday night is emptying out time: in other words, there is pressure on staff—and particularly junior doctors, who bear the brunt of carrying out this duty—to clear people out of hospital.

Because my constituent had said that she would like to go home, her husband was notified and told to pick her up in 10 minutes. His words to me were that she was in no state to go home and, indeed, he added that he would not put a dog out in that condition. However, he took her home. She was still very ill. There was no offer of help at home such as extra nursing attention or anything like that. After four days she collapsed because of the illness which was continuing. She was taken back to the hospital in an ambulance where she had to wait five hours sitting in a wheelchair before she was admitted.

If people here have a heart and an imagination, I wonder whether they can empathise with an elderly sick lady waiting five hours in a wheelchair before being provided with a hospital bed. In any case, she was readmitted to that hospital and arrangements were made to transfer her to another hospital. I believe she is out of hospital now.

This is just one story of probably hundreds around Adelaide every week. It is a classic example of the pressure on hospitals to kick people out. I have had other examples, such as the man I met who had a hernia operation and was

asked to leave 24 hours after the operation. I know from younger days when hanging around hospitals that people were kept in for four, five or six days with a hernia operation because it is so painful: but this particular chap was virtually forced out after 24 hours while his wound was still raw. That is the sort of thing that is going on.

Unfortunately, it is not just a matter of cuts in commonwealth and state funding. There is actually a shameful reason behind this: it is the difficult position that Dean Brown has been put in as Minister for Human Services. Even if the Hon. Dean Brown wanted to provide extra funding to hospitals, he is in a hostile cabinet and, for as long as there is a war going on between Olsen and Brown, Dean Brown will not get the funding that he needs for the health system at a state government level.

In other words, these petty politics are actually causing suffering to the people who need our public hospital services, and that is shameful. It is one of the reasons why this government, surely, will be tipped out of office because, at the heart of it all, there is a lack of caring. Ultimately, despite being dazzled, sometimes, by the economic arguments, it is the lack of caring on the part of this government that will be decisive when it comes to the election.

Mr WILLIAMS (MacKillop): I rise today to talk about a subject which is very dear to my heart. I spoke in the House yesterday about the imminent closure of the Mount Burr sawmill, known throughout the timber industry as the mother of the timber industry. As I said yesterday, it is where the industry started in the South-East in the latter part of the last century, due to the foresight of those who started planting pine trees—pinus radiata in particular—in that area. Today I want to take the next step and talk about some of the important things which will guide employment prospects, job opportunities and in general the wealth creation in the South-East into this century. I refer, of course, to the sustainability of our timber industry and the possible effects on the industry if we are not careful to nurture that industry and, in particular, if we lose across the border to Victoria some of the processing that is carried on in that industry.

Within the past few days I have received a copy of a report undertaken for the South-East area consultative committee by Maunsell McIntyre, called 'Employment impacts of future timber flows'. It talks about the problems that we will have in the South-East with the decline in the growth of pine production over the next 20 years, and this is brought about by several factors, not the least being a decline in the mean annual increment, which is the measure of the amount of timber produced per hectare per year. This report highlights the fact that this mean annual increment is in decline because, as we clear fell areas of forest and replant and we get into second, third and subsequent rotations, the production per hectare does trail off a little. Over a large forest, that causes us to have a lower production rate.

Also, one of the problems highlighted by the report is that of the approximately 3.2 million tonnes of timber processed in the South-East annually about one million tonnes comes in from Victoria. If we allow some of the processing infrastructure, the next major investment in processing, to occur in Victoria, that one million tonnes of timber will not come across the border and be processed in the South-East, in the city of Mount Gambier and the towns of Nangwarry and Tarpeena: it will most likely end up being processed somewhere in a town such as Portland. This report indicates that, if that occurs, we could suffer losses of between 3 500 and 4 200 jobs in the South-East. I want to highlight to the House that that is the sort of problem we could be facing within the next 20 years. That would have a dramatic effect. In recent times we have been a little concerned about losing those sorts of jobs in Adelaide, and we have been concerned about the sort of effect that would have on the economy of a major city like Adelaide. It would be absolutely devastating to the economy of the South-East.

The report from Maunsell McIntyre also highlights the fact that 60 per cent of the manufacturing employment in the region is related to forest products, and approximately 4 500 people today are directly employed in the forestry industry. Putting the accepted multipliers into that, we are talking about 7 000 jobs that are created by the forestry industry in the South-East. I want the House to be aware that we must do nothing to discourage plantation activity in the South-East; that we must at least keep up their level of production, if not increase it. The three major sawmills in the South-East are barely at world's best practice as far as their throughput is concerned; they are about 500 000 tonnes annual throughput or a bit less. In fact, the Carter Holt Harvey mill is about 450 000 tonnes, whereas 500 000 tonnes is seen as being at the lower end of the volume required to maintain world's best practice and efficiencies. We have—in my opinion, at least—a requirement to increase the forest estate in the South-East and to make sure that the future processing within the Green Triangle area certainly of softwood timber does occur in the South-East or we will be looking at these massive reductions in employment.

Mr ATKINSON (Spence): Like most Brompton residents, I found out about Charles Sturt council's decision to grant permission to the Rebels motorcycle gang to build its headquarters at Brompton only by reading the *Advertiser*, even though I am an assiduous reader of the council's agenda. The Rebels' application was delegated to a subcommittee of council—the Development Assessment Unit—which comprises four of the 21 elected members and two council staff. On the day it considered the Rebels' application, the DAU consisted of three elected members and two council planners. Alas, before the application was due for deliberation, the Mayor of the city, Harold Anderson, left the meeting.

Although I have written to Mr Anderson about this matter, he has not replied, so I do not know what it was just after 3 p.m. on Monday 6 November that was more important to the Mayor of the City of Charles Sturt than the Rebels' application for its headquarters at Brompton. This left two elected members and two council planners. I have no criticism of the planners for voting in favour of the Rebels' application. The state's planning law concentrates on land use not on the merits or vices of the owners of the land. So, if Mr X sells his dilapidated house to Mr Y and Mr Y decides to demolish it and build another house, council cannot refuse Mr Y permission on the basis that he is a bad man.

On Father John Fleming's radio 5AA talkback program on 19 November, I told him, apropos the Rebels' application:

> But I really do want to get stuck into the Charles Sturt council and in particular Mayor Anderson and some of his staff.

I was wrong to foreshadow any criticism of the staff. It was not the planning staff who buried the Rebels' application in the DAU; it was not the staff who left the DAU meeting; and it was not the staff who erred by notifying only adjoining owners of the application: it was the elected members,

especially Mayor Anderson and the two ward councillors, who should have insisted on broader notification of the application and on having the matter heard publicly before the Planning Committee or the full council.

When the four adjoining owners lodged their objections to the Rebels' application but declined to appear before council, the staff members had no authority to refer the matter to the planning committee or the full council. It was up to the three elected members representing Brompton—Mayor Anderson, Councillor Candice Bowey and Councillor John Tsavaridis—to do that. With Mayor Anderson gone, the DAU then consisted of councillors Bob Grant and John Pinto and two council staff whom I have not named during this controversy and whom I do not intend to name. The two council staff and John Pinto voted for the application and Bob Grant voted against it. That was it. The Rebels Motorcycle Club had permission to build its headquarters on the corner of Chief and Second Streets, Brompton, and from that moment nothing could be done by anyone to stop them.

On Monday I received a letter from the Acting Chief Executive of the Charles Sturt council, Mr Paul Perry. Mr Perry accuses me of making misleading comments about the Rebels' application. How have I misled the public? Mr Perry writes:

> I am disappointed you did not check your facts with council staff. . . Here are the facts. . . Mayor Anderson was not present at that particular DAU meeting.

The minutes of the meeting of the Development Assessment Unit, held on Monday 6 November 2000, list as present 'His Worship the Mayor, Mr H. Anderson (ex officio)'. I have had this confirmed by the principal planner and by Councillor Grant. Mr Perry has now corrected this, the principal allegation in his letter, by fax to me. Mr Perry continues:

> The concerns of the objectors were not ignored.

But I did not say they were. Mr Perry continues:

> The development looks nothing like a fortress—

But I did not say that it did. Mr Perry continues:

> Even if this had been considered by full council, we would still have been required to make our assessment based on the state's planning and development rules. To ignore the facts of the development and make an emotive or political decision would have led us straight to the ERD court.

I agree with the first sentence of that quote. As to the second, this year the Croydon Park Cue Sports Association applied to the council to use a former Department of Social Security office on Torrens Road at Ridleyton as its clubrooms. This application was heard by full council on 24 July this year. The funny thing is that the whole neighbourhood was notified of the application. The funny thing is that, on the state's planning and development rules, the eight ball players had an open and shut case for council permission. The funny thing is that full council refused the application and the eight ball players did not take them to the ERD Court. The local residents won, and good luck to them. Perhaps Mayor Anderson could explain the difference between the Croydon Park Cue Sports Club and the Rebels Motorcycle Club. I can think of a couple to begin with. Mr Perry seeks an apology from me. Alas, I cannot oblige.

Mr McEWEN (Gordon): This House is well aware that I have a longstanding view that the whole poker machine issue in this state is out of control and that whenever you have lost your way it is important that you pause and redefine where you are before you move on. However, this afternoon I feel that, because I held such a strong principled view, it was exploited for short-term political gain, and to that end I am somewhat disturbed. It was only during question time that it was first brought to my attention that the opposition would seek to suspend standing orders to introduce a bill identical to my bill. On a matter of principle, I would always support any opportunity for this House to debate that matter. I admire, though, my colleague the member for Chaffey who said: 'An equal principle is one that the government of the day has the right to manage the business of the House' and to her mind—

Mr Hanna: Parliament does.

Mr McEWEN: The government of the day has the right to manage the business of the House and, if ever opposition members find themselves in government, they would wish to subscribe to the same principle. I compliment the member for Chaffey on striking a balance between two principles: my strongly held view that whatever we can do to stop poker machines is valuable, balanced with her view that we must manage government in this state in an orderly and balanced way. I also need to ask the Premier, who, on a number of occasions, has said: 'We must draw a long line in the sand'—and I am respectful of the fact that the demands on his workload means that he has to balance an enormous number of priorities—as a matter of urgency to move to introduce the bill that he has foreshadowed so that once again we can have this debate.

In asking the Premier to do that, I acknowledge that, even if the bill I introduced (which the member for Spence was attempting to reintroduce) had passed this House, it again would have been a futile exercise because we already know the fate of that bill in another place. What we ought to do is be more strategic and more resourceful in terms of saying, 'Begin with the end in mind: strive to achieve a successful result'. To do that we know that we have to further amend the bill that I introduced to enable it to pass both houses. We know that bill had the support in this place and it failed in another place. I see no point in having once run into a brick wall, reversing back and crashing into the same wall again. The responsibility we all have now is to craft a bill that will be passed by both houses.

Mr Hanna: It sounds like you are giving up.

Mr McEWEN: I have no intention of ever giving up. I am pleading with everyone not to give up and not to again confront failure in the face. Both sides of this House should show some resourcefulness, some imagination, some lateral thinking and some determination to achieve this objective. I will continue to fight and I will continue to take whatever opportunities are presented to me to see that we revisit our vision in terms of gambling in general and poker machines in particular, and I will even do that in the face of what I consider today to be an element of intimidation through the way in which that was attempted.

I put on record that I will again stand by my principle, but I am disappointed that the political tactics used today to exploit my principles on what was going to be—we must accept—a futile exercise. It was doomed to failure from the outset because it would not have been passed in both places. I appeal to everyone now to draw breath and, in a responsible way, craft a successful solution to a problem that was created in another era by the Labor Party, which, in hindsight, we all now accept was ill-advised. I plead with everyone to show some statesmanship and determination to work collectively to resolve this complex issue.

PUBLIC WORKS COMMITTEE: GOMERSAL ROAD—STURT HIGHWAY TO BAROSSA VALLEY WAY

Mr LEWIS (Hammond): I move:

That the 139th report of the committee, on the Gomersal Road—Sturt Highway to Barossa Valley Way—Final report, be noted.

The Barossa Valley Way provides the major southern access to the Barossa Valley but has generally poor and undulating alignment characteristics and a poor safety record. The Barossa transport and access strategies have identified that a separate, more direct route along an existing road corridor will provide significant safety and travel time benefits for all road users. It will also avoid the major investment needed to improve the Barossa Valley Way south of Tanunda to the road standard for B-double access whilst maintaining adequate safety for tourist traffic.

Because of this, Transport SA proposes to upgrade and seal Gomersal Road, Barossa Valley, at an estimated cost of $6.9 million. Funding for the project will be shared between Transport SA ($5.6 million), the commonwealth government special local roads program ($870 000), the Light Regional Council ($294 000) and the Barossa Council ($136 000). Construction is to be undertaken between January and December next year. A staging program will be developed for the road and bridge works to minimise the adverse impact due to wet weather.

Gomersal Road is an unsealed, undulating rural road route under the control of Light Regional Council and the Barossa Council. Its upgrade will provide an alternative freight access and egress route for heavy vehicles currently servicing the Barossa Valley industries and vineyards via the Barossa Valley Way. It will also provide linkages to other future strategic freight routes to the east, south and west of Tanunda, as identified in the Barossa Valley access study. To improve road safety, major changes to the existing alignment and rearrangement of junctions are proposed:

- at the Sturt Highway junction;
- west of Ahrens Road over Salt Creek;
- between Les Dunkley Road and Rosedale Road; and
- at the Hentschke Road junction.

Through east-west facing cuttings, approximately 450 metres east of Rosedale Road and 780 metres east of Sturt Highway, the shoulders will be sealed to provide additional manoeuvring road space for driver comfort and to reduce the potential for head-on accidents from sun glare (a regular hazard reported on these sections of the road). The existing bridge over the North Para River has sufficient capacity to accommodate heavy vehicles (including B-doubles). However, a bridge inspection report has identified a number of minor maintenance works that will have to be completed prior to the bridge being subjected to the increased heavy vehicle use.

The Tanunda Creek bridge at the Barossa Valley Way junction will be widened and reconstructed and the creek inlet channel modified to allow for the crossfall correction and the modified junction treatment. The proposed carriageway width of 11 metres is considered to be acceptable to accommodate movement of farm machinery along the route. The expected benefits of this project include:

- a route for B-doubles and other heavy vehicles carrying freight to and from the Barossa Valley, particularly Tanunda and Rowland Flat areas;
- reduced travel times and vehicle operating costs for an estimated 1 650 to 1 850 vehicles per day;
- a benefit/cost ratio greater than two to one;
- removing significant heavy vehicle traffic flow from sections of the Barossa Valley Way and consequently reducing the accident potential on these sections;
- reducing the incidence of temporary flood induced road closures;
- improving the safety and alignment of Gomersal Road and the junctions with the Sturt Highway and the Barossa Valley Way, with minimal land acquisition and impact on the natural environment;
- improved access to European sites along Gomersal Road;
- minimising the noise and dust effect of heavy vehicles by the provision of a reasonably consistent speed environment and sealed pavements; and
- minimising the maintenance costs on Gomersal Road and other major access routes including the Barossa Valley Way, Stonewell Road and Daveyston Road.

The committee accepts that the proposal will assist commercial development within the Barossa area and underpin the substantial contribution to the state's economy from the region. Other road users, such as commuters and tourists, will benefit from the improved road linkages provided by this proposal not only on this road route but also on the other routes which will be relieved of the heavy traffic which must traverse them at present.

The economic benefits of the project derive largely from the reduced travel times and vehicle operating costs which arise from vehicles transferring from those other routes to which I have drawn attention onto the upgraded road. Further, there will be significant economic benefits resulting from improved road safety performance because the upgrade and the associated reduction in accidents on those other roads, particularly the Barossa Valley Way. Maintenance savings are also expected on the Barossa Valley Way, and these are estimated at around $30 000 per annum, or another $2.5 million in 10 years' time, due to the transfer of trucks and heavy vehicles off the Barossa Valley Way onto the new Gomersal Road.

Therefore, pursuant to section 12C of the Parliamentary Committees Act, the Public Works Committee reports to parliament that it recommends the proposed work.

Ms THOMPSON (Reynell): This project is one of the more routine projects that has come before the Public Works Committee. Certainly, strong evidence was put to us by the departmental proponents and by the local councils that the road is very much required and supported. I simply want to commend the Department of Transport on one aspect of the road development, that is, the work that it is doing to protect the native grasses of conservation significance which are found along some of the alignment of the new road. The road is being slightly realigned in order to protect these grasses, and I think that it is really worth our taking note of the way in which government agencies, particularly Transport SA, are now valuing our native heritage and taking this type of action to protect our environment. With those few words, I am very pleased to commend the report to the parliament.

Motion carried.

PUBLIC WORKS COMMITTEE: POLICE RELOCATION

Mr LEWIS (Hammond): I move:

That the 140th report of the committee, on the police relocation from 1 Angas Street, Adelaide—final report, be noted.

The police building at 1 Angas Street was constructed in 1964—that is a day or two ago. In 1992, a building audit identified that the building needed major refurbishment, and its estimated life expectancy at that time was 10 years. The current estimate to carry out that work is $11 million. In addition, $800 000 has been spent in the past five years to keep services going and to maintain a reasonable and safe working environment. Despite that work being undertaken, the building offers inferior accommodation and presents occupational health and safety issues. In most cases the furniture does not meet ergonomic standards; the building does not provide a functional working environment; and the building services are operating at minimum standard.

The committee was told that the building will reach the end of its economic life by 2004. The proposal considered by the committee involves:

- relocating SAPOL (South Australia Police) from 1 Angas Street to several leased premises within the central business district;
- demolishing the police building and adjacent former South Australian Housing Trust building; and
- providing a cleared site for the commonwealth by 31 December next year.

The estimated value of the work is $30.5 million. The land required for the construction of a new commonwealth law courts building will be exchanged with the state for commonwealth land which is located on the corner of King William Street and Wright Street. No additional monetary consideration will be exchanged by either party.

In order to meet the deadline, the proposal has been developed in three parts:

- relocate the crime support service incorporating the forensic branch;
- relocate Adelaide local service area which covers the general police services for Adelaide CBD and inner eastern metropolitan districts; and
- demolition of the police and Housing Trust buildings and other ancillary site works.

I should also say that it includes the closure of Penny Place, I think it is. The committee inspected the site on 13 September. Members also inspected the city watchhouse and a number of areas at 1 Angas Street, including those utilised by the local service area response unit, the telecommunications interception branch, the photographic branch and the victims of crime branch.

Members noted on that inspection the cramped conditions, worn carpets, loose ceiling tiles, poor storage facilities, primitive telephone wiring in the telecommunications interception branch (and boy, could I have a chat about that), the tired and shabby appearance of the building's interior, and the unwelcoming atmosphere presented to victims by conditions in the victims of crime branch facilities.

Members were also informed that the limited space in the telecommunications branch has prevented the installation of modern equipment despite funding having been made available for its purchase. Consequently, the branch is unable to cope with the volume or sophistication of telecommunications that it is called upon to monitor. The minister deserves commendation, if he has had anything to do with this upgrade, and his predecessors deserve condemnation for not having done it before.

The committee was told that SAPOL considers it is essential to maintain a strong operational and administrative presence in the Adelaide CBD. In doing so, the preferred strategy is to maintain central links with justice, central government agencies, the courts and the forensic services, as well as minimising the number of locations at which South Australian police are to operate from within the central business district. The reasons for that should be self-evident, but they of course entail the efficiency of exchange of information and connection between police officers.

The committee was told that the proposal will provide:

- modern accommodation standards;
- for growth and flexibility as policing standards change;
- closer links with the Forensic Science Centre to facilitate the efficient delivery of highly specialised police services;
- space allocation consistent with policing standards;
- security consistent with assessed risks;
- more and better designed interview facilities;
- properly secured and organised stores facilities;
- consolidated forensic and crime support services;
- upgraded standards of training facilities;
- facilities for the new telephone intercept technology; and,
- secure car parking.

This proposal may require the government to acquire the current RSL site in Angas Street; however, the RSL has stated that it has not been adequately consulted during the development of the proposal. I can tell you, Mr Acting Speaker, that among the rank and file of the RSL there is a measure of anger directed at the government for what it considers to be its indifference to the effect that this proposal will have on its future; and, notwithstanding that, the RSL's particular concerns relate to the proposed closure of Nelson Street if Penny Place is not connected to Angas Street; the disruption to its operations during construction; the lack of access to the Anzac Memorial Hall; and safety and security issues arising from the modified extension of Penny Place.

In evidence to the committee, the RSL also advised that the Valuer-General's valuation of its property at 27 Angas Street is substantially less than the professional valuation which the RSL has had undertaken of those premises at its request. That causes me a great deal of concern. I interpose here my considerable disturbance at what I see being repeated here in this project, as the way in which the RSL is being treated is similar, if not identical, to the way in which the Belarusian Church in Hindmarsh, adjacent to the Hindmarsh Stadium, was treated when it was not properly, fully and truthfully informed of the consequences of the government's proposals until it was almost too late. Had it not been for the intervention of the Public Works Committee, I am sure that church would now find itself under the shadow of the southern stand in a disgusting piece of architectural effrontery, the kind for which certain former ministers in this government are famous.

Let me go on and say then that the proposing agency has now assured the committee that 27 Angas Street (that is the RSL's premises) will not be compulsorily acquired; that the RSL will be given a copy of the development application; and that the stairwell providing access to Anzac Memorial Hall will be left in place if the RSL is still occupying its building when the former Housing Trust site is demolished.

The land on which the stairwell sits will be transferred to the RSL property if the RSL remains permanently in its current premises, and the cost of ensuring that the RSL has a safe western wall will be met from the budget of the works associated with the relocation of SAPOL from No. 1 Angas

Street within this project. The RSL has been told that its concerns and objections can properly be taken into account during consideration of this development by making a submission to the Adelaide City Council, which will pass it on to the Development Assessment Commission—and, by golly, that commitment had better be met.

The committee was also told that the RSL would prefer to vacate 27 Angas Street and relocate to the Torrens Parade Ground. However, the delay in resolving the transfer of the Torrens Parade Ground from the commonwealth is apparently hampering the RSL's capacity to negotiate about its concerns arising from the proposed works or to plan properly for its future. Despite these concerns, the Public Works Committee acknowledges the necessity of relocating South Australia Police from No. 1 Angas Street and, accordingly, pursuant to section 12C of the Parliamentary Committees Act, we recommend that the proposed public work proceed.

Ms THOMPSON (Reynell): This project involves a number of issues, the first being the reason for the relocation of the police from the site at No. 1 Angas Street. It was put to the committee that it is to provide a vacant site for the commonwealth in order to erect a new commonwealth court and that that vacant site is being swapped for the currently vacant site on the corner of King William and Wright Streets. A number of issues need to be kept separate here: one is that everyone knows that No. 1 Angas Street is a building that was erected in a poorly advised manner, which might be a polite way of saying it.

An experimental form of construction was used and that experiment indicated that this was not the best form of construction and has not been repeated. The form of construction, which consisted of jacking up the floors, has made the building difficult to demolish. Indeed, the building will be quite expensive to demolish. Anyone who has visited the facilities at No. 1 Angas Street knows how inappropriate they are and what difficulties our police officers must work under in that building. I am very supportive of the notion of moving the police out. What is not quite so clear to me is whether the state is getting fair value in the swap of land with the commonwealth.

As I said, it will be quite expensive to demolish No. 1 Angas Street, but we probably have to do it in any case. It is hard to estimate the outcome of that swap of land. No. 1 Angas Street is a very prized position. The corner of Wright and King William Streets is not quite so prized, but the valuation of the two properties is difficult to determine in a precise manner. We hope that our leaders have negotiated a good deal for us. It is very pleasing, indeed, that the police will get new accommodation, some of which will be located in the Motor Registration Building and some in the Forensic Science Building, and the Adelaide LSA will be located in the current Commonwealth Police Building.

One issue that arose in looking at the plans for the relocation of the police force was that, unfortunately, the toilet and change facilities in the Motor Registration Building were not designed in such a way as to cater for a change in the gender composition of the police work force. I am sure, Mr Acting Speaker, that you will be aware that it is a general goal of organisations that represent and serve the community that they should accurately reflect the composition of the community. The police force does have a number of strategies in place to increase the number of women in the police force.

It was unfortunate that when we first saw the plans it was obvious that they would ultimately result in problems relating to toilet accommodation. Much as I hate to raise that issue in this place, it is rather crucial. Many people in many government agencies over the years have had to spend a lot of money in redesigning toilets because they did not get them right at the beginning. I am pleased that the police commissioners and the project managers have agreed to reconsider the design of the toilet facilities to provide maximum flexibility to allow for changes in the gender composition of the police work force.

The other issue that needed to be explored in this project relates to the RSL, and the member for Hammond has outlined the problems involved. The RSL's building, Anzac House, stands at the end of Penny Place. With Nelson Street being closed, Penny Place becomes very desirable as a thoroughfare. It is quite important that there be such a thoroughfare, especially for police officers who are working at night. For many years they have parked their cars around the Carrington Street area and then just moved across to No. 1 Angas Street. They will now have to move across to Wakefield Street. They deserve a safe access through from those parking areas. So, that is an aspect of the arrangements relating to the closure of Nelson Street, and whether or not Penny Place will be open for vehicle and pedestrian traffic and the need to provide an adequate thoroughfare for police officers after hours is something that has not received proper attention thus far. I am confident that the project proponents will look at that matter more closely as a result of the issue raised through the Public Works Committee.

This really has a big impact on Anzac House. In our last discussions with the proponents, they told us they thought that they would not need Anzac House. But if the thoroughfare is to be provided, they do need Anzac House. The obstacle there, as the member for Hammond has said, is that it has not yet been decided whether the RSL and other service organisations will be able to move to Torrens Parade Ground. It was quite clear to us that the RSL wants to do that. It assured us that other service organisations do, and I think it is something that would be generally supported by the community.

I urge all the ministers who are involved in this chain of events to allow the RSL to move to Torrens Parade Ground, Anzac House to be demolished, and Penny Place to be extended so that there is a thoroughfare for police officers and ordinary citizens. If Nelson Street is closed and there is no access through Penny Place, it is quite some distance between King William Street and the next north-south thoroughfare in that vicinity. So, that matter does need to be addressed.

Having placed those issues on the record (which I trust the project proponents will address—and, of course, I can assure them that the Public Works Committee will be monitoring those matters very carefully in the quarterly report), I would simply like to restate my support for the need for much improved accommodation for the police force. The plans that have been provided allow them flexibility in the way in which they will work and give them a decent standard in which to work and carry out the valuable tasks that they perform in serving our community.

Motion carried.

PUBLIC WORKS COMMITTEE: COMMERCIAL ROAD, PORT NOARLUNGA, UPGRADE

Mr LEWIS (Hammond): I move:

That the 141st report of the committee, on the Commercial Road,

Port Noarlunga upgrade—final report, be noted.

Port Noarlunga is an important alternative to Main South Road for servicing the developing coastal zone between Seaford and Aldinga. However, from Weatherald Terrace to Babbacombe Drive the road is narrow, with deficiencies relating to access to abutting properties, poor pavement condition, high accident rates, poor drainage and poor amenity. The Public Works Committee understands that the proposed upgrade will modify intersections to encourage the diversion of longer distance trips to the Main South Road-Southern Expressway corridor via Griffiths Drive and, to a lesser extent, Seaford Road.

The proposed work will provide a single lane in each direction with painted median protection for vehicles turning right into properties and the local street network. There will be enhanced facilities which will include:

- cyclists having a designated carriageway painted as a cycle lane;
- pedestrians having crossings to bus stops provided for them; and
- parking to be provided in a parking lane where there is direct property access.

The construction of a smoother surface using noise reducing asphalt will reduce further maintenance and vehicle operating costs and improve the quality of the ride on that surface.

New drainage facilities will overcome water ponding problems and improve the quality of stormwater run-off entering the Onkaparinga River and the sea from that locality as a result of this work. The stormwater will be discharged to council wetlands near Berwick Street, which is an existing detention basin at Seaford Road, and there also will be a proposed basin at Dalkeith Road. Discharge to Pedler Creek also will occur via existing council drains.

The committee is also told that, in conjunction with the City of Onkaparinga, a strategy will be developed that will probably include the use of grassed swales and trash racks before discharge. Mind you, sir, as an aside, I would say that the track racks—these old string bag rubbish collectors—do not work all that well: but they are better than nothing.

The project also aims to achieve a high quality visual result through the continued landscape design during the detailed design phase and, in particular, by landscaping of the verges between Seaford Road and Griffiths Drive. Suitable species for avenue planting will be selected in consultation with the City of Onkaparinga and the local community, where judicious use will be made of already developed specimens to speedily ameliorate construction impacts. The committee is told that between late 1997 and early 1999 there was significant public angst and cynicism about the project and Transport SA's intentions. The committee accepts that the proposal is economically viable and that it has been amended to take account of public concerns relating to traffic speed management, access to properties, parking, location of bus stops and cyclist safety.

The present worth of the estimated total project cost is $11.5 million at completion, with a present value of savings over a 20 year period of $22.78 million. The benefit cost ratio of this project is 1.97, with a net present value of $11.23 million, giving an internal rate of return of 26 per cent. The total project cost is currently estimated at $15.4 million in year 2000 dollar terms. However, it might escalate to $16.8 million over the time of construction (allowing for a 2.5 per cent per annum cost escalation).

The committee accepts that the project will do four substantial things. It will:

- improve efficiency and safety for all road users by reducing travel times and accidents;
- ensure suitable connectivity to main South Road and stage 2 of the Southern Expressway;
- address community expectations of more serviceable, better quality infrastructure; and
- improve the safety of access in and out of roadside properties.

Despite these expected positive outcomes, the Public Works Committee has concerns, nonetheless, about this proposal. Firstly, Transport SA has made the necessary changes to the signalling equipment to enable CFS to override the traffic signals at the Seaford Road intersection. However, this facility will not be utilised—this is the queer, weird and, if you like, amazing part—until government agreement occurs as to which body should bear the $7 000 cost of the conduit needed to connect the CFS to the signals. Can I just say that again, Mr Deputy Speaker—I am sure it is not lost on you, and I am sure it is not lost on members of the committee. But it ought not to be lost, either, on the Minister for Police, Correctional Services and Emergency Services. It ought not be lost, either, on the Minister for Transport in another place. Also, it ought not to be lost either on any member of the cabinet who has half a wit; and I suppose there is some question whether any of them have.

An honourable member interjecting:

Mr LEWIS: Let me say that again for the benefit of the honourable member for Spence. There are 10 of them in cabinet. This facility—that is, the facility to override the traffic signals next to where the CFS headquarters are located at the Seaford Road intersection—will not be utilised even though the money has been spent. It has been installed but will not be utilised until agreement occurs as to which body will bear the $7 000 cost of the conduit that is needed to connect the CFS to the signals.

How ruddy inane can you get? How mean spirited is it where they put public interest and convenience at risk for a $7 000 argument? It is there ready to solve that problem, yet they cannot agree as to who will meet the cost. Someone needs to bang some heads together.

An honourable member interjecting:

Mr LEWIS: Well, I hope they heard this. I hope they read it if they did not. I know that hope is not a method, so I shall send it to them in the post, anyway. I hope that you, the member for Kaurna, do likewise.

Mr Hill: I shall.

Mr LEWIS: I take you at your word. The committee is also concerned to learn that there is no guarantee that the 11 kilovolt line and the 240 volt line will be relocated underground. How silly can you be? It is another stupidity. There we are doing all the work. There is nothing—no surface or footings—in the way. You do not have to get in a heavy backhoe with hard teeth on it to cut through it to underground the damn thing, yet you cannot find the money to underground it, even though the model and the drawings that we were shown indicated that it was to be undergrounded. Had we not asked that question, we would not have been told the answer that—whoops—it might not happen and indeed, more likely than not, will not happen.

That is because of the stinginess of the new privatised electricity business. It was stated, 'Although the $1.72 million is set aside by TransportSA'—this is another bit—'as a contribution to underground the utilities, this outcome is

subject to a PLEC agreement being reached between the City of Onkaparinga, ETSA Utilities and TransportSA. In the absence of such agreement TransportSA will undertake a pole to pole transfer to enable the project to proceed.'

That means that they will go along a route pretty well parallel to the existing line of poles and, after they have that new line of poles in place, they will pick up the wires from the old poles and transfer them across, at some considerable expense, to the new poles in the new position. I accept that that is their legitimate and complete responsibility and nothing more than that. However, it just strikes me again as being absolutely dilly for government agencies not to take up this opportunity.

The Public Works Committee strongly encourages all parties to recognise the value of placing underground the 11 kilovolt line and the 240 lines along Commercial Road and to contribute appropriate funds needed for it to occur. Well, sir, notwithstanding these concerns, as I am sure you are aware, pursuant to section 12C of the Parliamentary Committees Act we recommend the proposed public work.

Ms THOMPSON (Reynell): As has been outlined by the member for Hammond, this is an important upgrade of a road that is essentially a country road supporting suburban development. It carries a very heavy load of traffic and is a nightmare at various times of the day and has been the scene of a number of crashes and injuries which we hope the development of the road will minimise.

The member for Hammond has outlined two concerns, and I will speak about those also. However, I have a third concern, that is, the length of time that it will take to complete the upgrading of this road. The scheme will not be completed until 2004-05, despite having been promised for many years. I am sure my colleague, the member for Kaurna, will be able to outline the history of the promises of the upgrade of this road that have been made by this government.

We still see that although a commitment has been made—and I am very pleased about that—the priorities of this government are demonstrated by the way in which it will take until 2005 to have this important road completed. However, we currently have at the Public Works Committee a proposal for a whole stack of concrete to be laid over the back of Festival Drive which costs about $11 million and which can be done in 12 months. Obviously, the priorities of this government are not with the roads and safety of the people of the south.

In regard to the two matters to which the member for Hammond alluded about the $7 000 necessary for the Seaford CFS to override the nearby traffic lights to assure them safe egress from their facility and to protect the community who may be using the roads at that time, it really is very difficult to understand how a debate should be ensuing over $7 000. We were able to discover that there is no clear policy about who is responsible in this area, and that seems to be a policy and priority that the government should have dealt with by now.

I know in my own electorate of Reynell, the ambulance station has been concerned about not being able to gain access to control of the traffic lights at the nearby Flaxmill corner, which is the scene of many crashes.

The issue of the undergrounding is also one where there seems to be delay and obfuscation. It was very tempting to say that we would not provide a report to this House to enable the work to proceed until those two matters were resolved. However, it was quite clear from the agency and from the member for Kaurna that the major priority is to get this road started after so many years of delays. So, the committee looked for strategies which might support the wishes of the Seaford CFS and the committee's desire to generally get this matter of the control of traffic lights and the issue of the undergrounding of power lines sorted out. The committee has decided to make a formal recommendation to the minister that she urge cabinet to make a policy decision that will resolve the issue of the access to control of traffic lights in relation to this particular proposal and avoid the occurrence of future arguments between government agencies about this policy issue. For those who are not aware, a formal recommendation of the committee to a minister requires a response within three months.

On the matter of the undergrounding of the power lines, given that a number of parties are involved not directly responsible to a minister, such a strategy was not available to us, so we have therefore made it quite clear to the proponents that we require this aspect to be reported on in each quarterly report so that we can monitor progress and, if the matter is not being satisfactorily resolved, bring it to the attention of the parliament. We hope that this mechanism will enable those two outstanding issues to be resolved without any delay to the road, which is very much needed. I am pleased to support the report which recommends the commencement of work.

Mr HILL (Kaurna): I am very pleased to rise in support of this report as the member for the area affected by this road. I particularly commend my colleagues the members for Hammond and Reynell for pushing this matter through the Public Works Committee with due diligence but not holding it up so that some of the outstanding matters they have referred to could be dealt with. It is vitally important for my community that this road is built as speedily as possible. I will not tire the House with an inordinate amount of detail of the history of Commercial Road, but prior to the 1997 state election the Minister for Transport in another place, Diana Laidlaw, undertook a process of consultation with my community, the electorate of Kaurna.

It was not my community at that stage, although it was in the sense that I lived there. It was a seat held by the Liberal Party and over a period of some months an extensive and expensive process of consultation was undertaken with maps on walls, focus groups and highly paid consultants talking to the local community about how this road would be shaped and what it would look like, and generally a sense of expectation was created in the community just prior to the 1997 election that the road would be built. Just prior to the election the minister wrote to Lorraine Rosenberg, the then member, and said there was a commitment to build the road. I have a copy of that letter on file. The minister does not like me reminding her of that promise, as I have done over the years.

Mr Lewis interjecting:

Mr HILL: It has been a while, but I will get to that in a minute. After the election no more priority was given to Commercial Road. It was a long way down the track because the development at Seaford had slowed, we had a Southern Expressway, we did not need the road—there were a whole lot of reasons why it was not happening. But, I did have this letter. The Minister for Transport is a woman of good conscience and I think it got to her that we had this evidence that she had provided that the road would proceed.

The minister agreed to come down to my office and meet with some constituents representing local community groups about the needs in the community, and together we worked out a set of priorities as to—

Ms Key interjecting:

Mr HILL: No, she didn't catch the bus down. I think she came by another form of transport to which some of us aspire. She came to my office and talked with representatives of the community. We talked about what the priorities were and with the Department of Transport officers we reached a formal or semi-formal agreement about what should happen first. There was some funding in the subsequent budget to fix a bad intersection at Maslin Beach. I was grateful to the minister because she responded and had the guts to come to the electorate and show up. Following that we now have this program of works before us.

I will make a few observations about the plan. It is a scaled down version of the original plan that was revealed to the electorate of Kaurna prior to the 1997 election. It is a scaled down version and there are not four lanes, with two lanes on either side—there is only one lane on either side. There are no safety roads as part of the proposal. It is a less expensive, scaled down version. Nonetheless we are grateful to be receiving it. It is important that we get it because I refer to one of the findings of the committee. This finding comes from advice provided by the department and says, under 3.1, 'Project justification':

> Commercial Road has a poor safety record; an average of 10 crashes per kilometre per year, of which 25 per cent resulted in casualties or fatalities.

There are 10 crashes a kilometre, 25 per cent of which result in casualties or fatalities. That means 2.5 casualties or fatalities per kilometre per year. That is an extraordinary record and, even though the number of crashes is similar to the situation involving two other roads in the metropolitan area—the Adelaide to Gawler Road and Black Road—the casualty rate is significantly higher than the metropolitan average of 16 per cent. It is a dangerous road and that is what the community has been saying for a number of years, and until now those claims and demands have been ignored.

I am pleased to see this project approved by the Public Works Committee. I note, as did the member for Reynell, that it is a five year time frame, which seems inordinately long to fix up this matter. I would hope with the sudden influx of money into the state for road building the state government may be able to find the resources to proceed with this in a more rapid way.

To touch on two other issues that have also been raised by the members for Hammond and Reynell, I refer to the switching device that would allow the CFS station on the corner of Seaford and Commercial Roads to alter the traffic lights at that intersection to allow the CFS trucks to get through more quickly and attend to the emergencies they are dealing with. As the member for Hammond said, it is extraordinary that this matter has been able to drag along because most of the work has been done: it is just for the want of $7 000 to make the connections available. It requires a simple switching advice.

I do not know how many times I have written to the Minister for Transport and to the Minister for Emergency Services about this matter. The response is that they do not want to create a precedent because it will mean that every other CFS station next to a set of traffic lights will want the same money to provide the same sort of service. I have two responses to make to that. I doubt that very many other CFS stations are close to traffic lights as it is a fairly unusual set of circumstances but, even if there are many, surely the public safety should come first and the device should be applied in each of those circumstances so that, if a set of traffic lights block a fire truck from getting to a fire, they should be able to overturn those lights and get through quickly.

I live close to the corner of Seaford and Commercial Roads and I have seen fire engines waiting there behind traffic, with their lights flashing and siren going, but unable to get through because of the traffic jam.

Ms Thompson interjecting:

Mr HILL: What was the emergency services levy for? I have put the proposition to the Minister for Emergency Services and got a similar reply: it is too difficult. For $7 000 they are not able to do it. I hope the Public Works Committee pressure and emphasis on this matter will pay dividends. I sincerely commend them for it, particularly the member for Reynell, who is a southern member and understands the issue very well.

The other issue involves the undergrounding of the ETSA poles along Commercial Road. The original proposition was that these poles would be undergrounded. They need to be moved because the alterations to the road will mean that the ETSA poles will be in a dangerous location. They have to be moved and the sensible thing is to put them underground. I gather pre-privatisation the money was there to fix the problem and post-privatisation it seems to have disappeared. I do not want to see the project halted for want of the undergrounding of poles but, clearly, it would considerably improve the safety, the amenity and the aesthetics of the area if the resources could be found to do that. Once again, I commend the committee for pursuing this issue. I support the report and I hope it passes speedily through this place.

Motion carried.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: NATIVE FAUNA AND AGRICULTURE

Mr VENNING (Schubert): I move:

> That the 41st report of the committee, being the native fauna and agriculture report, be noted.

All Australians recognise and value native birds as an integral part of our unique environment. The clearing of native vegetation as a result of 165 years of agriculture and pastoral development in South Australia has had a dramatic effect on the numbers and behaviour patterns of some native fauna in this state. While some fauna have been affected by fragmentation or loss of habitat, many species have been influenced in a positive manner, including protection from predation, provision of water and access to cultivated grains and fruits. In a changing landscape, fauna has had to adapt, with many native species pre-adapting and increasing in abundance. In some cases, this is impacting significantly on agricultural production and management costs. Bird species identified by the Department of Environment and Heritage as coming into conflict with agriculture include lorikeets, rosellas, long billed corellas, red wattlebirds and silver-eyes.

Mr Lewis: Don't tell me silver-eyes and red wattlebirds are endangered!

Mr VENNING: They are not endangered; they are coming into conflict with the orchardists. The Environment, Resources and Development Committee began this inquiry in October 1999 as a result of community and agricultural concerns regarding the impact of native fauna on agriculture

and methods used to deal with managing the issue. The committee has examined the interaction of native animals with agricultural activities and, in particular, current proposals and/or approvals to shoot native bird species. This is an issue that can engender an emotive response and potential undesirable impact on product image. Specifically, the National Parks and Wildlife Act was amended in May 1999 to remove the requirement for destruction permits for four species of parrot in commercial orchards and vineyards for a period of 12 months. This was a cause of community debate.

Importantly, this issue is not just about bird numbers, but species behaviour and habitat areas, both of which can be influenced and managed. Traditionally, individual property owners, without comprehensive information regarding the ecology and bird behaviour, have addressed problems with abundant birds. A range of management methods have been used and experimented with, which would include shooting, audible bird scaring devices, netting, trapping, poisons and decoy feeding crops.

The committee concluded that there is no single solution to this issue and that integrated management needs to be adopted by a range of interested groups, including growers, industry groups, rural land owners with native vegetation, public agencies, research institutions and the broader rural community. There is a need to consider the issue regionally rather than just on a property by property basis. This includes management for the provision of habitat, protection of agriculture and influencing of bird behaviour. The management of bird species and habitat diversity is a complex task, made more difficult by limited understanding of native fauna. There is industry-wide consensus on a shortfall of the amount of information available—that is, a lack of data.

Research groups and industry are currently undertaking work, but ongoing resources are needed to improve understanding of issues such as population sizes, culled numbers—which includes all species killed through off-target losses—bird behaviour, impacts of culling on genetics and the success of various management practices. There are currently limited staffing resources within industry and government for either researching or monitoring bird or farm activities. Resources will be required from both government and industry.

An education system is also needed to encourage and develop appropriate fauna management practices on the land. A program needs to be targeted at landowners to enable landowners to prepare property management plans. In controlling land uses, the planning system has responsibility for considering regional and local impacts. Planning authorities need to assess the consequences of changes in land use on fauna, and landowners need to be educated in implementing best practice.

In particular, protection and enhancement of appropriate habitat for species within the agricultural mosaic has long term merit in addressing the impact that fauna has on agriculture. This is consistent with sustainable land use strategies to conserve and enhance soil and water quality and the subsequent productivity capacity of agricultural lands. The use of audible bird scaring devices is also an issue that impacts on communities and, if used incorrectly, evidence suggests that their effectiveness is significantly reduced. There is a need to control the use of such devices and determine and use patterns that avoid conflict.

The result of these findings is nine recommendations covering a wide range of relevant issues which include:

- a code of practice;
- education to facilitate preparation of integrated property management plans, which would address species identification, use of audible bird scaring devices, culling practices and alternative bird damage minimalisation approaches;
- changes to the integrated planning system, which include a regional perspective on the provision of habitat, consideration of the impact of changes to native fauna through the requirement of fauna impact statements for proposed developments and consideration of the impact of audible bird scaring devices in areas zoned for residential and agricultural land uses;
- the use of audible bird scaring devices, which should be addressed as a management issue at the current state and local government partnership program; and
- annual reporting on what research has been done on alternative methods of bird management and on each species affected by culling, including an estimate of the total population of each species and an estimation of how many were killed during the previous twelve months, and how those estimates were derived.

Of most significance is that the committee recommended that dedicated Department for Environment and Heritage resources should be allocated to address the issue of bird control as it relates to agriculture and be responsible for facilitating:

- the coordination of cooperation between research institutions, industry, conservation groups and state and local government;
- the development of property, regional and state-wide management plans;
- the determination of the effectiveness of methods employed for crop protection;
- the management and the testing of alternative methods; and
- revegetation programs designed to draw fauna back to a natural habitat, including the coordination of community revegetation programs to achieve these ends.

As part of recommendation number 3, the committee recommends that legislation should be amended to provide for a licensing system that regulates use of culling and audible bird scaring devices and:

- requires compliance with a code of practice;
- requires a property management plan;
- requires a reporting process for collection of adequate data;
- includes penalties for breaching the provisions of a licence, including possible loss of that licence; and
- provides, if appropriate, for the disposal of culled animals.

The committee concluded that there is a need for fauna management to be proactive, regionally based and embraced by the rural community and growers in planning and implementation of management systems. There is a need to use integrated management that involves not just audible bird scaring devices or culling, but also a strategic process that includes property management plans, encompassing a range of methods. Importantly, the interaction of agriculture with native species is quite complex and a thorough understanding of native fauna has not been achieved—not yet, anyway: I know that the minister is very sympathetic. There is also a need to improve data collection and to provide a mechanism to ensure that growers acknowledge their responsibility.

Finally, I wish to thank the following people who assisted with this inquiry:

- those who made submissions and gave evidence;

- the Minister for Environment and Heritage and his staff—we certainly appreciated the effort that they put in in keeping us informed; and
- the committee staff.

Debate adjourned.

LOTTERIES COMMISSION (DISPOSAL) BILL

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

That I have leave to introduce a bill for an act to make provision for the disposal of the business of the Lotteries Commission of South Australia; to amend and subsequently repeal the State Lotteries Act 1966; to amend the Racing Act 1976; and for other purposes.

The ACTING SPEAKER (Mr Williams): Is the motion seconded?

An honourable member: Yes, sir.

Mr McEWEN (Gordon): I appeal to the House not to allow this matter to proceed. This will be a complete and utter waste of time, a complete and utter waste of space in *Hansard* and a complete and utter waste of the resources of this chamber and of staff in the place. This matter and the consequential bill that is listed next will not be successful. We all know they will not be successful. I appeal to the House simply not to waste any time or resources dealing with it.

The ACTING SPEAKER: The question is that the motion be agreed to. If the minister speaks, he closes the debate.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): Having been subjected to what the member for Lee said was six hours of rigorous debate regarding the TAB, and having had the House—

An honourable member interjecting:

The Hon. M.H. ARMITAGE: Indeed, as the member for Lee said, it was much longer. It just seemed as though it was only six hours, because time passes when you are having such fun! So, I suppose I would be the last to identify to the House that the government would not be in favour of the House moving more expeditiously. I am quite confident that that is the rationale behind the member for Gordon's action. However, I would identify that, from the government's perspective, we believe that there are significant risks into the future for the continued government ownership of lotteries. As such, we believe it is an important piece of legislation. I therefore seek the indulgence of the House in debating the bill further.

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

A quorum having been formed:

The House divided on the motion:

AYES (20)

Armitage, M. H. (teller)	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Ingerson, G. A.	Kerin, R. G.
Kotz, D. C.	Matthew, W. A.
Meier, E. J.	Olsen, J. W.
Penfold, E. M.	Scalzi, G.
Venning, I. H.	Williams, M. R.

NOES (24)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Key, S. W.	Koutsantonis, T.
Lewis, I. P.	Maywald, K. A.
McEwen, R. J. (teller)	Rankine, J. M.
Rann, M. D.	Snelling, J. J.
Stevens, L.	Such, R. B.
Thompson, M. G.	Wright, M. J.

PAIR(S)

Wotton, D. C.	White, P. L.

Majority of 4 for the Noes.

Motion thus negatived.

AUTHORISED LOTTERIES BILL

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

That I have leave to introduce a bill for an act to provide for the licensing and regulation of the conduct of lotteries; and to amend the Gaming Supervisory Act 1995 and the Lottery and Gaming Act 1936.

Mr McEWEN (Gordon): Again, I want to briefly reiterate the remarks I made in relation to the previous bill. This is a consequential bill. We have already decided that the whole thing is just a waste of time and space. We now just need to reaffirm that. The minister wants to proceed; he needs to get the message that we do not wish to waste our time or the resources of this parliament to debate the matter.

Motion negatived.

LAKE EYRE BASIN (INTERGOVERNMENTAL AGREEMENT) BILL

The Hon. M.K. BRINDAL (Minister for Water Resources) obtained leave and introduced a bill for an act to ratify and approve the Lake Eyre Basin Intergovernmental Agreement; and for other purposes. Read a first time.

Mr Lewis: It is a very important bill.

The Hon. M.K. BRINDAL: I thank the member for Hammond for saying that: yes, it is a very important bill. 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 Lake Eyre Basin Agreement is a major achievement for the South Australian government and represents the start of a new era in the management of the Basin. It fulfils a South Australian government initiative to cooperate with the commonwealth and Queensland governments to recognise the environmental, economic and social values of the Basin and to work towards integrated catchment management.

The Lake Eyre Basin Agreement was signed on behalf of the South Australian and Queensland governments in Birdsville on Saturday 21 October 2000. The Commonwealth had previously signed the agreement.

Both of South Australia's great river basins—the Murray Darling Basin and the Lake Eyre Basin have their origins in other states. Our geographic position at the receiving end of these river systems makes it imperative that we establish formal cooperative agreements with our upstream neighbours. We have had such arrangements in place for the Murray Darling Basin for some time, and now have developed the Lake Eyre Basin Agreement for the Cooper Creek and Diamantina River systems. The Lake Eyre Basin Agreement estab-

lishes a formal and effective way for the South Australian government to engage strategically and constructively with the Queensland and Commonwealth governments for the management of the Basin.

While the Lake Eyre Basin is perhaps less well known than the Murray Darling Basin, it is nevertheless of great importance to South Australia. Lake Eyre Basin rivers have not been substantially altered by major regulation and extraction. They are amongst the few remaining major rivers with near natural flows and have some of the most variable flow regimes in the world. We have an opportunity for good, sustainable environmental management in the Lake Eyre Basin, an opportunity for 'getting it right', an opportunity that we have been slow to recognise in other river systems and are now struggling to correct.

The agreement had its origins in the controversy over a proposal to grow irrigated cotton on Cooper Creek in Queensland. Concern by the community and the South Australian government for the future health of this Australian icon led to the signing in May 1997 of the Heads of Agreement for the Lake Eyre Basin by the South Australian, Queensland and commonwealth governments. This important document provided the basis for developing the Lake Eyre Basin Agreement. Since the beginning, South Australia has been the driving force behind the agreement.

The agreement requires the preparation and adoption of policies and strategies for the Basin and periodic reporting on the 'state of the rivers'. These should provide a sound basis for long-term management and monitoring of the Basin.

The agreement requires approval and ratification by the parliaments of South Australia and Queensland. The passage of this bill is therefore vital to give effect to the agreement. In introducing this bill so soon after signing the agreement, South Australia is again leading the way.

A comprehensive community consultation process was undertaken and several changes were made to earlier drafts of the agreement in response to community views. During this consultation process and at the signing ceremony in Birdsville, the community has demonstrated its support for the agreement.

The community has also made great strides towards an integrated approach to management of the Lake Eyre Basin. Overcoming the logistic difficulties of a vast area and a small population, the Basin community has made linkages across State borders and has undertaken a range of activities over the past three years, the most significant being identification of management issues, community education and the development of strategic plans which were also launched in Birdsville on 21 October 2000.

The agreement provides an excellent opportunity for the further development of partnerships between government, the local community and other stakeholders.

The Arid Areas Catchment Water Management Board will prepare a catchment water management plan for the South Australian portion of the Lake Eyre Basin rivers and will play an important role in the Basin. The Board is also required to advise the South Australian Minister for Water Resources on activities in other states which are likely to affect the water resources in the Board's area.

The State Water Plan recognises the Lake Eyre Basin as one of South Australia's five key water resources and acknowledges the importance of the agreement to protect South Australia's interests in the Basin.

The water resources of the Lake Eyre Basin in South Australia are valued for the conservation of wetlands and aquatic ecosystems, in particular South Australia's Coongie Lakes wetlands are classified as Wetlands of International Importance under the Ramsar Convention. These 19 800 square kilometre wetlands support 73 species of waterbirds and 13 wetland-dependent species, of which 43 and 9 respectively have been recorded breeding.

The Cooper and Diamantina provide water for stock and flooding is beneficial for floodplain grazing by the pastoral industry.

Floods sustain vast wetlands, support rangeland grazing and are the trigger for breeding activity in many native species. During dry periods, the wetlands of the Lake Eyre Basin are vital drought refuges for wildlife.

The Basin's two major rivers, the Diamantina River and Cooper Creek flow through semi-arid and arid regions of Australia, and paradoxically some of their most significant wetlands coincide with some of the most arid areas of the continent.

The terminal lake of the system is Lake Eyre, a vast ephemeral salina which experiences minor flooding on average every couple of years, mainly from the Diamantina River and occasional extensive floods from both the Diamantina and the Cooper in exceptional years. Both systems support important wetlands.

The agreement and passage of the Lake Eyre Basin (Intergovernmental Agreement) Bill together provide the framework for the protection of these great nationally and internationally important environmental assets.

I commend this 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: Interpretation

The relevant agreement for the purposes of the bill is the Lake Eyre Basin Intergovernmental Agreement, a copy of which is included in the schedule to the bill.

Clause 4: Ratification of Agreement

The agreement is to be ratified and approved by the Parliament.

Clause 5: Facilitation of Agreement

The Minister and State agencies are to do anything reasonably necessary to ensure the performance and observance of the agreement.

Schedule

The schedule sets out the intergovernmental agreement.

Mr HILL secured the adjournment of the debate.

HAIRDRESSERS (MISCELLANEOUS) AMENDMENT BILL

Second reading.

The Hon. I.F. EVANS (Minister for Environment and Heritage): 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.

On 11 April 1995 the Council of Australian Governments entered into three intergovernmental agreements to facilitate the implementation of national competition policy objectives. One of these agreements was the Competition Principles Agreement. As part of its obligations under that Agreement, the Government gave an undertaking to review existing legislation that restricts competition. The Office of Consumer and Business Affairs has reviewed the *Hairdressers Act 1988* ('the Act') as part of this process.

The guiding principle of competition policy is that legislation (including Acts, enactments, ordinances or regulations) should not restrict competition unless it can be demonstrated that:-

- 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.

A Review Panel consisting of staff of the Office of Consumer and Business Affairs was formed to undertake this review.

The *Hairdressers Act 1988* is a light handed regulatory scheme for the hairdressing industry in South Australia. It is a negative licensing scheme under which a person is not permitted to carry on the practice of hairdressing for fee or reward unless they hold appropriate qualifications. Practitioners are not required to lodge notification of qualifications with the Commissioner for Consumer Affairs, nor are they required to pay any licensing fees to the Commissioner. The Review Panel found that regulation of hairdressing services imposes costs on the community due to the reduction in levels of competition which regulation causes within the market.

However, in spite of these costs, the Review Panel concluded that at this point there is sufficient justification for the retention of regulation of this industry at the point of entry. The Government supports this conclusion. Justification for regulation is founded on the potential risks to public health and safety inherent in hairdressing, the risk of substandard work being performed on consumers, and the risk consumers face of incurring significant transaction costs when seeking to enforce their legal rights in this market.

In accordance with competition policy principles, the Review Panel considered various less regulatory alternatives to the current legislative scheme, including complete deregulation by the repeal of the Act, self-regulation by industry bodies and co-regulation by industry bodies. It concluded that these alternatives would not ensure that consumer protection is maintained, and therefore that the Act should be retained.

However, the Review Panel concluded that the current definition of 'hairdressing' is too broad and amounts to an unjustified restriction on competition, as it incorporates activities that either do not pose risks to consumers, or are not appropriately reserved solely to hairdressers. In particular, the 'washing' of another's hair poses no identifiable risk to consumers that would warrant continued regulation, while the 'massaging or other treatment of a person's scalp' are activities which are equally appropriately carried out by other occupations, such as massage therapists and trichologists. It should also be noted that under the current definition of hairdressing, nurses and other health care professionals who have occasion to wash patients' hair in the course of their duties are potentially in breach of the Act.

The Bill therefore amends the current definition of 'hairdressing' so that it does not encompass these two activities.

The Review Panel assessed the requirement to hold qualifications as presenting a significant barrier to entry in the legislation. The current competency requirements were examined in light of the identified objectives of the Act, and it was concluded that the present requirements are so onerous as to exceed those necessary to achieve the Act's objectives. Having such a high barrier to entry restricts the numbers of suppliers of hairdressing services in the market, which will result in higher prices to consumers, as well as less incentive for market incumbents to explore new and more efficient methods of pricing and service delivery.

The Bill therefore establishes a scheme whereby a person can apply to the Commissioner for Consumer Affairs to make a determination on whether that person has alternative qualifications, training or experience considered appropriate for the purpose of carrying on the practice of hairdressing. This will allow those who are not able to satisfy the qualification criteria set out in the regulations, but who are otherwise competent to carry on the practice of hairdressing without posing any risk to consumers, to legally provide their services to consumers in South Australia. An applicant has a right of appeal to the Administrative and Disciplinary Division of the District Court against a determination made by the Commissioner.

This scheme is similar to provisions included in the occupational licensing schemes within the Consumer Affairs portfolio, such as the *Building Work Contractors Act 1995* and the *Plumbers, Gasfitters and Electricians Act 1995*.

Consultation was undertaken on the Bill, with several comments received from industry participants. These comments were entirely supportive of the Bill.

Since coming to office, one of the key objectives of this Government has been to undertake a comprehensive micro-economic reform program to ensure competitive market outcomes for both consumers and business. As a necessary part of this reform, it is sensible to amend legislation that imposes unnecessary and unjustifiable restriction on the market. Accordingly, the Government has accepted the conclusions and recommendations made in the Final Report of the Review Panel, and this Bill will allow the necessary amendments to be made to the *Hairdressers Act 1988*.

I commend this bill to the honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal

Clause 3: Amendment of s. 4—Interpretation

The interpretation provision is to be amended by striking out the definitions of hairdressing and qualified person and substituting new definitions. The new definition of hairdressing no longer includes a reference to washing hair or massaging or other treatment of a person's scalp, but is restricted to cutting, colouring, setting, or permanent waving or other treatment of a person's hair. The new definition of qualified person includes those persons the Commissioner for Consumer Affairs determines to have appropriate qualifications, training or experience in addition to those persons who hold qualifications prescribed by regulation.

A definition of Commissioner as meaning the Commissioner for Consumer Affairs has also been inserted and the definition of unqualified person (which now has a corresponding meaning to qualified person), has been struck out. These amendments are of a drafting nature only.

Clause 4: Insertion of ss. 4A and 4B

4A. Recognition by Commissioner of a qualified person

New section 4A provides that a person may apply to the Commissioner for a determination that they have appropriate qualifications, training or experience to carry on the practice of hairdressing. In making a determination, the Commissioner may require supporting information or records from the applicant including verification by statutory declaration.

4B. Appeals

New section 4B provides that an applicant can appeal to the Administrative and Disciplinary Division of the District Court against a determination made by the Commissioner. The applicant has one month from the time in which the Commissioner provides the applicant with a written statement of the reasons for the determination in which to appeal.

Mr ATKINSON secured the adjournment of the debate.

DEVELOPMENT (SYSTEM IMPROVEMENT PROGRAM) AMENDMENT BILL

Second reading.

The Hon. DEAN BROWN (Minister for Human Services): 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 *Development Act 1993*, together with the associated *Statutes and Amendment (Development) Act 1993*, the *Environment, Resources and Development Act 1993* and related regulations came into operation on 15 January 1994 setting in place the framework for a new integrated planning and development assessment system for South Australia.

In 1996 the Government sought to make a series of important changes to the *Development Act* in order to provide greater certainty and better outcomes for proponents and the community at large, especially in relation to the assessment procedures for Major Developments or Projects. These changes were included in the *Development (Major Development Assessment) Amendment Act 1996*, which was assented to by the Governor in August 1996 and came into operation on 2 January 1997.

In August 1998 the Government appointed Ms Bronwyn Halliday—then an independent consultant—to undertake a customer survey of the administration of the planning and development assessment system through the *Development Act*. This survey deliberately set out to focus on the attitudes of users of the system. Planners, local government staff and elected members, developers, private certifiers, government officers, Members of Parliament and members of the wider community were invited to comment on the planning and development assessment system in several ways:

- By attendance at one of eight in-depth discussion groups focussing on a particular element of the system; attendance was by invitation,
- By attendance at a regional meeting of local government; this involved both elected members and staff,
- At agency meetings to capture issues from a single perspective; and,
- In response to a newspaper advertisement, either by telephone or in writing.

The Customer Survey Report, publicly released in April 1999, found that overall the South Australian planning and development assessment system is considered to be one of, if not the, best system in Australia. Certainly it has some faults and the administration can be improved. Five major themes emerged from this review:

1. The need to further integrate the development assessment system more effectively and completely—in particular making provision for a single assessment 'one stop shop' process for more development activities.
2. The need to focus on the provision of clearer planning policies to enable balanced State development—and more guidance on State policies and processes so that local government has clear direction on priorities.
3. The need to support Local Government so that it can fulfil its role as a planning authority under the *Development Act* effectively and efficiently—and be accountable for its decision making. In particular the promotion of a shift in focus of Councillors to strategic and policy issues rather than considering detailed operational matters.
4. The need to improve rules and processes so that there is greater certainty and faster decision making both within the State Government and local governments.

5. The need to better inform professional staff, Councillors and the development industry about the planning and development assessment system.

This Bill deals with the first and fourth of these themes. The other important improvements to the system are being achieved in non-legislative ways. For this reason, the Government has instituted a System Improvement Program for the planning and development assessment system. The first draft of this System Improvement Program was publicly released in April 1999. Updated outlines of the Program were released in August 1999 and February 2000.They reveal that considerable good work has already been achieved across Government, and in close cooperation with the local Government Association, to improve the administration of the planning and development assessment system—and more work is planned.

On 20 August 1999 the Government released for consultation a working draft System Improvement Program Bill, with amendments to the *Development Act* and the *Environment, Resources and Development Court Act 1993*. Following representations made by the Local Government Association the consultation period was extended until 5 November 1999. The Local Government Association was also given an additional month to provide a consolidated local government position on the working draft Bill. During this period Planning SA conducted a series of regional workshops for Councils and other stakeholders in Adelaide and rural centres to explain the draft Bill and receive feedback.

Fifty-seven written submissions were received—together with the Local Government Association's consolidated submission. These submissions were generally supportive of the main aims of the Bill –and the goal of system improvement in particular. However, concerns were raised about three particular proposals in the draft Bill:

- The proposed increase in the Minister's ability to call-in development applications for a decision by the Development Assessment Commission;
- the introduction of private certification for complying kinds of development; and
- proposed amendments to the *Environment, Resources and Development Court Act* in relation to unwarranted third party proceedings.

In response to these concerns, Planning SA and the Local Government Association formed a joint working party—at the Minister's request—with the objective of reaching common ground on the proposed amendments. The Government has adopted the working party's recommendations to amend the Bill through the deletion of references to additional Ministerial call-in criteria and private planning certification. The latter will now be the subject of a joint Local Government Association/Planning SA working party to consider a wide range of issues relating to complying kinds of development. Also, the provisions relating to third party appeals have been redrafted to specifically target Environment, Resources and Development Court proceedings where commercial competitors have a commercial competitive interest.

In December 1999 the Government also released for targeted consultation purposes proposed amendments to the *Roads (Opening and Closing) Act 1991* relating to proposals to integrate decisions on road closures affecting a declared major development with the major development assessment process—plus minor amendments to the *Native Vegetation Act 1991* to facilitate the integration of decisions on native vegetation clearance consent applications with the assessment of development applications. Related draft integration amendments to the Development Regulations 1993 and the Native Vegetation Regulations 1991 were also released for stakeholder comment as part of this package. Planning SA conducted a further series of workshops in Adelaide and rural centres on the draft integration Act amendments and related integration regulation amendments.

Twenty-two submissions were received on the integration Act and regulation amendments and as comment was generally supportive, these matters have now been included as a schedule to this Bill.

The major provisions of the Bill are as follows:

The Customer Survey Report identified serious concerns about the length of time it takes for most amendments to Development Plans to be authorised. In order to improve the efficiency, timeliness, and outcomes of the Development Plan amendment process, substantial amendments are proposed to sections 24 to 29 of the *Development Act*.

There is also an increased emphasis on the Statement of Intent to prepare an amendment, to be agreed upon by the Council and the Minister—and for Councils to provide a comprehensive certificate—signed by Council's Chief Executive Officer—when placing a PAR on public consultation and again when submitting an authorisation draft Plan amendment to the Minister.

The Bill provides that Ministerial approval to undertake public consultation will only be required where there are significant or unresolved State issues. The need for such approval will be set out in the agreed Statement of Intent to prepare an amendment. Most Council PARs will proceed directly to the public consultation phase.

The requirement for the Governor to authorise Plan amendments after the Minister's approval has been deleted.

At present, there are no sunset clauses to lapse Council PARs that a Council has failed to progress within reasonable time limits. Councils have expressed concern about the insertion of standard timelines for PAR lapsing purposes into the Act or regulations. The Bill now proposes that sunset clauses for various stages in the Plan amendment process will be PAR specific and included in the relevant Statement of Intent. It is also proposed to give the Minister the option of taking over lapsed PARs and progressing part or all of the new policies to approval from the stage reached by the Council.

The circumstances in which the Minister can initiate a PAR are to be expanded to include amending a Development Plan to achieve consistency with a major development application.

The Customer Survey Report found that the development assessment process of the *Development Act* does not require substantial change. Rather the emphasis should be on consistency of decision making and processing by those administering the system. Nonetheless, there is a need for amendments to the *Development Act* and Development Regulations to assist and encourage Councils to properly carry out their functions as the relevant planning authority. The working draft Bill included provisions giving the Minister the power to unilaterally establish Regional Development Assessment Committees. The mandatory elements of these provisions were strongly opposed by Councils. To address these concerns, the Bill now proposes to amend the Act to give the Governor the ability to establish regional development assessment authorities (to be called Regional Development Assessment Panels to differentiate them from committees established under the *Local Government Act 1999*) by amendment to the Development Regulations. This will only be pursued at the request of a group of Councils. The regulations—to which all of the member Councils must concur—will set out the criteria for the appointment of members, the kinds of applications to be considered, cost sharing arrangements and so on.

The Customer Survey Report recommended that action be taken to make Councils aware of the difference between 'sitting as a Council' and 'sitting as a planning authority' to assess development applications. To emphasise this difference, the Bill provides that every Council must establish a Development Assessment Panel for the purpose of assessing development applications. Councils will also be required to establish a policy of delegation to their panel. The membership of these panels and the delegation policy will be reviewed annually. Subdelegations to professional staff will continue to operate for applications not considered by the panels or the Council itself. The Local Government Association has expressed support for this approach.

Section 41 of the *Development Act* enables an applicant for development approval to seek an order from the Environment, Resources and Development Court requiring a Council to make a determination on a development application. This provision protects applicants where a Council has exceeded the statutory maximum time limits for determination. The Court can award costs if the applicant seeks these. The Bill amends section 41 to provide that the Court should award such costs unless it forms the opinion that this action cannot be justified.

Section 57 of the *Development Act* enables Councils and/or the Minister to enter into Land Management Agreements with landowners for the purposes of the management, preservation or conservation of land. The Bill widens the scope for the use of these agreements to include issues related to the development of land. These agreements will be subject to the proviso that they are not to be used to find a way around the policies for development in the appropriate Development Plan. Councils will be required to establish a register of new LMAs they enter into—and to notify third party representors of the existence of these agreements.

Section 71 of the *Development Act* gives an 'appropriate authority' the power to investigate the fire safety adequacy of buildings erected prior to 15 January 1994—and to require them to be upgraded to an appropriate level of fire safety if considered necessary. At present, an appropriate authority can be either a full

Council or a committee appointed by a Council or group of Councils. The Bill amends section 71 to require Councils to address their fire safety responsibilities through the establishment of fire safety committees with members who have specific fire safety expertise. The proposed amendments to section 71 will provide a more consistent and defined approach across the State and clarify other fire safety issues relating to enforcement and liability. These amendments have been strongly supported by Councils and industry groups.

Non-compliance of building work approved under the *Development Act 1993* needs to be addressed. The Crown Solicitor has advised that Councils have the powers but not the obligation to undertake inspections to ensure building work meets acceptable standards and complies with the development approval and the Building Rules (primarily the national performance Building Code of Australia), as required under the Act.

The majority of responses to an industry discussion paper—'Improving the Quality of Residential Construction'—released for comment by Planning SA in May 1999 supported the need for Council's to undertake audit inspections for residential building work. The discussion paper followed extensive consultation with the Commissioner for Consumer Affairs, the Housing Industry Association, the Master Builders Association and the Local Government Association.

The Bill includes a requirement that all Councils establish audit inspection policies based on criteria in the Bill. The inspections will include building work resulting from plans assessed and granted Building Rules consent by private building certifiers. The clarification of local government's responsibilities in this area has widespread support, although the Housing Industry Association continues to have reservations about the justification for increased levels of Council inspections.

The Customer Survey Report recommended that Planning SA should investigate amending the *Development Act* to enable Councils to maintain a car park fund for a specific centre. This will allow the Council to use developer contributions—if the developer agrees to this approach—instead of the provision of compulsory car parking spaces as part of a development approval. The contributions will be used to provide shared parking facilities for the centre—as enunciated in the appropriate Development Plan. The Metropolitan Centres Review conducted by the Development Policy Advisory Committee contained a similar recommendation. Council operated car park funds are an especially useful option for the provision of parking in strip centres along main roads.

The bill gives the minister the ability to approve the establishment of a carparking fund by a Council (Councils administer their own funds and set contribution rates.) An important criteria for Ministerial approval will be that the proposed sites for shared car parking be shown in the Development Plan. The carparking fund monies will also be able to be utilised for the provision of transport facilities that would result in a decrease in the need for carparking spaces in the designated area. Carparking funds were strongly supported by local government and industry groups in the submissions on the working draft Bill.

The Bill contains provisions that will enable the Minister to appoint an Independent Investigator to investigate and report to the Minister on a significant aspect of a relevant planning authority's development assessment performance. Acting on this report, the Minister will be able to make recommendations and/or directions to the authority. These will be in addition to the Minister's existing ability to remove some or all of a Council's development assessment functions through an amendment to schedule 10 of the Development Regulations 1993.

The specialist Environment, Resources and Development Court is operating successfully with most appeals against planning decisions being resolved at the conference stage. However, there are still some appeals lodged for other than good planning grounds. The Bill strengthens the Courts powers to assign costs relating to such appeals.

The Bill now contains amendments to the *Development Act* targeted directly at commercial competitor appeals. Commercial competitors will be required to declare any direct or indirect commercial competitive interest they have in any proceedings before a court that relate to the *Development Act* to the Registrar and other parties in these proceedings. Where the outcome of the proceedings is that the development may go ahead, the proponent will be able to apply to an appropriate court for damages attributable to delays to the development on account of the conduct of the proceedings. This approach will act as a significant deterrent to commercial competitors using court proceedings as a delaying tactic.

Schedule 1 to the Bill contains the integration System Improvement amendments to the *Roads (Opening and Closing) Act 1991* and the *Native Vegetation Act 1991*. These amendments received widespread support in the submissions on the integration component of the Bill. The schedule also contains amendments to the *Environment Protection Act 1993, Environment, Resources and Development Court Act 1993, Irrigation Act 1994* and *Water Resources Act 1997* designed to improve the operation of the ERD Court.

I commend the bill to all members and ask that it receive their prompt attention.

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—Objects

The Act will be amended to include a reference to encouraging the management of the natural and constructed environment in an ecologically sustainable manner in connection with Development Plans.

Clause 4: Amendment of s. 4—Definitions

These amendments up-date references relevant to the *Opal Mining Act 1995* and make a consequential amendment to the definition of 'relevant authority' on account of amendments to section 34 of the Act to provide for the constitution of regional development assessment panels under the Act. Other definitions relate to new provisions concerning 'associates' under the Act.

Clause 5: Amendment of s. 20—Delegations

These amendments are consequential on other provisions which provide for the creation of new bodies under the Act, and up-date references due to the passage of the *Local Government Act 1999*.

Clause 6: Amendment of s. 24—Council or Minister may amend a Development Plan

These amendments relate to the circumstances when an amendment to a Development Plan may be prepared. The Minister will be able to determine whether a matter is of significant social, economic or environmental importance for the purposes of section 24(1)*(g)*. Another amendment will allow the Minister to proceed with an amendment to a Development Plan if the Minister considers that the amendment is appropriate having regard to issues surrounding the consideration or approval of a development or project under Division 2 of Part 4. The Minister will also be able to proceed with an amendment if a Plan Amendment Report prepared by a council has lapsed.

Clause 7: Amendment of s. 25—Amendments by a council

These amendments make various revisions with respect to the procedures to be followed by councils when considering amendments to Development Plans. A new certificate will be required from the chief executive officer of the council relating to the extent to which a proposed amendment accords with the Statement of Intent, the Planning Strategy and other parts of the Development Plan, complements planning policies for adjoining areas, and satisfies other prescribed matters. The Minister will be able to determine that a Plan Amendment Report be divided into parts and that each part be dealt with separately. Other provisions to promote greater flexibility in the processes are included. A mechanism is now to be included under which a Plan Amendment Report will lapse in certain circumstances after consultation with the relevant council.

Clause 8: Amendment of s. 26—Amendments by the Minister

These amendments provide greater flexibility in some of the processes associated with Ministerial amendments to Development Plans.

Clause 9: Amendment of s. 27—Parliamentary scrutiny

The Minister will now be solely responsible for authorising amendments to Development Plans under the processes of the Act, which will continue to be referred to the Environment, Resources and Development Committee. The Governor will still retain the role of giving an amendment interim effect in an appropriate case under section 28 of the Act.

Clause 10: Amendment of s. 28—Interim development control

This is a consequential amendment.

Clause 11: Amendment of s. 29—Certain amendments may be made without formal procedures

These amendments relate to the circumstances where the Minister may make an amendment to a Development Plan without following the formal procedures under the Act. The Minister will now be able to make a change in form if to do so does not alter the effect of an underlying policy reflected in the Development Plan, or if the

Minister is taking action which, in the opinion of the Minister, is addressing or removing irrelevant material or a duplication or inconsistency (without altering an underlying policy), or correcting an error.

Clause 12: Substitution of heading of Part

Clause 13: Substitution of heading of Division

These clauses make consequential amendments to headings.

Clause 14: Amendment of s. 33—Matters against which a development must be assessed

These amendments will require that buildings situated on land to be divided by strata plan comply with the Building Rules as in force at the time the application is made for consent in respect of the division of the land.

Clause 15: Amendment of s. 34—Determination of relevant authority

It is proposed to provide mechanisms for the creation of regional development assessment panels to act as relevant authorities in appropriate cases. A regional development assessment panel will be constituted, by regulation, in relation to the areas of two or more councils (being contiguous areas) and, if the regulation so provides, in relation to a contiguous area of the State outside a council area. The Minister will obtain the concurrence of the relevant councils before a panel is constituted. A panel will then act as the relevant authority in cases involving prescribed classes of developments (subject to the operation of the other provisions of the Act, and especially section 34).

Clause 16: Amendment of s. 35—Special provisions relating to assessment against a Development Plan

The legislation will now provide that a proposed development of a class prescribed for the purposes of the referral scheme under section 37 of the Act will always be taken not to be a *complying* development.

The circumstances where the concurrence of a council is required when the Development Assessment Commission is considering a *non-complying* development have also been reviewed, given that in some cases the council will have an interest in the development or is not otherwise to be involved in a particular case.

Clause 17: Amendment of s. 41—Time within which decision must be made

The Act currently provides that the Court has complete discretion as to whether to award costs on an application under section 41(2). It is proposed that it now be a principle that the Court should award costs in such a case, unless the Court is satisfied that the relevant delay is not attributable to an act or omission of the relevant authority, or that an order for costs should not be made for some other reason.

Clause 18: Insertion of s. 45A

The Minister will now have specific power to initiate an investigation into a matter involving a significant failure to comply with the assessment procedures, or a significant failure to discharge a responsibility efficiently or effectively, on the part of a relevant authority. An investigation will be conducted by an investigator or investigators appointed by the Minister. An investigation will be conducted in a manner similar to an investigation under the *Local Government Act 1999*. The Minister will, as the result of an investigation, be able to make recommendations or to give directions in appropriate cases.

Clause 19: Amendment of s. 48—Governor to give decision on development

This clause corrects an incorrect cross-reference.

Clause 20: Amendment of s. 49—Crown Development

Clause 21: Amendment of s. 49A—Development involving electricity infrastructure

These amendments will lead to greater consultation with respect to certain developments assessed under the relevant sections of the Act.

Clause 22: Insertion of s. 50A

A council will be able, with the approval of the Minister, to establish a carparking fund for an area designated by the council. The fund will be available for cases where a proposed development does not provide for sufficient carparking spaces at the site of the development and it is agreed that it is appropriate to make a payment to the fund in view of the circumstances. Money standing to the credit of the fund may then be used to provide carparking facilities in the area, or to support carparks, or towards improving transport facilities with a view to reducing the need for carparking in the designated area.

Clause 23: Insertion of s. 56A

Each council will be required to establish a development assessment panel to exercise or perform, or to assist the council to exercise or perform, certain powers and functions under the Act. The council must consider the extent to which it should delegate its powers and functions to the panel in order to facilitate the expeditious assessments of applications made to the council as a relevant authority.

Clause 24: Amendment of s. 57—Land management agreements

It has been decided to provide that a land management agreement may include a provision relating to the development of land. However, the Minister or a council must, in considering such a provision, have regard to the provisions of the relevant Development Plan and any relevant development authorisation, and to the principle that this mechanism should not be used as a substitute to proceeding with an amendment to a Development Plan.

The regulations will establish a scheme for the registration of land management agreements.

It will also be made clear that a mortgagee in possession of land will be taken to be an owner for the purposes of the section.

Clause 25: Amendment of s. 59—Notification during building

Section 59 of the Act is to be amended so that it is clear that the mandatory notification requirements apply to a licensed building work contractor who is carrying out the work or who is in charge of carrying out the work or, if there is no such licensed building work contractor, to the building owner.

Clause 26: Amendment of s. 66—Classification of buildings

These amendments are intended to ensure that section 66 of the Act will reflect the actual situation that now applies where all buildings (other than those excluded under section 65) are now expected to have a classification.

Clause 27: Amendment of s. 70—Preliminary

This amendment will allow new buildings to be subject to the fire safety provisions of the Act.

Clause 28: Amendment of s. 71—Fire safety

Specific provision is now to be made for the establishment of appropriate fire safety authorities. It will also be made clear that an order may be made with respect to a *part* of a building. A default penalty will now be available if a person fails to comply with an order under the section.

Clause 29: Insertion of new Division

Each council will be required to have a building inspection policy that specifies the level or levels of audit inspections that the council will carry out on prescribed classes of building work conducted in its area in each year, and specifies the criteria that will be applied with respect to selecting buildings to be inspected.

Clause 30: Amendment of s. 74—Advertisements

These amendments update cross-references.

Clause 31: Amendment of s. 75—Applications for mining production tenements to be referred in certain cases to the Minister

This amendment corrects a clerical error.

Clause 32: Amendment of s. 86—General right to apply to Court

A dispute involving an emergency order relating to the safety of a building will now be dealt with by a commissioner or commissioners acting as building referees.

Clause 33: Amendment of s. 87—Building referees

These are consequential amendments.

Clause 34: Insertion of new Division

A person who participates in, or supports, proceedings before a court arising under or in connection with the operation of this Act will be required to disclose any commercial competitive interest of the person (or of a person providing financial support to the person) in accordance with the scheme set out in this Division. If a development finally proceeds despite opposition from persons with a commercial competitive interest, the proponent will have a right of action for any loss that the proponent has suffered because of delay if he or she can satisfy the court that the opposition to the development was solely or predominantly based on an intention to delay or prevent the development through the conduct of the proceedings in order to obtain a commercial benefit.

Clause 35: Amendment of schedule

This amendment will facilitate the keeping and supply of information by prescribed bodies performing various functions under the Act.

SCHEDULE 1

It is intended to make a series of related amendments to other Acts. One set of amendments will provide greater flexibility when constituting full benches of the Environment, Resources and Development Court, while still ensuring that appropriate expertise is still maintained. Another set address issues surrounding the awarding of costs in the Court. Amendments to facilitate greater integration in certain cases between the processes and procedures under the *Development Act 1993* and the *Native Vegetation Act 1991*, and between the *Development Act 1993* and the *Roads (Opening and Closing) Act 1991* are also included.

SCHEDULE 2
This schedule sets out various transitional arrangements relevant to the procedures being undertaken immediately before the commencement of this measure to amend Development Plans, and to the registration requirements for land management agreements.

Ms KEY secured the adjournment of the debate.

AUTHORISED BETTING OPERATIONS BILL

In committee.
(Continued from 28 November. Page 690.)
Clause 7.

Mr WRIGHT: To finish off what we were discussing yesterday with regard to interstate TABs not having the right legally to come into South Australia, I agree with what the minister was saying. However, one of the arguments that has been put—and I might say not by the government or the minister—by certain people regarding the need to privatise the TAB has been that, ultimately, interstate TABs will come in and compete against the South Australian TAB: it will lose its monopoly status. Last night I was pleased to hear the minister confirm that, despite national competition policy, or as a consequence of it, we still do have that monopoly status.

I agree with the advice that the minister gave that it is not a consideration in respect of the privatisation of the TAB: it is simply a matter that the whole status of this has changed as a result of national competition policy and a TABCorp, a New South Wales TAB Limited, or whoever it might be, can simply come in and compete directly against the South Australian TAB. They may do that in a variety of ways but one of the examples that have been cited to me is that there is nothing stopping them from coming in, approaching the pub TABs, striking up a deal with the hotels and establishing their own pub TABs. That is an important point to get on the record in order to clarify the matter once and for all.

The Hon. M.H. ARMITAGE: I am very comfortable in reiterating that we are quite specific in identifying the specificity of the licence, and indeed, as we will talk later I believe about terms, there is a 15 year exclusive licence in the first instance (possibly to be renewed at the end of that contract). However, I would point out that in the schedule there is an opportunity for the South Australian TAB (or its new owner) to act as an agent of an interstate TAB and, under those circumstances, for that interstate TAB not to be illegal, but obviously that would be done with the full agreement of the South Australian TAB, otherwise they would not be in an agent relationship. I believe the situation the member for Lee is trying to paint is of a direct competitor to the TAB: that will be illegal.

Mr LEWIS: In connection with that matter, given that it is possible for another totalisator to set up business in South Australia, regardless of the success or otherwise of this measure, and basing its probable determination to do so on competition policy, does the minister now acknowledge that such a totalisator agency operator could offer from an interstate or overseas base, fixed odds betting on races conducted outside South Australia?

The Hon. M.H. ARMITAGE: Just to clarify before I seek advice: the question is whether an interstate TAB can set up in South Australia to run betting on races other than in South Australia.

Mr LEWIS: Yes.

The Hon. M.H. ARMITAGE: My advice is that there is nothing to prevent that occurring.

Mr LEWIS: Therefore, I go further and ask the minister, as he understands it, could such an agency or commercial entity offer fixed-odds betting on horse races and dog races conducted outside South Australia to people wishing to place bets with them in South Australia?

The Hon. M.H. ARMITAGE: I am sorry, I heard what the member said, but I would ask him to repeat the observation please so I can be clearer.

Mr LEWIS: My question was that the foreign totalisator agency, not based in South Australia, being able to operate in South Australia, would then be able to offer fixed-odds betting on horse races which were conducted outside South Australia, harness races which were conducted outside South Australia and dog races that were conducted outside South Australia, as well as all the other things upon which it might offer wagers outside South Australia at fixed-odds to South Australia.

The Hon. M.H. ARMITAGE: My understanding is that that could occur because the member for Hammond is quite specific in the scenario he is painting in indicating that the foreign (I think that is the word he used), international or interstate TAB is not set up in South Australia and, accordingly, the South Australian law would not apply to it.

Clause passed.

Clause 8 passed.

Clause 9.

Mr LEWIS: I move:

Page 11—
After line 20—Insert:
(ca) to conduct fixed-odds betting on races held by licensed racing clubs and on approved contingencies;
Lines 21 to 23—Leave out '(other than fixed-odds betting on races within Australia on which licensed bookmakers are authorised to conduct betting).'

This amendment provides that the new owner of the TAB, if and when the government sells it, will be able to conduct fixed-odds betting on races held by licensed racing clubs and on approved contingencies and, as part of this proposition, I move to delete the words 'fixed-odds betting on races within Australia on which licensed bookmakers are authorised to conduct betting'. The purpose of that is to give the TAB operator in South Australia a fair go in the marketplace.

The minister has just acknowledged that every other horse race and dog race of any kind anywhere that can be put into South Australia by a competing totalisator agency can offer wagering at fixed-odds. Such an agency will be a more attractive supplier of the service to those people who want to be sure of what odds they will get. We would be nuts if we deny the firm that will buy into South Australia the opportunity to compete in that area. It would substantially reduce the price that we can realise because the buyers will know that our product is restricted, is limited and does not have the same range which can be offered by a competitor that can come into the market from an outside base.

The Hon. M.H. ARMITAGE: The government would be intending to oppose this amendment for two main reasons. First, in the government's view, it would militate against the bookmakers conducting fixed-odds betting on races held by licensed racing clubs. It is the view of the government, which may well alter at some stage, but certainly is the view now, that the bookmakers are an essential part of the colour of the racing industry and we would be intending to preserve that colour, particularly as it is the view of the government that, with the passage of the disposal bill for the TAB, if it were to get through the other House, the injection of funding which

the racing industry will receive will lead to a much more vibrant industry. We think that anything that adds to the colour and pizzazz of the oncourse racing meetings is a bonus. There are certainly people who are punters who prefer the fixed-odds facilities offered by bookmakers rather than offcourse facilities.

However, that is a reason. The main reason is that in the first instance of moving to privatise the TAB, the government was quite clear in its goal of leading to no proliferation of betting. It did not wish to add to opportunities per se. It may well be that future parliaments decide that proliferation of betting is either a good or bad thing, but the government did not wish to bring other elements into this and, accordingly, in no area of the bill does it do that. As such, it will be opposing this amendment.

Mr WRIGHT: The debate about fixed-odds is not a new debate. In fact, it is a debate that has been going on for at least 10 to 15 years. There has been a whole range of presentations about what element of risk may or may not be involved with regard to fixed-odds. Depending on where you come from, I guess people over the years have a range of opinions. Some people have been passionately opposed to fixed-odds betting for the totalisator because they have argued there is some element of risk and the totalisator should not be put in that situation. Others have said that this is a new concept and they have been at pains to try to demonstrate that this is a new form with a formula which they have put forward; different people have put forward different formulas that they believe have demonstrated, from their point of view, there is not an element of risk. I guess we have those two bodies of opinion.

I appreciate that the member for Hammond yesterday mentioned Mr Grant Hall. As local members of parliament, we all received correspondence from Mr Hall; in fact, we received several pieces of correspondence. He is speaking about set price totalisator. He presents a scenario that there is no risk attached to this. I am not sure he is right about that, but, nonetheless, he goes into a compelling argument. He talks about poker machines. He is very critical of the Premier's action or inaction with respect to poker machines—and, of course, we had a discussion in this House just today.

He also talks about the costs with regard to tax. I think this is a very critical point. The effective tax rate of the TAB, as we discussed during the second reading in the TAB (Disposal) Bill, is in the order of 16 per cent. One could say that if it is going to go into a private ownership situation, well, who is to care because that element of risk to the government is no longer there?

However, the element of risk is still there because the new formula—and this is a very important point—beyond three years will be based on net wagering revenue. So, if a loss is made as a result of this concept of a set price totaliser to which Mr Hall refers, and which the member for Hammond puts before us with regard to fixed odds, it will impact upon the racing industry. The new formula three years hence, if we do have a privatised TAB, will be based on net wagering revenue. We will adopt a new formula whereby, I think, from year three to year 10, the racing industry will receive $20 million plus 19 per cent of net wagering revenue.

If the new owner does go into a situation that has an element of risk, they will also be putting at risk the returns to the racing industry. Beyond year 10 there is no fixed income, but it is 39 per cent of net wagering revenue. That is one argument about which we must be cognisant. Prior to this legislation, if it does pass through the Legislative Council, the industry was in public hands and an argument exists that there is an element of risk with respect to fixed odds. My feeling is that there is an element of risk. That debate with respect to the industry's being in public ownership has some sympathy with me because I believe that there is an element of risk with fixed odds. There simply must be an element of risk by the very nature of the concept. So, it is not enough to say, 'Because there will be a private owner, who cares; what does it matter?' It does matter, for the very reasons I have just outlined.

The minister correctly said, 'Well, we are not to know what we will be looking at further down the track because this situation is evolving all the time.' This industry will experience major changes on a regular basis, and it may be that, some time in the future, some concept such as this does evolve. I would like to see it evolve in other parts of Australia or the world before it evolves in South Australia.

I say that not because I do not want South Australia to be a trendsetter, but if fixed odds is to work it is more likely to work in a bigger pool arrangement. If we understand the concept of pooling, we will realise that fixed odds is more likely to work where you have a bigger rather than smaller pool, which we have in South Australia. None of the states on the eastern seaboard, which have huge pools compared to South Australia, have adopted this particular concept, despite the debate that has occurred over the past 10 years. Hong Kong does not have bookmakers: it has only the totalisator. Hong Kong has a huge pool, but it has never entertained adopting a fixed pool arrangement.

I understand from where the member for Hammond is coming, and it may well happen one day. I believe that there is an element of risk and, despite the fact that we are looking at, in all probability, the TAB's going into private ownership, I do not want to put at risk that percentage of net wagering revenue (which, of course, is the difference between what comes in and what goes out) for the racing industry. We should therefore take some care with a proposal such as this. As I said yesterday, I know that the member for Hammond has introduced this to the chamber with good intention.

I was heartened to hear the minister say that, as a result of the TAB (Disposal) Bill, in addition to its companion bill that is currently before the House, the government is not looking at a proliferation of betting. I welcome that comment, and that is something we might pick up on as this bill proceeds. That is an important concept. The minister also spoke about bookmakers and highlighted the point that it was one reason, not the reason. I do not think that it can be the reason. I do not think it can be a reason by itself, and the minister acknowledged that. However, it is a factor.

Part of the reason why Australian racing has been so successful for 100 years or more now is that we have had bookmakers. They have brought some colour to the racing industry. I suppose that bookmakers, like a number of other sectors through the business sector, are doing it very tough. Gone are the days whereby a bookmaker simply turned up and got out of his Mercedes Benz, which was the general concept of bookmakers that existed.

The bookmaking industry, like other industries, is on a very competitive edge. The majority of turnover invested with the industry now is with smart money—with professional money. As we all know, by and large, except, of course, for the big racing days, only a very small number of people attend the races regularly. There is small turnover from that type of attendance, and much of the money that is invested with the bookmaker now comes from either the professional

punter who bets at the course or the professional punter who bets over the telephone. It is not all beer and skittles—indeed, far from it—with respect to bookmaking and fixed prices. Let us not delude ourselves about that.

I am not making a sympathetic cry for the bookmakers. Rather, I am making the point that it is an industry which, I think, is doing it far differently from what happened 20 or 30 years ago. The best demonstration of that is the small number of licensed bookmakers that we now have. I am not sure of the number. The minister may know the number, but I think that there are as few as 40 licensed bookmakers. The number used to be in the hundreds.

As I say—and I do not want the member for Hammond to criticise me—that is not a reason by itself not to have set prices on the totalisator. As the minister said, bookmakers are an important part of the racing industry. They are also very important from the point of view of punters, gamblers, investors—however one refers to them—being able to arbitrage between what prices are being offered by the bookmaker and what prices are being offered on the totalisator. That is a very important point, especially with professional punters but, of course, also with punters in general who take their lead from the type of betting that occurs on a regular basis.

We therefore need to proceed carefully in this area for the reasons that I have outlined. I believe, in all sincerity, that there is an element of risk. No-one has been able to demonstrate to me that no risk is attached, and I say that with some disappointment because, back in the early 1990s, my father was a member of the TAB board, and he was a supporter of fixed odds betting. He had very good reasons for doing so, but there were just as good counsel from many people in the racing industry as to why an element of risk was attached to fixed odds betting.

At the very least, despite Mr Hall's sentiments and the intentions of the member for Hammond, the jury is out on this. Even though this is going into private hands, we should move very carefully. A potential risk is attached to the racing industry in terms of the new formula and the income that it will receive from the TAB as a result of the new concept of its receiving a percentage of net wagering revenue.

I appreciate that this is a delicate area, and I have some sympathy for the argument. I have listened to this debate from both sides of the fence for some 10 to 15 years now. A number of inquiries have been held, which have been very capably run, where a whole range of opinions have been expressed. But I think that, by and large, the minister is correct. I guess we come back more to his second point than his first point about bookmakers, and that is that the government is not looking to increase the proliferation of betting as a result of the privatisation of the TAB. If I understand some of the sentiment that exists in this parliament at the moment with respect to that issue and with respect to the issues of poker machines and proprietary racing, the words that have been uttered by the minister here today, I think, are significant and important and are to be welcomed.

Mr LEWIS: That beggars belief and defies reason; it really does. How much does the member for Lee want to have each way? What a goose of an argument he has put up.

Mr Wright interjecting:

Mr LEWIS: Of course, I would welcome that. What the member has said is that bookmakers do not know how to manage risk, and that there is not one among them, or a group of them, that would have the wit to subcontract the service to the TAB if the TAB could not find an actuary to do the calculations for it. The program already has been written, is copyrighted here in South Australia, and is guaranteed by the man who wrote it.

But, more importantly, what the member for Lee knows to be true is: what is the difference between calculating your risks on a computer and offsetting and balancing your books as compared to doing it in your head? It is more accurate on the computer. Bookmakers do it in their head, and have done for well over 100 years. The member for Lee knows that, and so does the minister. If a bookmaker can do it in his head, surely he can do it on a computer—and especially in circumstances where there will be a far bigger pool of wagers set against the totalisator agency that is running the service. It is a ridiculous dill's argument to put the proposition that it is risky and cannot be managed by the totalisator agency—and I dispute both those assertions.

But, even if I accept them, it is idiocy in the highest degree that any business that is capable of running the totalisator agency after corporatisation and privatisation has concluded would be so stupid as to take bets that were not balanced on thier fixed odds tote bets on fixed odds alone, so that they would end up reducing their net wagering revenue in order that they would pay less to the racing industry under that fixed formula. That is just so silly: it does not follow. It is like saying that, even though you have enough blood in your body, if you see someone who is dying you would not share what you have with them in the belief that, if you did so, you would run the risk of running out yourself. Or, to put it the other way: if you did share any of it with them, you would be incapable of surviving yourself. It is just stupid to suggest that the business running the tote would set out to run its fixed odds betting business at a loss so that it could reduce the percentage of that money left to be paid to the racing industry under the formula. It just does not happen like that.

The minister has taken leave of his senses, because he has argued against himself. The one thing which we can do now that will enhance the price we could get for the TAB when we sell it is to agree to this amendment, because it will enhance the turnover. The increased turnover will mean increased profit to the agency if it can run fixed odds betting. Sooner or later, it will be exposed to that competition from the interstate providers of the fixed-odds betting service, whether from interstate, Fiji, New Zealand or, for that matter, somewhere else overseas. It will come—and it will come sooner rather than later because, in this day and age of digitised TV signals, it will make it so very easy and inexpensive to provide the service. One will not have to worry about paying Telstra fees on the line: it will all go down the wire—at least, as one might have put it 80 years ago, the foreign satellite signal which carries the telecast of the race, will also carry the digital information for the wagering.

It really does beggar reason that both the minister and the member for Lee should be so afraid that they might offend some bookmakers. It will not affect the bookmakers to include this in the range of services that can be offered by the corporate interest which buys the TAB. It will enhance the price which has to be paid. The bookmakers know that it will happen, anyway. The colour will still be at race meetings, because people will want to be able to go and see a bookmaker and lay a bet there. It does not detract whatsoever from the ability of bookmakers to do that. They compete now with the totalisator on course, and that has not contributed to a downturn in the racing industry. So, if you like, why would another bookmaker have an adverse impact on the existing

bookmakers just because they were using a computer to calculate their odds?

I can tell the member for Lee now that, within two years, every bookmaker on every racecourse who is worth his salt will be carrying a palm top computer that will have the capacity to do that, anyway—and many of them do now.

Mr Wright: They already have it now.

Mr LEWIS: Yes—so what is the member talking about? What is he objecting to? Why on earth does he say that it will detract from the colour of the meeting? And why does the minister persist with such idiocy in arguing against it? It is reducing the price that we can get for the tote sale, because it is reducing the range of products that can be offered by the tote. It will mean more money for South Australia if we do include it. It will mean more money, not only because we will be able to use that as the additional element of prospective profitability for a competently managed totalisator but because it will also make South Australia the centre of the world, as these computer programs that have been developed here are concerned. They are already copyrighted; they cannot be copied. Once the program is in use, other agencies in other countries will buy the program and use it, and that will bring money to South Australia. Is that not what the minister wants? Does he not want money to come to South Australia? The minister looks at me askance over his shoulder as he talks to the member for Bragg, and I think he acknowledges that, yes, he does want more money. But he will not get it by being a stick in the mud.

I have pointed out that bookies now take risk, and that the risk is absolutely identical and no different whether they are offering fixed odds or whether another bookie—this agency—can offer fixed odds. It will not be an unprofitable venture: there is no greater risk. If they are not competent to offer fixed odds betting they are not competent to run the totalisator agency as it is now, and they would be knocked out of the bidding race during the process of due diligence assessment. So, the argument that the member for Lee puts in that regard is ridiculous and worthy of the ridicule of everyone—not just the members in this place but everyone in the wider community. For him to say that the jury is out is another inane argument: it is just bull. He has already acknowledged by way of interjection across the chamber that bookmakers are using powerful miniaturised computers, whether they are called think pads, note pads, desk tops or palm tops—

Mr Wright: It doesn't make them win.

Mr LEWIS: It doesn't make them lose, either. It gives them an edge because they can balance their books more accurately, and they can do it more quickly. They do not have to rely upon broad brush balancing, then go and lay off somewhere with another bookmaker. Indeed, any bookmaker, warm-blooded, smiling, happy, cheerful chappie with his odds on the board will be able to lay off against the fixed odds that he knows he will be able to get from this TAB operator, if we will just agree to let him do it, and that will enhance the profitability of bookmaking if what the member for Lee has to say can be believed.

The member for Lee, as well as the minister, have both said and agreed that what we must do is give the racing industry the chance to grow itself, to make itself attractive and interesting to patrons, to not only get people to watch the horses run around and see the jockeys jumping up and down (whether in the saddle or out of it) but also to encourage patronage of gambling in the process of doing so. Then to turn around and say, in the case of putting reasons down for opposing the proposed amendments I have here on file, that the government does not want to see a proliferation in betting is a contradiction. It is ridiculous and the member for Bragg knows that. He is not silly.

The Hon. G.A. Ingerson: Don't get me involved.

Mr LEWIS: The member for Bragg has been involved for years. He might be fast and loose and cut the corners at times but he is not a dill when it comes to knowing where you can cut the percentage on the item to get a bigger gross turnover and therefore a greater profit. He is no commercial idiot by any means. He would not be a millionaire today if he was.

Mr Wright interjecting:

Mr LEWIS: He is a multi-millionaire—it is strictly not true that he's just got one million; there are several.

The ACTING CHAIRMAN (Hon. G.M. Gunn): Anything to do with the amendment?

Mr LEWIS: Yes, it is the member for Bragg's skill in understanding these things that enables me to rely upon his perceptions rather than those of the member for Lee, or maybe the minister—and I think both of them have an attack of the nerves where they reckon they will be told off by bookmakers. That will happen anyway and the bookmakers know that. The bookmakers are not silly people, they are nice chaps. They know that it is all about competition from here on in. It will be better for them to have more people interested in racing and going to the races overall. It is like saying that because Pizza Hut sets itself up on, say, Greenhill Road in Dulwich then what we must do is prevent Hungry Jacks, McDonalds and Kentucky Fried Chicken from setting up anywhere near them for fear that it will reduce their turnover, when in fact what we know to be the case is that if you put a string of fast food outlets along an arterial road—and this is relevant in the context of the marketplace—if you put several competing service providers cheek by jowl, people will go there knowing they will be able to compare quickly and get the best deal, or if they want a bit of both they can get a bit of chook as well as a bit of chow and a slice of pizza, along with whatever else they want, the other things, and then the Coke—and they say things go better with Coke.

If there is more competition and more things on offer you will get more people going to that place. That is a standard, acknowledged truth about retailing. Even if the member for Lee, the member for Adelaide and the minister do not know it, the Chinese have known it for centuries. You only have to look at the way in which they set themselves up: the furniture manufacturers, hundreds of them, cheek by jowl down one street. I am saying if the minister and the member for Lee are serious about growing the interest and the money that goes to racing in this state then the sooner they give the South Australian copyright owner the chance to put this business in the marketplace and prove it and the sooner they accept the wisdom of the amendments which I have placed on file, and enhance thereby the price you can get, the sooner the racing industry will be that much better off. The bookies will not in the medium to long term suffer, even if they suffer at all in the short term.

The last thing I think I ought to say in this offering in support of what I am trying to get done is that we do want as much money as possible. If we do not give this agency the opportunity now and get the competing interests that want the agency to bid, knowing that it is that much more than they are bidding for, then when the time comes to amend the legislation by doing what I am proposing to do today you will not get another red cent for it. So you are forgoing the money. You will not get any more by agreeing when the time comes

and you have to agree to do what this amendment says, whether it is three months, three years or 30 years down the track. If you do it today and the bill goes through as an act with that provision in there you will get more money for it. Do it any time afterwards and you will get nothing.

Mr WRIGHT: I really cannot help but make a few comments, brief as they may be. This is not a debate about bookmakers and the TAB, or the tote, having fixed odds; what this is a debate about is whether fixed odds has an element of risk attached to it or not. Believe me, whether bookmakers have computers or not, that does not make them win. If, as a result of fixed odds, under which bookmakers operate race by race, there is an element of risk, why is there not an element of risk when the totalisator does it with fixed odds? I hope that the member for Hammond will not come back to me and say, 'Well, they've got this wonderful infrastructure, this great computer system, where they will jingle, jangle and juggle and tip them upside down, tip them around and bring money in here and money in there; and they will up the prices and down the prices,' because it does not work like that. You can do as much of that as you like, but what is critical is how much money is being invested. If whoever it might be comes along and invests $2 million, $1 million, $100 000, or whatever the case may be (and that is what the professional punters will do), that is where the major contribution will be coming with respect to how much is invested on the tote.

As a result of taking that bet, it does not matter how much you jingle and jangle all these prices with regard to the infrastructure you have got if you do not have the money coming in. Even if you have the money coming in as a result of jingling and jangling the prices, you do not have the amount of money coming in to compensate the money that has already come in from the professional punters. If members do not believe me, after they leave here today or tonight they should get out and speak to some of the professional punters, whether in South Australia or on the eastern seaboard, and ask them what they think about fixed prices for the totalisator. They will say in all honesty that it would be the best thing in the world for them and the worst thing for the totalisator. It is not just a simple argument about having an infrastructure or computer system to be able to have a system whereby one can manipulate or determine what happens.

Also, if the member comes back and says that we will place a limitation on what the bet may be, well and good, but that does not dictate how much will follow through after that initial and subsequent investments made by punters. Even beyond the professional punters, who is to say, no matter what are the odds, what other people will do? When there is a run on there is a run on—believe me.

So, it is not just an argument about bookmakers, the TAB and so forth. Nor is it an argument about whether as a result of computers and infrastructure you can make this work. There is an element of risk with fixed odds. No-one has been able to convince me otherwise for the past 15 years, and I invite the member for Hammond to do so.

The committee divided on the amendments:

AYES (4)

Lewis, I. P. (teller)	Maywald, K. A.
McEwen, R. J.	Such, R. B.

NOES (37)

Armitage, M. H. (teller)	Bedford, F. E.
Breuer, L. R.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Ciccarello, V.
Clarke, R. D.	Condous, S. G.
De Laine, M. R.	Evans, I. F.
Foley, K. O.	Geraghty, R. K.
Hall, J. L.	Hamilton-Smith, M. L.
Hanna, K.	Hill, J. D.
Hurley, A. K.	Ingerson, G. A.
Kerin, R. G.	Key, S. W.
Koutsantonis, T.	Matthew, W. A.
Meier, E. J.	Olsen, J. W.
Oswald, J. K. G.	Penfold, E. M.
Rankine, J. M.	Rann, M. D.
Scalzi, G.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
Venning, I. H.	Williams, M. R.
Wright, M. J.	

Majority of 33 for the Noes.

Amendments thus negatived; clause passed.

[Sitting suspended from 6.04 to 7.30 p.m.]

Clause 10.

Mr WRIGHT: I spoke in the proprietary racing bill about what I think is a similar concept, so I will not dwell on it except to ask a couple of questions on matters which I presume are somewhat similar to what is in that bill. My interpretation of this—and correct me if I am wrong—is that the authority can make a recommendation and the Governor—which, of course, is code for 'government'—can refuse that recommendation.

The Hon. M.H. ARMITAGE: This is in subclause (3): correct.

Mr WRIGHT: My understanding is that, by and large, the basis of what the government has been putting forward in a range of bills that have come before parliament in recent times concerning racing is that it has wanted to have a hands-free approach in corporatisation of the racing industry and it wanted to be at arm's length. In fact, is this not the government setting itself up to be actually picking winners? If, in fact, the authority has made a recommendation and the government turns that recommendation around, are you not then placing yourself in a situation where you are going against the ethos of what you have previously said with regard to legislation in the area of racing that has been brought before us over a series of months?.

The Hon. M.H. ARMITAGE: Subclause (3) relates specifically to the term and renewal of licence: so it relates literally to only the term and renewal of the licence. Quite specifically, the Governor cannot act without the authority's recommendation. So, it is not as if the government can impose its will: the Governor has to have a recommendation from the authority—the GSA, which is an independent body—but the Governor is not bound to act in accordance with that recommendation. So, it is not as if the government can impose its will on the Governor—it cannot—because the Governor can act only in relation to a recommendation received from the authority.

In particular, if the government thought, for a number of social reasons—and we get onto social considerations later—that it was inappropriate to renew a particular licence for 20 years, for argument's sake, under this particular clause—which relates to the term and renewal of the licence only—there would be a recommendation from the authority and the government would then indicate to the Governor, if appropri-

ate, that that recommendation was not right. So, it is not as if we cannot impose our will without the recommendation of the authority.

Clause passed.

Clauses 11 and 12 passed.

Clause 13.

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

Page 13, lines 29 and 30—Leave out 'there is to be an agreement (the racing distribution agreement) between the licensee and' and insert:

the licensee must have in force an agreement (the racing distribution agreement) with

Essentially, the amendment firms up the arrangement between the racing distribution agreement and the fact that it must be in force with the licensee rather than that there must just be an agreement—an RDA licence. It is a very minor amendment and it is tightening up the provision.

Mr WRIGHT: The opposition supports this amendment: we flagged this amendment earlier during the proprietary racing bill. We welcome the fact that the government has brought this in and it certainly reflects the discussion that the minister and I have had privately about this. It is a welcome amendment, which we are happy to support. The minister and I have had some discussion about this previously. I have made the point that a new operator may well reassess the meetings that are bet on. The minister has correctly made the point that already, while in public hands, there have been some changes with regard to what meetings are bet on, but there is concern within the racing industry that there will be greater pressure—I guess that is the way of expressing it—with respect to what a new operator may bet on or may not bet on. What arrangements, if any, could occur during the discussions that will occur with a potential subsequent buyer with regard to the reduction of the coverage of race meetings? The minister has said that it will not be price only. I hope that this would be an area that would be discussed in any arrangement to be taken into account while assessing a successful bidder.

The Hon. M.H. ARMITAGE: That is an important question. The member for Lee is probably aware that the racing distribution agreement already contains a number of protections for various country clubs, in particular—they are the ones that I think are most fearful of this. We have an agreement in relation to what we are terming 'maintenance of effort' regarding the 'effort' of the new owner of the TAB in providing services. There is goodwill in the negotiations between the racing industry and the government negotiators and I expect that there would be an agreement under that general umbrella framework of maintenance of effort.

Amendment carried; clause as amended passed.

Clause 14.

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

Page 15, after line 27—Insert:

(3a) The rate of duty fixed in respect of betting on races conducted in this state by a body (other than a licensed racing club) pursuant to a licence under another Act (when averaged over a financial year) must not be less than the rate of duty fixed in respect of betting on other forms of races conducted in this State (when averaged over the financial year).

The amendment provides for a wagering duty agreement to be established between the licensee and the Treasurer. The amendment is designed to ensure that wagering on racing conducted by licensed racing clubs is not disadvantaged by the application of a lower average rate of duty—it is a betting on races not conducted by such clubs. We recognise that the racing industry has a number of legitimate concerns, including not being exposed to the risk of other forms of racing receiving more favourable tax treatment over time. The amendment, we believe, provides clarity and certainty in this matter. At no stage did we intend that the standard racing industry would be even potentially disadvantaged by this.

I acknowledge the discussions that the member for Lee and I have had relating to this matter. In particular, members will note that the wording of the amendment indicates the rate of duty fixed in respect of betting on races:

. . . must not be less than the rate of duty fixed in respect of betting on other forms of racing conducted in this state (when averaged over that financial year).

In particular, I acknowledge the discussions with the member for Lee regarding the fact that we wish to average these over a year. That will mean that the new owner of the TAB will have the flexibility to vary the rates to ensure that they maximise the income from the various forms of betting on racing, not conducted by the licensed racing clubs from time to time but on the average over a year the rate will have to be such that the licensed racing clubs are not disadvantaged. This means that the licensed racing clubs are protected, and the opportunity to maximise the income has been ensured.

Mr WRIGHT: The opposition is happy to support this amendment; in fact, we flagged this during the proprietary racing debate but we were correctly directed towards this bill. I would like to thank both the minister and his staff for that because, once we discussed this, we realised that we both had a similar intent. This is a sensible amendment to ensure that just what the minister has described will happen. There is no need for me to go back over that. There is no difficulty or concern with the principle about averaging this over a period of time. However, as we drew out this matter in the proprietary racing discussions, it was important that any form of proprietary racing must at least pay the same effective tax rate as traditional racing. That is just what this amendment does, averaged over a period as the minister said. It needed to be spelt out in this bill so that there would be no doubt about it. This amendment came largely as a result of that being first discussed during the proprietary racing debate, and the minister and I worked out a sensible form of words to cover that area.

Amendment carried; clause as amended passed.

Clauses 15 to 17 passed.

Clause 18.

Mr WRIGHT: I understand that clause 18 relates to probity. Will the minister explain to the committee how this compares, say, to a TABCorp, New South Wales Tab Limited or Queensland? The minister need not go through each of those individually, but can he give some sort of picture for that?

The Hon. M.H. ARMITAGE: As I indicated before, a number of these clauses are quite firmly based on the Casino legislation. Indeed, clause 18 is one such clause. I am advised that the other TABs have similar such clauses. I cannot relate the specific clauses, but we know they have concerns about probity based in similar ways as this. As I indicated, this is based on the Casino legislation.

Clause passed.

Clauses 19 to 31 passed.

Clause 32.

Mr WRIGHT: In subclause (2) there is a reference to 'within four years'. Is there any reason for that period of time?

The Hon. M.H. ARMITAGE: I am advised that this is a reflection of the Casino legislation. It is as simple as that.

Clause passed.

Clause 33 passed.

Clause 34.

Mr WRIGHT: Clause 34(1)(a) deals with excluding races of a prescribed kind. What does that mean?

The Hon. M.H. ARMITAGE: That would be races held, for argument's sake, at Waikerie under a non-licensed racing club banner.

Clause passed.

Clauses 35 to 38 passed.

Clause 39.

Mr WRIGHT: Clause 39(2) appears to reflect a change in arrangements that currently exist. Perhaps that is compensated by the change that is occurring with respect to moneys going to the racing industry. Will the minister clarify that for me?

The Hon. M.H. ARMITAGE: I am informed that there is a change, and only the totalisator fractions will go to the Treasurer. I should emphasise that this is not the unclaimed winnings and fractions from the TAB: this is the unclaimed fractions from the racing clubs and licensed bookmakers. It is not the TAB money that we are talking about. However, there is a change in that, if the Treasurer chose to enforce the regulations, the change would be that the totalisator fractions would come to him or her rather than stay with the clubs.

Mr WRIGHT: When the minister says, 'If the Treasurer chose to enforce it', is there some doubt about that? The minister is correct, and that is why I asked the question. There is a change, because currently, as the minister now knows, all those fractions are kept by the clubs. This is a distinct change. The minister's answer left me in some doubt whether the Treasurer will impose it. Also, what global figure are we talking about?

The Hon. M.H. ARMITAGE: There is uncertainty because clause 39(2) says that the regulations 'may require', and that indicates an element of uncertainty. It does not say 'must require'. I have to inform the member for Lee that I have been in two governments, and I have yet to see a Treasurer who, in fact, probably would not enforce the regulations. Nevertheless, there is that element of uncertainty. I am unsure about the quantum about which we are talking. I can find that out and let the member know. This was all factored into the discussions about the racing distribution agreement and the negotiations with the racing clubs.

Clause passed.

Clauses 40 and 41 passed.

New clause 41A.

Mr WRIGHT: I move:

After clause 41—Insert:

Parliamentary approval required for interactive betting

41A. (1) It is a condition of the major betting operations licence or an on-course totalisator betting licence that the licensee must not conduct interactive betting under the licence except as authorised by regulation.

(2) Subsection (1) does not prevent the holder of the major betting operations licence from conducting interactive betting of a kind conducted by the South Australian Totalisator Agency Board on or before 29 November 2000.

(3) A regulation made for the purposes of subsection (1) cannot come into operation until the time has passed during which the regulation may be disallowed by resolution of either house of parliament.

(4) In this section—

'interactive betting' means—

(a) betting by means of internet communication; or

(b) betting by any other electronic means of communication that is interactive and includes transmission of visual images.

We move this relatively simple amendment in good faith in relation to what currently exists concerning any extension of betting that is conducted by the TAB. I certainly welcomed the minister's comment earlier this afternoon which, I have no doubt, is correct: that is, that there is no intention with this bill to increase the proliferation of betting.

During the debate on proprietary racing, I signalled a whole range of concerns, and quite rightly so. Although it was frustrating at the time, I was directed to the Authorised Betting Operations Bill in respect of amendments of this nature. This amendment requires the government to come back with a regulation, if there is to be any extension beyond what currently exists with regard to what the TAB offers. It in no way interferes with what the TAB currently offers, nor do we wish to do so. I am speaking about interactive gambling and betting on the internet. We are not talking about the traditional betting that we are all used to with regard to the TAB, tote and so forth. However, we are talking about a new form of gambling which has clearly been identified as a result of the proprietary racing bill which has gone to another place.

We know that proprietary racing—internet wagering—is a distinctly new concept whereby people are able to go on to the internet to place a bet. They will do that with the TAB and, as a result of the concept that has been put forward, they will also watch that product on the same medium, that is, on the internet. What currently exists within racing is that, if you have a telephone account and you also have internet capacity, you can go on to the internet and place a bet with the TAB, provided that you have a telephone account. In no way do we want to have any effect on that. Clearly, in the amendment that I have before the committee on behalf of the opposition, new clause 41A(2) spells out that subsection (1) does not prevent the holder of the major betting operations licence from conducting interactive betting of a kind conducted by the South Australian Totalisator Agency Board on or before 29 November 2000.

That needs to be clearly explained. People need to appreciate up front that in no way is any of the betting that currently is done by the South Australian TAB affected by this amendment. To move an amendment which would have any effect upon what currently exists would be wrong, churlish and trite, and certainly the opposition would not be a part of that. Whether you agree with it, whether you believe it will be successful, or whether you think it will take off and be a huge component of wagering revenue in South Australia, the bill that has passed through this House will, if passed by another place, give greater imprimatur to proprietary racing.

There is no doubt that proprietary racing is about a new and different form of betting. Even those supporters of proprietary racing at a minimum must acknowledge that proprietary racing—internet wagering—is a new and different concept of gambling. I hope the minister will support us, particularly considering the statement he made in good faith earlier today about these bills' not being about any increase in proliferation of betting.

This is a new and revolutionary concept, which has never been offered in South Australia, Australia, or, to the best of my knowledge (and I in no way want to exaggerate this), world wide. We are putting forward a new concept which is yet to be tried and tested, and we believe that the parliament has every right to have that regulation come before the House. Then we know what procedures can or cannot follow as a result of that regulation.

This is not a debate about whether, in fact, that regulation will be supported or whether there will be a motion for

disallowance: this is a debate about a new form of betting which is more compulsive by nature and we as a parliament should at least have the opportunity for that regulation to come before the parliament. It is our intention that this amendment not have any effect on the current arrangement whereby a person can go onto the internet and place a bet, but of course they can do that only if they have a telephone account and if they have money in that account.

The big difference between what can currently take place and what can take place with proprietary racing is that with proprietary racing and with internet wagering—they are slightly different and people are getting the terms confused, but I use them both deliberately so that people are aware of the concept about which I am talking—it involves a person going onto the internet, placing a bet and then watching that same product then and there on that same medium. That may or may not be a good thing. People can have their own views on that and there would be a range of different opinions not only between the two sides of the House but also within each of the major parties and beyond with Independents as well.

But with a new form of this nature never having been put on the market world wide, I think at a minimum we have the right to have the regulation brought before the parliament. If the Premier is serious about what he says with respect to gambling, I would expect him to support this amendment. If he and his government are serious about the blowout of gambling, whether it be wagering or betting on poker machines or betting in the Casino, this is a revolutionary concept—that is not to exaggerate or embellish it; it is completely new and completely different—I think it is important, for the reasons I have outlined, that this parliament has the opportunity for that regulation to come before the parliament and for individuals to deal with it as they see fit when it comes forward. Members at that time will make up their own mind and a debate may or may not follow with respect to that.

I think that this is a sensible amendment. It picks up the tenor of the language that was used by the minister earlier today in the debate. I think this is a sensible, practical approach to a totally new form of gambling which is much more compulsive in nature than is currently experienced by those people who can go onto the internet to place a bet but cannot watch that particular medium on the same product; they then have to go somewhere else, whether it be to Sky Channel or to the local TAB or the local hotel. The advice that I have received is that the volume of betting done in that way with the South Australian TAB via the internet is minuscule and one can understand why it would be a rarity for people to do that rather than just pick up the telephone and place their bets. I am not saying that it does not exist or that it does not happen because, clearly, it does.

It picks up that, but it picks up other forms as well, whether it be horse racing, dog racing or sports of a general nature. If we are going to have this new form of gambling, the key point is that one goes onto the internet to place the bet and watches that same product then and there live. Then, of course, ultimately, one reinvests one's money virtually straight away after that product has been run. I think we need to be sensitive to a new form of gambling and I think this is the best way of handling it.

The Hon. M.H. ARMITAGE: Unfortunately, the member for Lee identified to me only half an hour ago that this amendment was coming, and we received it only a minute before he began speaking. I understand exactly where the member for Lee is coming from, and I am not sure that we could not end up supporting the lengthy amendment. However, in the two or three minutes we have been looking at it while the member has been speaking, I see a number of potential difficulties, including things more related to the opportunity for modern technology rather than the actual sentiment of the amendment itself.

For argument's sake, the mobile phone is no longer, in many areas, a mobile phone: it is actually a mobile communications device; it is certainly interactive and it includes transfer of visual images. Does that mean that someone could use it for telephone betting? I do not yet know that, but I am happy to have it looked at. Certainly, Sky Channel has transmission of visual images and, with interactivity of television in a number of places in the world being a thing of today not a thing of the future, does that mean you could not use your Sky TV? I do not know. The legislation in itself has barring provisions—and I am sure we will deal with those later. Indeed, they are easier to enforce on technological things rather than on people who might agency shop to place bets. This is for the barring of a person who is a problem gambler.

For that reason only, I would identify that I am choosing to oppose the amendment on that basis. I am happy to work with the member for Lee between here and another place to see if there are ways in which it can be nuanced or whatever. I have no particular dilemma with the thrust of the amendment and I certainly know where the member is coming from. I would like to investigate with him those technological things so that we do not end up throwing the baby out with the bath water. At this stage we oppose it, but I am happy to work with the member between here and another place.

Mr LEWIS: I think I can hear where the member for Lee is coming from. I have some sympathy for what he is trying to say but I am not convinced it is risk free. I am anxious about those aspects of it that are risky. It is not the kind of thing that we ought to be doing without first seeing what the jury really thinks about this and no-one has bothered to consult the punters. It is the kind of thing that might be all right in five, 10 or 15 years—or am I guilty, perhaps, of trying to regurgitate the arguments I was hearing before dinner put by someone else about another proposition that came before the committee?

It is rather difficult to understand where the benefits would come from this kind of proposition, where there is so much regulation of what could and could not be done, in terms of how it would enhance the value, that is, the market value to the corporation which, presumably, will buy the TAB and, accordingly, the value which will be realised when the TAB is sold. To offer this kind of opportunity for interactive betting but then to regulate it so heavily is almost as if we know that someone is 18 but we are really not sure whether or not they will make good adults; they, therefore, ought not to be given the freedom to decide and be responsible for the decision. It is worrying when you say, 'You can go into the pool as soon as you can swim.'

How on earth will you ever learn to swim if you are not allowed to go into the water first? The regulations the member for Lee is proposing prevent people from going in the water until they can prove that they can swim, and that is a bit of a worry. I think that what the member for Lee ought to do is to take a look at a few remarks I made in this place about, I think, seven years ago (not long after the election of the Brown Liberal government), when I tried to explain to the chamber the benefits that would accrue from the mobile video

phone that had been invented and patented by people in the engineering faculty at the Adelaide University.

I am talking about the mobile video phone, the Dick Tracy phone, the wrist telephone, if you want to put it in those terms, where you simply dial up the person to whom you wish to speak and, once that person answers, their image appears on the screen of your mobile phone—you are looking at them. That is the mobile video phone. It was invented in South Australia at the Adelaide University using an asynchronous chip to drive it. I was talking with those people in the Adelaide University—at that time I was still a member of the University Council. We had not passed that ridiculous legislation that resulted in my being so ashamed of what had been done in that respect that I did not ever recontest any election anywhere to get back onto the University Council.

I was trying to help sell this idea, this technology, to the world. It is there, it can be done. I was talking to a company in Korea—indeed, the Aham company makes more unbadged silicon chips than any other company on earth. They are used, of course, in the chip controls on a good many machines, and so on, in industrial applications, as well as in computers that have other badges on them. They are very high quality material. That company understood how to make this technology relevant—

The ACTING CHAIRMAN: What the honourable member is saying is quite interesting but it is not really relevant to the proposed new clause.

Mr LEWIS: I draw attention, sir, and crave your indulgence, to proposed new clause 41A(2), which provides:

> . . . does not prevent the holder of the major betting operations licence from conducting interactive betting of a kind conducted by the South Australian. . .

If you intend to have interactive betting you will have to use mobile video phones or computers, and the computer and the mobile video phone are one and the same thing from here on. For us to so heavily regulate it, as is implied in subsection (3): 'a regulation made for the purposes of subsection (1) cannot come into operation until the time has passed. . . ' really says, 'You can do it but only if we think that it is a good idea,' and most of us are so ignorant—and this is the point I was trying to make—that we do not understand that the technology is now available. Such technology makes it impossible for us to discover whether someone is committing an offence. It is not as easy as walking into the front bar of the pub where the SP bookmaker used to write down his race betting details on a piece of rice paper that he could pop in his mouth, chew and swallow, or otherwise, perhaps, on an Anzac biscuit, as you and I both know, Mr Acting Chairman, used to happen.

An SP bookmaker could write down the details on an Anzac biscuit and, if the local policeman, plod, came through the door, he could just crush the biscuit. The evidence had disappeared and, of course, he would claim he was not making a book. It did not matter. Now, it is even more simple for this thing to happen. For us to pretend that in law we could stop it is silly. What we must do, if we want to do this kind of thing and support what the federal government has said, is to say no gambling on the internet and no gambling on the interactive multimedia technology that is now available. Computers and telephones are no longer distinguishable.

I am simply saying to the member for Lee that there is less merit in his proposition than there was in a proposition considered just before dinner by this committee. There is just as much risk and just as much likelihood of offence being caused to one or other of the minor elements in the racing industry by passing this amendment than there might have been in passing any of the other propositions the committee has already considered. I cannot support it at this time.

Mr WRIGHT: I am more than happy to accept the minister's offer with respect to this amendment. I do apologise that the amendment was not with the chamber earlier, but we are more than happy to work with the minister constructively. As already illustrated, we have been able to do that with other amendments. It may be possible to do it with this amendment. There will also be time in the Legislative Council. We take up the offer in the good spirit with which it was made. We have no problems with that.

New clause negatived.

Clause 42.

Mr WRIGHT: I understand that there is an ability for the South Australian TAB to participate in a pooling arrangement for fixed odds sports betting. What is the current status of that?

The Hon. M.H. ARMITAGE: The South Australian TAB has, indeed, signed an agreement with TABCorp in relation to fixed odds sports betting. My understanding is that TABCorp has been doing it for sometime. I have spoken quite recently with the Chair and the CEO of the South Australian TAB about this. I am advised that there was some minor dilemma in synchronising the two systems. It was thought that this was worthy of some reasonable profile as a launch. I understand that, when I last heard, the thought was that the first formal launch of the combined sports betting facility might be at the Australian Open tennis tournament. I remember that I asked whether it was possible to do it for the Adelaide Oval Test, given that that is a major event in South Australia; but, yes, there is such an arrangement and it will be in place. It is being worked on at the moment and it will be in place in the next month or so.

Mr WRIGHT: This is the national sports book that I referred to yesterday. What taxing arrangements will exist for the South Australian TAB when we are in that system?

The Hon. M.H. ARMITAGE: For the bets that are taken in South Australia, the South Australian taxation regime will apply.

Mr WRIGHT: Minister, you may need to come back to us on this but sports betting for bookmakers is taxed at 1.75 in South Australia. The national average is about .5. It varies slightly from state to state but most of the other states are .5. I think that we are overtaxed here: our taxation is certainly much higher. What will be the difference between the tax paid with respect to the South Australian TAB compared to what is paid by the South Australian bookmaker? In South Australia the sports bookmaker pays 1.75, which is way above the national average, and that is, of course, a disadvantage in itself for sports bookmakers here. That will be compounded, of course, if the TAB is paying a rate lower than the 1.75 that the sports bookmaker is currently paying.

The Hon. M.H. ARMITAGE: The two taxes are not comparable, because they apply to net wagering revenue and turnover in different circumstances. The TAB tax and the sports bookmaker betting tax are applied on different things, so the taxation rates are vastly different. However, the nub of the matter relates to the taxation of a duty payable by the bookmakers. The Treasurer and the Minister for Recreation, Sport and Racing, I am informed, are discussing a number of these matters with the bookmakers as we speak. It is their responsibility, not mine.

I am also informed, though, that when GST became applicable a number of discussions again took place, and the bookmakers elected to stay at this tax rate rather than other regimes. They thought that it was advantageous for them to do so. But I guess the nub of the matter is that discussions are in train.

Clause passed.

Clauses 43 to 45 passed.

Clause 46.

Mr WRIGHT: There seems to be in clause 46 a major transformation. We are talking here (unless I have it wrong) about providing information relating to player returns at places at which the public may attend. What has caused this? It is not familiar to me in my reading of previous legislation with respect to racing.

The Hon. M.H. ARMITAGE: Yes, I am not surprised, because it is new. The government felt that, with the increased public profile of gambling—or investing, as some of us might say—it was appropriate that the rate of return that people who are engaged in gambling might expect be prominently displayed. It is an attempt to do nothing more and nothing less than to be open and transparent so that people know roughly what chances they are taking. Punters would deny that they were taking any chance because, of course, they have read the form and they know the jockeys and indeed they have had the word from Bob from down the street; so they never take any chances. It is just the idea of being transparent.

Mr WRIGHT: Does any other state do this?

The Hon. M.H. ARMITAGE: Not that we are aware of.

Mr WRIGHT: Is it proposed to do this with respect to bookmakers as well?

The Hon. M.H. ARMITAGE: Bookmakers offer fixed odds betting, so people know what the return will be: it is identified in taking the odds.

Clause passed.

Clause 47 passed.

Clause 48.

Mr Foley interjecting:

The ACTING CHAIRMAN: Order! This committee is going along very well. I suggest to the member that we do not have this unnecessary interruption.

Mr Foley interjecting:

The ACTING CHAIRMAN: There is another forum for that.

Mr Foley interjecting:

The ACTING CHAIRMAN: Order! The member is out of his seat, for a start.

Mr Foley interjecting:

The ACTING CHAIRMAN: Order! The member has been warned a couple of times today, and I suggest that he just calm down and let the committee proceed.

Mr Foley interjecting:

The ACTING CHAIRMAN: Order! I do not know whether or not the member for Hart wants a confrontation. The rest of the committee does not want to do so.

Mr Foley interjecting:

The ACTING CHAIRMAN: Order! I warn the member for Hart. I hope that he understands the consequences. This committee is dealing with the Authorised Betting Operations Bill, and it has been going along very well. There is no need for disruption.

Mr WRIGHT: There has been some discussion, debate or controversy—call it what you will—about the South Australian TAB advertising. I personally would not describe it as controversial. I think that it would be fairer to talk about it, with respect to the debate, in terms of what is acceptable and what is not. I am realistic enough, and so is the minister, to know that the TAB has to be out there advertising its product; there is no doubt about that. How does the minister see this code of practice operating under a private operator, and how does he see that debate, which has previously taken place in certain sectors of the community (and also in this House, I believe), developing as a result of that? Will the tempo be further increased?

The Hon. M.H. ARMITAGE: The principle is that the code of practice has not yet been drawn up. We are expecting that the TAB, in fact, will draw one up between now and the sale process. At that stage, the Gaming Supervising Authority (GSA) can make a judgment on that matter and either allow it through, change it, or whatever. But we wanted to have a code of practice drawn up and arranged by the time of the sale so that the new owner will know what that code of practice is, and we will ensure that the GSA has the opportunity to identify that code of practice, whatever that may be—whether it is the present code, whether it is a stricter one, whether it is less restrictive or more liberal, or whatever; obviously, that will be the GSA's view. But that is how we will handle it, so that there is one available at the point of sale.

Clause passed.

Clauses 49 to 56 passed.

Clause 57.

Mr WRIGHT: Where are we heading with the debate about telephone betting limits for bookmakers?

Mr Foley interjecting:

The ACTING CHAIRMAN: Order! If the member wishes to take up a matter he has other ways of doing it.

Mr Foley interjecting:

The ACTING CHAIRMAN: Order! I warn the member for a second time. He has already been warned once by the Speaker. Under standing order 137 he is warned.

Mr Foley: Throw me out, Graham. You will see the headline tomorrow morning.

The ACTING CHAIRMAN: Order! The member is reflecting on the chair. If he continues any further he will be named.

Mr Foley interjecting:

The Hon. M.H. Armitage interjecting:

The ACTING CHAIRMAN: Order! The minister will not respond to interjections.

The Hon. M.H. ARMITAGE: This is a matter for the Minister for Racing rather than for me. There is a review which the sports ministers have looked at. I am informed that cabinet will consider a proposition in relation to that but among the ministers at the most recent council (not my council) I am informed that each state has agreed that they will make their own determination about this. I understand that it is a matter of considerable concern, depending upon which side of the fence you sit.

Clause passed.

Clauses 58 to 80 passed.

Clause 81.

Mr WRIGHT: Will the parliament have access to the government agreement referred to in this clause?

The Hon. M.H. ARMITAGE: There are a number of confidentiality arrangements within that agreement. There is nothing particularly extraordinary in it. I would be happy to get the agreement of the other parties and provide a summary of the agreement, but I stress that it is a fairly low key sort of

thing. I am happy for that to occur between here and the upper house.

Clause passed.

Remaining clauses (82 to 91) passed.

Schedule 1.

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

Page 48, after line 15—Insert new clause as follows:

Racing clubs

1A. (1) The minister may, by order in writing, require that on the commencement of section 34 an on-course totalisator betting licence be granted to each club that was a registered racing club within the meaning of the Racing Act 1976 immediately before that commencement in accordance with specified requirements as to the terms and conditions of the licence and the races that are to be approved contingencies for betting operations under the licence (without the need for any application by the club).

(2) Despite any other provisions of this act, the authority must comply with a requirement under subclause (1).

This amendment is designed to provide certainty to racing clubs, that their ability to conduct on-course totalisator wagering will be maintained upon the commencement of the legislation and the consequential repeal of the relevant provisions of the Racing Act. While there are currently transition provisions in the bill for bookmakers' licences and permits, there are no similar arrangements set down for on-course totalisators. This is because under the current Racing Act provisions on-course totalisators are not authorised via a licence per se, hence a transition provision is appropriate. Instead, the intention has been to ensure that all preparatory work had been undertaken such that, upon commencement of the legislation, clubs that currently operate on-course totes will be issued with a licence that maintains their authority to do so, subject of course to the regulatory framework under the new legislation.

As the bill stands at present the government is unable to guarantee absolutely that the Gaming Supervisory Authority will approve on-course totalisator licences for every club, nor can it guarantee that the GSA will approve interstate racing as an approved contingency upon which on-course totalisator betting may take place. The government ought to be in a position where it can provide 100 per cent certainty and comfort to the racing clubs regarding the continuity of their on-course totalisator operations, and this amendment achieves that end.

Mr WRIGHT: The opposition is happy to support the amendment.

Amendment carried; schedule as amended passed.

Schedule 2 passed.

Title passed.

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

That this bill be now read a third time.

In so doing, I thank all members for their contribution. I particularly thank the member for Lee for his thoughtful contribution (not that his other ones have not been, but this one was particularly). I am confident that the Authorised Betting Operations Bill, if the disposal of the TAB is legislated for in another chamber, will set up a regime that actually breaks a bit of new ground in relation to some of the social protections that we believe are appropriate for these sorts of things in the mores of today. I am pleased that we have managed to get through the parliament a bill which I think is a good one, and I again thank the member for Lee for his contribution.

Mr WRIGHT (Lee): The opposition signalled its intention up front, once the TAB (Disposal) Bill was passed in the House of Assembly, to give our support to this bill. This measure is obviously one providing a regulatory framework and not to support it would have been quite immature. Once that disposal bill was passed we need a framework for the private operator to work within. We have come out of committee better than we went into it.

We have several amendments that have been brought forward partly as a result of negotiations that have taken place with the minister that have been handled maturely. As a consequence, we have some worthwhile and sensible amendments. We also have another amendment brought to the debate tonight by the opposition with respect to gambling through the TAB beyond what currently exists with respect to interactive gambling—internet gambling—on which the minister has given us an assurance that we can work towards as this particular bill moves towards the Legislative Council. We have what I guess is a slight disagreement with the title, but we will live with that. I signalled, up front, that I would have liked the word 'racing' to be in this title, just as it is in any other state, but maybe at another time we will do something about that.

Bill read a third time and passed.

COUNTRY FIRES (INCIDENT CONTROL) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 November. Page 453.)

Mr FOLEY (Hart): I am not the lead speaker on this piece of legislation. The lead speaker will be with us shortly, but I would like to commence the debate about this particular piece of legislation as it relates to the Country Fire Service. I know it is an issue close to your heart, sir. As members of the Economic and Finance Committee we have discussed issues relating to the Ngarkat Conservation Park and the role of the Country Fire Service. It is good to see that the Minister for Emergency Services has indulged us with his presence.

Mr Venning interjecting:

Mr FOLEY: Exactly, I was just about to say that. It is very good that we have with us a number of members who have an interest in issues relating to the Country Fire Service. In the Labor Party we are big supporters of the Country Fire Service—the role it plays, the services that it provides, and the dedication and the commitment that officers of the CFS have in keeping our community safe where possible in regional, rural and new metropolitan South Australia. The Minister for Emergency Services is himself, I acknowledge, a strong supporter of the Country Fire Service. The member for Mawson is always quick to be very political in his comments but I am sure that deep in his heart the minister will acknowledge that Labor has the same commitment to our volunteers, the same commitment to supporting the very important services provided by people in the Country Fire Service.

At this point I acknowledge that indeed the member for Wright, Jennifer Rankine, is a member of the Country Fire Service, and a very important member of the Salisbury Country Fire Service, as, indeed, is the Leader of the Opposition (the member for Ramsay). I know that the member for Wright is very active in the Salisbury branch of the CFS. I think she has actually yet to fight a fire but we are all sure that, if the need dictates, she will be there if she is

able, with the full uniform and appropriately attired. However, the important thing is that there are members of the Labor Party—as there are members on the other side—who are members of the Country Fire Service, who do it diligently and who do it well, with a great degree of support. Even in my own electorate there are areas that are controlled by the CFS. There are some boundary issues that—

The Hon. R.L. Brokenshire interjecting:

Mr FOLEY: Torrens Island, I think you will find, minister. You may be able to enlighten us with your deep knowledge of the CFS, but I think you will find that Torrens Island, in the middle of my electorate, is indeed a CFS area. I should not go on too much because I think there is a bit of a dispute, a bit of tension, between the MFS and the CFS in relation to that area, so the less I say about that the better. The important thing is that both Labor and Liberal members of parliament support our volunteers in the CFS. They adequately support our CFS both financially and as local members of parliament. Clearly, due to the demographics of the areas that we are elected to represent there are more conservative members who represent CFS areas than Labor, but in those Labor areas that do have CFS areas it is good to see, and important to know, that our members are right in there with the CFS when it counts. With those few words, I am pleased to participate in this debate and I look forward to hearing remarks from members opposite, particularly from the shadow minister for emergency services who, I am sure, can do a much better job than I can in enlightening us on the specifics of this legislation.

Mr McEWEN (Gordon): My understanding is that the genesis of these amendments was actually the Economic and Finance Committee's 28th report into the Ngarkat Conservation Park fire.

An honourable member interjecting:

Mr McEWEN: 'Don't kid myself,' somebody says. I will be interested in that later, then. Certainly, I understand that the Presiding Officer of the Economic and Finance Committee believes that this report is also a significant reason why we are dealing with these amendments tonight. I would like to quote briefly from the Presiding Member's foreword to that particular report, where he says:

> The recent fire in Ngarkat Conservation Park destroyed approximately 92 000 hectares (or 34 per cent) of the park. The losses from the fire cost the South Australian government in the vicinity of $500 000.

More importantly, the Presiding Member goes on to say:

> The focus of this inquiry was to examine the decision making process in relation to fire suppression and to assess whether the fire fighting resources in and around Ngarkat Conservation Park are sufficient enough to provide for an efficient control of fire. Ultimately, the committee scrutinised section 54 of the Country Fires Act 1989, which covers powers in the South Australian Country Fire Service officers to exercise control of fire on government reserves.

As I said earlier, I believe that is the genesis of these amendments tonight, because we looked at section 54 and the reason we looked at it was because we questioned the right of officers to exercise control of fires on government reserves.

I think it is important, then, to go to the committee's conclusions, because I would like to put it to the minister that he has not actually achieved quite what was desired, and to some extent may be going too far. I will come back to why I think he is going too far in a minute. Four of the key conclusions were:

> The committee has formed the view that section 54 of the Country Fires Act in its current form creates a legal uncertainty in relation to who exercises ultimate control over fire suppression activities on government reserves.

We agree on that point. There was some ambiguity about the matter. There was some legal uncertainty over the question of who had the right to exercise control, and I expect that the minister has taken that on board and wishes to clarify that matter. It goes on to say:

> The committee is concerned that the evidence provided to the committee has revealed that there was confusion, particularly at the lower levels of the South Australian Country Fire Service, about who had control over fires in national parks.

There should not have been confusion within the ranks of the Country Fire Service. I put it to the minister that there still may be the same confusion if we pass these amendments in their present form. That is why I will be looking for his response. He goes on further to say:

> The committee is of the opinion that a clear understanding of the roles and responsibilities in relation to fire suppression at all levels of the South Australian Country Fire Service and National Parks and Wildlife SA is vital for prompt and efficient extinguishing of fires in national parks.

The key here is 'a clear understanding of the roles and responsibilities in relation to fire suppression at all levels'.

Another of the conclusions is that the committee acknowledges concerns raised in relation to the training courses provided within the incident control system. If there are some difficulties with the training provided, and if there is still some confusion over the chain of command and an orderly handover responsibility at an appropriate level, I do not believe we were suggesting that control and responsibility ought automatically to be handed over immediately to the first CFS unit that turns up. That is not what we recommended.

We need to talk to the minister about this, because the minister is correct in saying that he needs to address some deficiencies in section 54 of the act. I acknowledge him for doing that. I do not believe we were prepared to go as far as these amendments seem to go in terms of handing responsibility back down what might be a chain of command from a more senior and better trained officer in the national parks to a junior and less trained officer on the first CFS brigade that arrives. It may be necessary just to modify the amendments at least to allow an orderly changeover at the same level in the chain of command before we move up the chain of command, because we are talking about an orderly handover at an appropriate level and not about an immediate handover at any level to the CFS.

That is not what we found as being required and a deficiency in fire suppression at the Ngarkat Conservation Park. I do not believe that anyone else has any evidence which actually suggests that we should work back down the chain of command by simply handing the responsibility back from, in this case, national parks to the CFS. I do not believe that was our wish or that it is desirable. We need simply to clarify with the minister a mechanism whereby the chain of command is clear and the orderly handover is at a responsible level and that we do not hand over down to a lesser level of authority in the CFS. That could be a deficiency in the way the minister has presented the amendments.

I support in principle what the minister is trying to achieve. I just think that he has not quite captured that, nor has he quite captured what we expressed as desirable outcomes from our 28th report into the Ngarkat Conservation

Park fire. I look forward to the minister's response to that. Then, maybe in committee, we need to have another look at the wording more clearly to clarify what level is appropriate in terms of handing over command, acknowledging that from when the point of handover occurs there is a clear chain of command in terms of handing up responsibility as more senior officers become available or as decisions are made perhaps as the fire escalates. With those remarks, I look forward to contributing further later.

Mr CONLON (Elder): As the member for Gordon has set out, the Labor Party and the government are very much in agreement on the object of the bill, that is, the inadequacy at present of the chain of command in bushfires, particularly where they intrude into national parks and forestry reserves. Like the member for Gordon, I must pay a tribute to the particularly percipient peroration of the member for Hart in this regard. We do not believe that what the government has set out to do addresses the mischief that the Economic and Finance Committee addressed in its report or the actual mischief that exists in the community.

I can tell the minister that it was the opposition's initial intention to refer this bill to the Environment, Resources and Development Committee of the parliament. As the member for Gordon has so well put it, we had intended to do that because it is plain that the minister's bill, while addressing problems in command, has not addressed the protection of environmental issues in national parks as it should. I am pleased to see that the very excellent and outstanding shadow minister for the environment, John Hill, is here in the chamber with me.

I must also say that I have rarely seen the members for Gordon and Hart ad idem on any matter, and this would appear—

The ACTING SPEAKER (Mr Scalzi): I thought the honourable members were distracting you.

Mr CONLON: They were not distracting me, Mr Acting Speaker.

The ACTING SPEAKER: The member for Elder has the call, and I ask that he get back to his speech.

Mr CONLON: As I said, it is such a rare event to have the members for Hart and Gordon ad idem on a matter that there must be some great wisdom in the combined approach. On a serious note, the truth is that, while the minister has in his usual earnest sort of way attempted to address the matter, the amendments to the Country Fires Act that we have before us have the very strong flavour of the member for Stuart. They seem to be a Gunn-driven amendment.

The member for Stuart was no doubt an important influence on the Economic and Finance Committee. I would not say he was the operating mind; I would not go that far. However, he was an important influence into the report on the Ngarkat fires. I have a great deal of respect for the member for Stuart, the Hon. Graham Gunn. His view is that the first thing you should do in a bushfire is immediately burn down a national park so as to make sure it never catches fire again! I say that facetiously. I have more regard for his views than that.

The bill that has been presented to the parliament tonight is more driven by the government's need to satisfy its back benchers than by good public policy. As I said, our initial view was that the matter should be referred—

An honourable member interjecting:

Mr CONLON: The formerly ruggedly independent Member for MacKillop says that I have not done my homework. I have to say that, had you done your homework, you would probably still be an Independent. You wouldn't have signed up as a rating on the Titanic as you have done. I do not think that we need address the member for MacKillop very often tonight. If the member for MacKillop were to listen instead of talking—and I understand that he finds those two things difficult to do at once—he would find out that we agree with the need to make some amendments that make clearer who shall control fires and make clear that someone shall control CFS fires in national parks. We say only that the balance has been tipped too far towards any ordinary officer of the CFS without appropriate safeguards.

As I said, without the influence of the member for MacKillop, we have ourselves moderated our viewpoint. We would have been seeking to refer this matter to the Environment, Resources and Development Committee of this parliament. We are not doing that. Our position at present is to make clear (and I hope to hear from my colleague the shadow minister for the environment shortly) that sufficient safeguards are built into the current set of amendments to the Country Fires Act to protect national parks with the due importance that they should have. We will support the member for Fisher's amendments, but I put the minister on notice that while doing that, and while having a softer option for him now than referring the matter off, we will consider further amendments to the bill in the Legislative Council to ensure that proper and adequate safeguards are included for the protection of national parks that are not in the bill at present.

Having said all that—and I have taken rather longer than I probably should have—I will now allow the minister, if he is next, to take the bill into the committee stage, and once again we will work cooperatively in the best interests of the state to produce a good outcome, an outcome which will be better if it is informed by the intellectual content of the debate on this side.

The Hon. R.B. SUCH (Fisher): This is an important measure. Anyone with an understanding of bushfires would realise that you need to have some certainty in terms of who is exercising control. I take on board the comments of the member for Gordon that maybe the amendments do not really address the issue as they should. I refer members to the Economic and Finance Committee and the evidence given in relation to Ngarkat. At page 14 of the transcript, the Presiding Member (the member for Stuart) asked Mr Stuart Ellis, Chief Executive Officer of the Country Fire Service:

> What do you mean—that the people on the ground within the park system did not clearly understand what the real picture was?

Mr Ellis answered:

> Not just the parks system, but the CFS as well. If we have a situation where in the section it says that members of the CFS are to seek the authority of the government officer in a park situation or to refer to a government officer, we need to have a clear understanding between National Parks and ourselves. If the ranger is not on location, is a call to the duty officer adequate consultation? They are the sorts of issues that the two agencies need to clarify. It is not just National Parks but also the CFS personnel having a clear understanding of their authority in those situations.

The Presiding Member continued:

> I note a press release stating that the 'CFS takes charge'. You have stamped your authority on this process. Will it ensure that the long history of problems about who is ultimately in control is fixed permanently? Every fire in my experience, whether in Mount Remarkable or elsewhere, has presented hassles in relation to who will make the decisions on whether the bulldozers go in, whether there will be back burning and so on. When a lot of people have been

out of bed for a long time, they are touchy with those sorts of problems.

Mr Ellis answered:

I am confident that we have clarified that issue and we will be able to take charge in those situations.

Then the Presiding Member asked:

You would have no problem if the act was amended to make clear without any ambiguity that you are responsible?

Mr Ellis answered:

I have no problem with that.

There seems to be a little variation there, because, on the one hand, Mr Ellis says that they have clarified the issue and the CFS are able to take charge, but, on the other hand, in response to the Presiding Member, he says that he has no problem if the act was amended to make clear who is responsible. To me it seems to be commonsense that you have quite clear lines of authority.

Our national parks and other reserves are precious in this state, mainly because we have so few of them. We have reserves in many of the dry areas, certainly of a larger size than those in the higher rainfall areas, swamp areas and so on. That is to be expected because of the value of the land, but it raises serious issues about coverage of biodiversity. What we have seen in the last 20 or 30 years is a dramatic change in attitude by people in the farming community—and many of my relatives are on the land. I have been surprised and pleased to note over the last 20 years or so a tremendous change in attitude towards support for conservation, national parks, conservation parks and other reserves. I think this old idea that farmers are necessarily anti-conservation has been laid to rest. There are still a few cowboys out there, and sadly some who are associated with the wine industry are illegally clearing scrub, but overwhelmingly a lot of farmers are part of the movement which recognises the importance of conservation, whether it be in national parks, or even indeed on their own land under various agreements.

We know that in nature fire is part of the natural regime. It is a pity that we as a community and governments of any persuasion have not addressed the issue of using cold burns and other burn technology or approaches to ensure that the risk of fire in national parks and other reserves is minimised. I know this is not the bill to address it, but I would like to see governments throughout Australia (supported by the commonwealth) putting more effort into researching and developing protocols for using cold burn and other fire strategies to minimise the ultimate risk to parks, because it is not hard to see what happens when you get a tremendous build-up of fuel over a period which has been unburnt—you get the big fire—and 'Goodbye park!' That is one aspect that needs to be picked up and certainly addressed.

Most of the fires in national parks and other conservation reserves begin outside the park. We know there are lightning strikes within the parks, but most fires which burn within parks have come in from outside and we need to recognise that. There are not too many situations, other than as I say lightning strikes, where it goes the other way. The figure I have heard is about a three to one ratio of fires going into the park rather than the other way. I have proposed an amendment, which I understand the minister is willing to accept and which, in the principal act, acknowledges the importance of protecting environmental assets. I understand that the CFS is happy to accept that and support it. I think that in itself is an indication of a very positive and welcome attitude by the CFS and, indeed, by the minister. I will be speaking to that amendment and moving it shortly.

In essence, I am not sure whether we have got this particular series of amendments to the Country Fires (Incident Control) Amendment Bill right. I guess the opportunity is there for members to amend further, if they wish, but, as I said at the start, we need to ensure that we have certainty and clarity when it comes to managing fires, whether they be in parks or, for that matter, anywhere else. I would hope and trust that this measure is not seen by some rednecks as an opportunity to get in when there is a fire and do ecological damage, lasting damage, to parks because I do not believe that is in the interests of anyone and it is certainly not in the interest of maintaining biodiversity in this state. I will be addressing the amendment later, but I will be interested to hear the contributions of other members.

The Hon. G.M. GUNN (Stuart): This is an important measure because it brings some clarity into and streamlines the decision making in respect of the control of bushfires, particularly as they relate to national parks. I do not know whether anyone has ever been involved in trying to contain a large scrub fire.

The Hon. M.D. Rann interjecting:

The Hon. G.M. GUNN: I do not know how many members have been involved, as I was in my younger days, in lighting large fires.

The Hon. M.D. Rann: I am the one who puts it out; you are the one who lights it.

The ACTING SPEAKER (Mr Scalzi): The member for Stuart has the call.

The Hon. G.M. GUNN: I have been involved in burning off operations as have many rural producers.

Mr Foley interjecting:

The Hon. G.M. GUNN: I am being very placid and calm, as I always am.

Mr Conlon: I have always thought of you as cuddly and lovable.

Mr Lewis interjecting:

The ACTING SPEAKER: Order! The member for Stuart has the call.

The Hon. G.M. GUNN: The greatest thing in dealing with these matters is commonsense. If anyone has been involved when there is a large fire, the first thing that anyone wants to do is put it out and go home, because there is nothing worse than being involved for a long period with smoke going over you, as happened at Hambidge, where the people on the southern side of that park were covered in smoke for days. They were most traumatised by the whole effort.

The cost to the taxpayers is horrendous and the potential for loss of life is high. We know what happened in the Hundred of Hambidge where bulldozer operators were lucky to escape with their lives. There is an urgent need to have adequate fire breaks and access tracks in all national parks but, at the end of the day, when certain decisions have to be made about the right course of action to take, then the person in charge has to be given the authority to do that.

It is no good having a situation which took place in the Mount Remarkable fire where one particular government officer was abusing the Country Fire Service people who were trying to make decisions to put out the fire. That person did not want the bulldozers to enter during the middle of the night to make an access track. Members should be aware that the only time of the day to go in with a bulldozer is at night.

If you go in at any other time then you endanger the operator's life. It is the height of irresponsibility—

Mr Conlon interjecting:

The ACTING SPEAKER: Order!

The Hon. G.M. GUNN: I do not know whether the honourable member has ever come over a hill where the lightning has hit alongside him and he has seen it coming towards him on his property and two or three generations of work is about to go up in smoke. One is not sure what will happen to your family. I do not think the honourable member has ever been in that situation but I say to him and to those foolish people who object to the broad thrust of what the minister wants to do—

Mr Conlon interjecting:

The Hon. G.M. GUNN: We have to make a choice in these things, that is, whether to put commonsense into practice and say that, unfortunately, in a country such as Australia there will be fires every year. My farm is very close to where already this year there have been a number of lightning strikes. Fortunately, the crops were at a stage where it did not get going. However, last Monday, if there had been a lightning strike over a large part of South Australia, I hate to think how far the fire would have gone. It is essential that the volunteers and those people who support them are given the authority to make the right decisions. We cannot have a situation where people say, 'You can't go in with a bulldozer.' I am surprised that the shadow treasurer—

Mr Foley interjecting:

The ACTING SPEAKER: Order! The member is interjecting out of his seat.

The Hon. G.M. GUNN: Every time there is a fire in one of the big reserves, if it goes for two or three days, unfortunately, the cost to the taxpayers as a result of getting water bombers and bulldozers is horrendous. I know that when Mount Remarkable was on fire a few years ago in the middle of the night they had to move 18 bulldozers; 18 bulldozers were brought in to try to contain the blaze. They were brought in in the middle of the night with police escorts

It is very important that decisions are made quickly and efficiently. All I say to the House is that we should support the firefighters and not pay a great deal of attention to the minority of people who do not understand the facts because, at the end of the day, I know of no-one who wants to actually spend any more time fighting a fire than is necessary. No-one wants to put a bulldozer into a park unless they have to, but there must be adequate breaks. It is quite clear that there is a need to do controlled burning-off at the right time of the year.

I am fully aware of the difficulties that took place in New South Wales because I have had discussions with the member from the Blue Mountains, Mr Rozzoli, in relation the difficulties his constituents had because irresponsible elements in the national parks would not allow them to do controlled burning-off.

Mr Hill interjecting:

The Hon. G.M. GUNN: I am. The honourable member does not know all the facts on this issue.

Mr Hill interjecting:

The Hon. G.M. GUNN: The honourable member is very touchy. I do not know why. What I am saying is absolutely correct. Perhaps the honourable member would like to read the reports about what happened in New South Wales. Unfortunately, a team of firefighters lost their lives as a result of a fire. The honourable member should ring Kevin Rozzoli and see what he has to say about the fires there. We are very lucky that we have not had a problem, but I can tell you something clearly: if some sensible amendments are not made to this act, it is getting to the stage where local people will not help to fight the fire. People are not going to give their time and make a tremendous effort if they are fooled around with nonsense by people who do not know what they are doing.

There are certain things on which the honourable member may be well informed and about which he may have great knowledge, but I do not think the practical side of bushfire control is something that he knows a lot about. He may think that I do not know a lot about many subjects, but this is something that I know a damn sight more about than he does, because I have been involved in land development over many years and have been involved in lighting large fires as a part of land development, and I know both sides of it. If one uses a bit of commonsense, it is not hard to do it effectively and safely.

I have tens of thousands of hectares of national parks on two sides of me so I know exactly what will happen on occasions. I know what has happened in the past. I make this point to the honourable member: not very far from where I have a farm there is a plaque and, unfortunately, that person lost his life fighting a fire in what is now a national park. I am fully aware that the greatest thing is commonsense. We give this authority to the responsible people in the Country Fire Service so that they can fix the problem and get the fires out as quickly as possible. There is tremendous dislocation and disruption to a community when a fire gets going, such as happened in Ngarkat or Hambidge, and that big park out from the Buckleboo, unfortunately, will catch on fire, as will other huge areas of scrub between Ceduna and Tarcoola. Commonsense must be applied and the Country Fire Service must be given adequate control to make the right decisions to extinguish the fire as quickly as possible. At the end of the day, if you could say, 'We'll just put a break around it and let it burn itself out,' it will not hurt the native vegetation because it will regenerate.

Mr Hill interjecting:

The Hon. G.M. GUNN: There would not be any mallee left in South Australia, because most of it has been burnt every few years. It grows even better. If you want to see where the kangaroos go—

Mr Hill interjecting:

The Hon. G.M. GUNN: I do know what I am talking about: go and see where the kangaroos go.

Mr Hill interjecting:

The Hon. G.M. GUNN: I do know what I am talking about. I have grown up in the Mallee, spent all my life in it. It is a good part of the world which breeds healthy people. It is like limestone: if you want to breed good horses with good legs get in the limestone. As the member for Hammond and others know, the people in the Mallee are good hearty souls who understand the practical side of life and this proposal allows commonsense to prevail. I commend the minister for it and I look forward to a speedy passage of the legislation.

The Hon. M.D. RANN (Leader of the Opposition): I support this bill. I would particularly like to say that, as an auxiliary member for the past 10 years of the Salisbury CFS—in fact, the most active CFS unit in the state—I resent any implication that members of parliament on this side of the House are not supporters of the CFS. I joined the Salisbury CFS in fighting a major bushfire, and I saw the dedication and the years of training come into effect. I saw members, some of whom have been active members of the CFS for 40

years, fighting a difficult bushfire under extraordinarily difficult circumstances and showing both their commitment and courage to the people of this state.

The last thing that the CFS wants is to be made into some kind of partisan political issue, as the member for Stuart was just trying to do. What the CFS needs is our active support and that is why I intend to support this legislation. I want also to say that too often the CFS units on the fringes of the metropolitan area are perhaps under-appreciated. The Salisbury CFS not only acts as back-up to the MFS in a range of fires in the Salisbury area and in the northern suburbs, but it also acts as a major resource and back-up for a range of country CFS brigades and units. Indeed, it has travelled far and wide, including to help fight the New South Wales bushfires in 1994.

The CFS unit in Salisbury is the busiest unit by far in the state. It attends vehicle accidents, it assists the MFS and it is on the front line fighting bushfires in our national parks and the hills face zone. I take this opportunity, again, to praise not only the CFS in general but particularly those people in Salisbury who, over the years, have put their spare time on the line, training during the week and working through the summer holidays and the Christmas period in defence of our community and risking their lives in the process.

Mr LEWIS (Hammond): I do not have a view that is any different from that of the Leader of the Opposition or from what the member for Stuart was saying. I do not see that this is a partisan argument. It seems that the measure is long overdue because members who have spoken on the matter thus far have all expressed support for it. For those reasons, the minister deserves commendation for the commonsense that he has displayed, and probably the courage that he has displayed, to bring the measure before the parliament and put beyond any doubt whatever who will be in charge of, or be responsible for, the strategy to be followed in dealing with a fire wherever it may be, inside or outside a national park, or in any other kind of park for that matter.

It is my view that fires are a part of the fairly recent Australian ecosystems. Prior to European settlement, regular burning resulted, over the past 10 000 or so years, in the development of the domination of those species that respond to fire: acacias, melaleucas, eucalypts or, indeed, all myrtles, all Myrtaceae, in that the heat of the fire causes them to shed their seeds that they would not otherwise shed earlier. Once shed and subjected to the heat where they were safely encapsulated in whatever contained them, they are activated. Of course, many of them get toasted and their viability is destroyed, but others, the bulk of the seeds (sufficient of them at least, regardless of the species), immediately germinate in the rain that follows, whenever that may be.

There is an ash bed there that is favourable to those species. The circumstances selected the species we now see predominating across the natural landscape. We have changed that in the way in which we have managed the remnant native vegetation in national parks by presuming that fire is unnecessary or inappropriate. Indeed, the point I am coming to, by making those background remarks, is this: we need to recognise that fires must be allowed to burn in natural ecosystems as part of the appropriate manner in which we manage those ecosystems.

Equally, though, because there are fewer of them, we need to be sure that we are not putting them at risk by allowing that fire to continue unabated, perhaps, across the lot. That is not something that worries me a lot, because I well remember the Hon. Des Corcoran, when he was the minister responsible for the CFS in the Dunstan government, saying that he would, in effect, have someone's guts for garters over the burning of the national park which is slightly south of an easterly direction from Meningie to Coonalpyn and which was burnt to a stick. There was nothing left inside its fences.

Most members of various societies involved in nature watching or conservation, if you wanted to call it that, whether it was the Ornithological Society, the Field Naturalist Society, and so on, all believed that it was an ecological disaster, yet within five years there were more sugar gliders and small possums—

Mr Hill interjecting:

Mr LEWIS: The point was, and my point is, that they were thought to be all burnt out and that there was no food left for them anywhere within any reasonable distance, and that they could not possibly recolonise the re-emergent vegetation that recovered after the fire. The point I am making for the member for Kaurna is that, despite their beliefs about that, within five years there were more of those very species of small animals and the birds—

Mr Hill interjecting:

Mr LEWIS: I am not hearing—

Mr Hill interjecting:

Mr LEWIS: No, the member for Kaurna is quite mistaken in that respect. There was not less of anything other than, perhaps, for a short time, white ants. It did not take them long to come back into balance, either, because there were plenty of dead sticks around which eventually fell over and formed the necessary food close to the soil (where it did not dry out), and they could create their nests. The member for Kaurna would know that in South Australia we have over 400 different species of termites (commonly called white ants), and they do not all build nests and they do not all live inside hollow logs: many of them live fairly close to the surface of the soil in the fairly short colony life cycle that they have.

Altogether, though, the fire did not cause Mount Boothby National Park great damage. Indeed, it is now better than it was before. Our management of what happens in a national park then ought to take into account the ecosystem in which the fire is burning, the weather prevailing at the time that it is burning, the consequence for that ecosystem and, more important than any of those things, the lives of the volunteers who will otherwise go in there to do something about it, whatever that may be. That is paramount.

Management plans or no management plans for the park, that can be rectified; but the people who have the training to look after the fire, as it were, in areas of natural bushland, be it unlisted in any shape or form on privately owned land, heritage bushland or national parks bushland (and I am saying that this bill gets it right by saying that the people in the CFS have to be in command of the situation) have to take that into account, along with the life of the volunteers and the security of the equipment they are using, particularly CFS property. It is not inexpensive, and it is not quickly and easily replaced, in which case it is therefore sensible for—

The ACTING SPEAKER (Mr Scalzi): Order! If honourable members want to carry on a discussion, they can move elsewhere.

The Hon. M.D. Rann interjecting:

The ACTING SPEAKER: If honourable members want to carry on a discussion, they can move out of the chamber.

An honourable member interjecting:

The ACTING SPEAKER: Order!

Mr LEWIS: Therefore, in keeping with the observations made by the member for Stuart, and in support of them (which I do not think, in the real context of the event of a fire in a park, is much different to what the member for Kaurna would feel is appropriate), what we need to do, is secure it there if it is appropriate to let it burn, because it is an act of God: it is the way things were and the way things ought to be. Secure it there and let it burn. If, however, it is judged that, for some reason, a certain section should be protected from the fire to give safe haven, at that time the bulldozers need to come in and make it safe for the volunteers to secure that area.

Mr Hill: How would an untrained CFS officer know that?

Mr LEWIS: Because they are not untrained, they are trained in the way in which fires burn. The people who assume and accept high office have not only had years of training but they have also had experience in a number of fire incidents. I have always said that the very senior CFS officers ought to retain someone who is trained in forestry as well as, in particular, the management of bushfires in forest settings of a variety of kinds. All foresters are trained to light fires in different weather conditions, to watch them burn and then to put them out, and to light them not only in different weather conditions but on different landscapes, different topography and in different ecosystems, and make notes about what happens when the fire burns, what the temperature change is and the like. If we do not have that responsibility all wrapped up in one person, the battle will be lost and so will lives, and the controversy will continue.

I am fed up with what happens in the parks in the Mallee every time there is a major fire. The contention there is between often well meaning but misplaced opinions held by national parks staff saying that we should do this or we should do that, with a narrow focus on what they expect the outcome will be. They could not give a damn about the private property that is either at risk or finally burned if the fire escapes. That property can be anything from livestock to crops to sheds and outbuildings and fences to homes and motor cars, trucks and other equipment. It is not something to be taken lightly.

In any normal circumstances, one sometimes wonders how on earth a fire could be so devastating so quickly. I can tell members: because the temperature rises and the point of spontaneous combustion of the gases produced by the destructive distillation of the materials in question simply causes an even greater amount of heat when that combustion takes place. It is, indeed, awesome and frightening to be in the place where a fire is. And I have been there, pretty often since the time I was a boy—and on a good many occasions at that.

I do not have any problem with the proposition. It is no different from fighting a battle: one has to decide what ground one will hold, what ground one will defend and where one can defeat the enemy. The enemy in this case is the conflagration; the combustion that is going on. Fires do not have personalities but they have characteristics of behaviour determined by those physical factors to which I just drew attention. The consequence of their proper management must take into account all interests, not only the sectional interests of the farmers and of the national parks but also the lives of those who are managing them and the lives of those who may be affected if they are mismanaged in any way, shape or form. I commend the minister for his guts and I commend the measure to the House.

Mr HILL (Kaurna): I think that nothing could be more frightening, horrifying or troubling to a person than to be confronted by a raging bushfire out of control. I remember as a small child travelling in country New South Wales to the home we were about to move into in Tamworth and being confronted at one stage, as we drove through it, by a bushfire. I remember many occasions, when we lived in that north-western part of New South Wales, facing bushfires, and even as a small child going out with wet canvas or wet hessian bags trying to fight off fires that were developing in the scrub near where we lived.

So, I have absolute sympathy for and commend anyone who takes on the job of fighting a bushfire or fighting any sort of fire in the country or in the city. I think that it is an heroic task that people take on, and they do it under terrible conditions, sometimes not knowing what is happening to their own property back at home as they go out and fight and, of course, not knowing what will happen to their own safety: they put the community's interests first.

There is no doubt that there were great problems associated with the fire that occurred at Ngarkat a year or two ago. I travelled to the South-East and visited the site on a couple of occasions. I was shown over the Ngarkat park by locals who were concerned about the way in which the fire was dealt with in that region. I talked to the local fire officer there and I talked to local conservationists, and both sides of the argument thought that the way in which the fire was dealt with was a disaster. I do not know the full facts—

An honourable member interjecting:

The SPEAKER: Order, the Minister for Police!

Mr HILL: —associated with the management problems that occurred at Ngarkat. I understand that the person who was responsible for being in control of the fire was in Adelaide part of the time and was in the air part of the time and was not really on the ground at Ngarkat for some considerable time after the fire had begun. That really hampered the ability of those people on the ground who wanted to fight the fire to deal with it. There were problems in getting equipment into the park, and what may have, in fact, been a small fire turned out to be a huge fire: I think something like one-third of the park was burnt. It was also made difficult, of course, because it cut across a couple of jurisdictions. The land mass of the area being burnt also extended into Victoria. So, there were very severe problems with the fire at Ngarkat.

There were also obviously problems with another fire in a national park on Kangaroo Island, and a select committee of this House examined that issue, I think, in 1992. I have a copy of that report with me, and I have had a look through it today. I agree that there are problems with the regime that we have for dealing with fires in national parks. However, I do not agree that this bill is the best way of dealing with the problems, and I think that is the point that the shadow minister and the member for Gordon made.

It is clear that, in part at least, this bill is an attempt to appease the concerns (and I do not say that they are not genuine concerns) of the member for Stuart, the Hon. Graham Gunn.

Mr Conlon interjecting:

Mr HILL: It is Gunny's bill. I refer to evidence of the Economic and Finance Committee when Mr Ellis, the Chief Executive Officer of the Country Fire Service, was called as a witness. I will not go through all the evidence, but it is clear from reading it that Mr Ellis had some concerns. He says on page 13 of the evidence, referring to the Country Fires Act:

The legislation, in particular section 54 of the Country Fires Act, has been reviewed previously by standing committees and is satisfactory. It is perhaps not as clear as it could be, but it is a workable solution.

That is what Mr Ellis from the CFS says about the current bill. However, after a bit of questioning from the Presiding Member, Mr Gunn, the member for Stuart, Mr Ellis was led as a witness into agreeing with Mr Gunn that there should be some change to the current legislation. Mr Ellis says, in referring to the CFS control in fire situations:

I am confident that we have clarified that issue and we will be able to take charge in those situations.

He is saying that they had clarified the situation and that things are under control. The Presiding Member, Mr Gunn, then says:

You would have no problem if the Act was amended to make clear without any ambiguity that you are responsible?

He is leading the witness and trying to get him to say that the act needs to be changed. Mr Ellis said that he had no problem with that. Why would he not say that? There may be a problem with the act, but it is not a major problem. The CFS did not think it was a major problem. The person who thinks it is a major problem is the member for Stuart because he likes to campaign in his electorate against the National Parks and against environmental issues generally and he no doubt understands what will win him votes in his electorate. We will not fall for his trick on this. We are not going to oppose the legislation but it should be made clear that the member for Stuart, in his continuing attempts to malign officers of National Parks, does them a great disservice. We do not come in here and malign officers of the CFS; we trust that they do a good job under difficult circumstances.

I hope the minister who is bringing in the bill will, when he gets an opportunity, defend the work of the National Parks officers and I hope he will distance himself from his colleague in the second row there who attacked members of the National Parks Service, as he does whenever he gets the chance. I raise this point as I find it very disappointing that the Minister for the Environment, who is responsible for National Parks, is not in the chamber listening to and participating in the debate. I would have thought that there would be some obligation on him to contribute and defend the National Parks officers and put on the record what he believes is the best way of dealing with this issue. It is a great pity he is not here.

What does this bill do? The most important part of it is to down-grade the seniority of CFS officers who are able to make decisions in relation to national parks. Currently it has to be a chief officer. That protection is in place to protect a range of things, but certainly to try to protect the interests of the park. The member for Stuart says that I do not know all the facts. I concede that I do not, but I know some facts that he does not know concerning what happens in a national park—not when there is a fire is on, but just what happens in a national park.

I am grateful for information that was provided by Mr David Paton from Adelaide University at a recent Friends of the Park conference at Millicent. It was a splendid conference and I pass on my congratulations to those associated with it, including the member for MacKillop, who attended the conference. I think he heard David Paton speak.

Mr Williams interjecting:

Mr HILL: No, but it was a good contribution. David Paton was talking about fire and biodiversity in Ngarkat. He has done some study over a period of years and has looked at what happens to flora and fauna in national parks under a range of conditions: under drought conditions, under wet conditions, when there is a fire, when there is not a fire. He was able to tell us that in difficult conditions when there is drought the biodiversity compresses into the best area for it to survive. You might have a piece of land of, say, 1 000 hectares and in a good season across that piece of land you will find a wide range of species of plants and animals surviving, living, breeding and prospering, but in a drought the animals, insects and birds will restrict their habitat to a small section of that piece of land where the conditions are right for them to breed. They will leave other areas where the conditions are less good. There will be fewer numbers.

He made the point that if a fire is about to happen in a park or you are considering a burning off, you have to be very careful where you do it, because if you choose the wrong bit you may wipe out the whole of the biodiversity of that park and leave areas that are less important.

Mr Venning interjecting:

Mr HILL: That is not the argument—I am not going down that track at this point. You have to be very careful where you burn so you do not burn the essence of the park where most of the life form is and which, if you want to continue the biodiversity in that region, you have to preserve. That is why you need expertise in handling a fire. If you get in a CFS officer who is expert in fires he or she may well say that the most sensible decision here is to burn that strip of territory because that will protect the rest of the park from fire. That may not be a good decision from the viewpoint of biodiversity. It may well be important to have a burn off or control the fire in such a way that that section is not burnt. That is the essence of it and why you need expertise not just in fire management but also in conservation values as well.

That is why I have criticisms of this bill: it does not address that issue. That is what is important and why people from the conservation and environment movements are concerned. That is why the members for Stuart and Hammond are only telling part of the story. They are looking at it from the viewpoint of fire management. I concede that that is their right. This bill could have gone further if the minister had consulted more widely. I was surprised to learn when I asked the Conservation Council what it thought about the bill that it did not know anything about it until I referred it to them because it had not been consulted on it. It is extraordinary that the peak body in South Australia looking after issues relating to the environment, in particular the national parks which is a matter of great concern and interest to them, were not consulted.

I asked them what they thought about it and the major point they make is for better training. I will read one brief sentence from its letter to me:

. . . very strongly urge for better training of staff including of training in wildfire related incident management, training to the national competency level.

They refer to training in fires in national parks. They believe the best person should be chosen to do the job and not just whether or not they are a CFS or a National Parks officer. That is very sensible. We need someone with multiple skills in dealing with fires in national parks.

The interesting thing about this legislation is that when it comes to fires in commercial forests the CFS officer is kicked out and the manager of the commercial forest is the one who takes charge. Why would you do that? I hope the member for MacKillop will elucidate me. It points to the fact that the

member for Stuart is behind this piece of legislation. It is not a proper review of the Act done by ministers for environment and emergency services. If the best person to run a fire in a national park is the local CFS officer, regardless of his or her standing, why is not that person also the best person to run a fire in a commercial forest? Why are there different rules for the different category of territory?

I mentioned earlier the select committee report on bushfire protection and suppression measures in relation to a fire on Kangaroo Island. This was a select committee established in 1991 and reported in 1992. It made 64 recommendations in relation to fire management in national parks. I am not sure how many of these have been picked up by other legislation on the way. It seems to me that the recommendations made by that committee are significantly different from the legislation which we have before us, and I flag to the minister that I will ask him during the committee stages to comment on whether or not this report has been considered on this occasion and why the recommendations of that committee, if they have not been picked up, have not been acted on.

I think the smart thing would be to have another look at this legislation to try to get a win-win situation, so that not only are fires looked after properly but also that our national parks, our biodiversity, and our conservation values are looked after. This is also a one-sided piece of legislation: it puts the emphasis only on firefighting. I am not complaining about that: it should do that as well. However, it can do more. That is why it is a less than adequate piece of legislation. I urge the minister to consider amendments that the opposition will move in another place.

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

Mr WILLIAMS (MacKillop): This issue has been going on for a long time. I am delighted that at least the member for Kaurna has come to the realisation that it has been going on for a lot longer than the most recent findings of the Economic and Finance Committee into the Ngarkat fire. In fact, there is a history of committees looking into the role of the CFS for at least 15 years. The earliest one of which I have a record—and I am sure that many preceded this—is a select committee that was set up by the Legislative Council on 4 April 1984 to look into bushfire prevention. Although it goes to some of the issues that we are talking about here, one of the recommendations, which is of great interest to note, of that select committee in the other place in the mid 1980s—when I understand that there was a Labor government in power—was that a levy on property values should be considered to replace the levy on insurance companies as a means of funding fire services. That was an interesting recommendation, and it took some 14 years for it to be implemented. It is very interesting that that came from a select committee in the mid 1980s when there was a Labor government in power.

Another of the recommendations of that select committee suggested that the guide book explaining the responsibilities under the Country Fires Act should be widely circulated. One must ponder why the select committee would make that suggestion. I contend that it was very simple: even back in 1985, members had trouble understanding what the Country Fires Act said about their responsibilities and roles.

I have also found that in late 1988 to early 1989 the then Coroner, Mr Ahern, conducted an inquest into a fire in a national park at Mount Remarkable. I will read from his findings. He quoted Mr Secker, who was a regional officer. I do not know Mr Secker, but he is said to be a regional officer. Mr Ahern said:

Mr Secker told the court that there were certainly instances where volunteer fire fighters and CFS personnel did not clearly understand their duties, nor did they understand clearly what was required of them. He refers in particular to the chain of command problem where volunteers were not aware of the clear chain of command.

This has been an ongoing issue. The member for Kaurna talked about the next select committee, the Select Committee on Bushfire Protection and Suppression Measures, which was set up by this House on 28 November 1991, I believe as a result of a major bushfire—in a national park, again—on Kangaroo Island. That select committee recommended that subsections (5), (6) and (8) of section 54 of the current Country Fires Act should be struck out of the act. I have discussed this matter with the erstwhile member for Stuart, and the minister, for well over 12 months, since the Ngarkat fire. I fail to see why the committee, after researching the act, would recommend striking out subsections (5), (6) and (8) and not subsection (7), as my reading of the act suggests that subsection (7) is consequential on subsection (6).

Subsections (5), (6), (7) and (8) introduce much ambiguity into the act: they confuse CFS personnel. As the member for Stuart said, one of the problems that we will face in country areas (and we must remember that the CFS is responsible for fire suppression and control in, I think, 94 per cent of the state: it surprises me that it is not even more than that), if we do not sort out the problem of confusion about roles, powers and duties of CFS personnel, is that we will lose personnel who, at the end of the day, are volunteers. They are not out there for their health. Some of them enjoy the work that they do, and I am sure that they find it rewarding.

Having been a member of the CFS for longer than I care to remember, I know that most of my colleagues in the farming community are members of the CFS for not much more than self-preservation. That is what it is all about: self-preservation. Some CFS volunteers operate in areas that are adjacent to major national parks.

That brings me to the Ngarkat fire, which broke out on 27 January 1999 and burnt until 2 February. In the meantime, it destroyed 90 000 hectares of the park in South Australia and 14 000 hectares across the border in Victoria in the Big Desert wilderness area. The southern portion of the Ngarkat park is, indeed, in my electorate. Obviously, the CFS volunteers and personnel who fought that fire from areas south of that park are constituents of mine, and I spent some time talking with those operatives and trying to ascertain their feelings and thoughts in the aftermath of that fire.

I can assure the House that many CFS volunteers at that time told me that they would never go into the park again. This was not because they felt in danger or that they did not want to suppress the fire but because they felt that they had been let down by this act, as they did not know exactly what their responsibilities and duties were. They felt that it was ambiguous. They were trying to do a job; they wanted to do that job; they believed they knew how to do the job; but there was some confusion as to what their role was.

Indeed, my understanding of that fire is that it was first reported late on the evening of 27 January. I think, from memory, it was about 10 o'clock, or a bit after, in the evening. The CFS group officer from Bordertown drove up

the Pinnaroo road and entered the park via one of the roads in the park and went to an area known as, I think, Comet Bore. He virtually drove up to the fire in the middle of the night. He radioed back to his colleagues at the Bordertown headquarters. They said that some national park managers were arriving. They had travelled a similar route: down the Pinnaroo road from the north and into the park. They had gone on a different road, but did not get to the seat of the fire. They were some kilometres away from it, but could see that there was definitely a fire. There was some confusion at that stage as to how many fires were burning in the park.

The CFS officer drove out of the park and met the national parks officers on the highway, and they then discussed what was happening. The national parks officers indicated that they had crews coming and that they would be onto the fire probably next morning. The CFS officer—and this was a senior CFS officer—decided, because he was not absolutely certain of what his responsibilities and duties were, that he would leave the matter to the national parks people and, if they needed some back-up next day, he would bring in his crews to help them out. The problem was that a strong northerly wind was blowing. By 7 o'clock next morning that fire was out of control, and it was not controlled for about five days. In the intervening period the majority of the park was absolutely destroyed. The firefighters sat back and could do very little; in fact, in the aftermath of that a lot of CFS operators told me that we did nothing but waste hundreds of thousands of dollars trying to suppress a fire which could not be suppressed because it was so much out of control. They said that we would have been just as well off if we had just sat back and waited for those three or four days until the weather conditions quietened down.

I am relaying what was told to me anecdotally. I am not quite sure whether the experts would agree with that. We know that hundreds of thousands of dollars was spent in an attempt to control that fire, and we also know that the majority of that park was destroyed. I am quite confident when I say to the House that those people who could have brought that fire under control in the early hours of 27 January 1999 were dissuaded from doing so, because they were not absolutely certain that it was their responsibility. That is what this act is all about. Section 54(6) of the act provides:

> Where there is a fire or other emergency on a government reserve, and the person who is in charge of the reserve, being a government officer, is present at the scene of the fire, no person other than the chief officer or a delegate of the chief officer may exercise any power conferred by this section on the reserve except with the approval, and subject to any directions, of that government officer.

That is where the confusion comes in. In the middle of the night, it can only be the chief officer of the CFS or somebody who receives a delegation from him. When you are in the middle of the Ngarkat park or any of the other parks in remote areas of the state, I can assure the House that it is quite difficult to get in touch with the chief officer of the CFS to get that delegation. That is one of the problems.

So, the officer in charge at the scene could be excused for saying, 'The national parks have told me that they have it under control; I'll go home.' That is exactly what happened. I am sure that the national parks operatives there at the time told him that in good faith, but they were not totally aware of what the weather conditions were going to be over the next few hours. I am not in any way being derogatory towards to the National Parks and Wildlife Service. We are talking about the Country Fires Act and the CFS, not about the national parks system or the relationship between the two, because it has been established in recent times that most national parks have a fire management plan, and the CFS signs off those fire management plans. Indeed, the Ngarkat park has developed a plan, and it had a plan prior to the fire in January 1999. However, the plan was subsequently deemed to be insufficient to actually control that sort of fire. The plan has been severely modified, and the CFS has signed off on that subsequent plan.

So, there is no friction between the CFS in the Upper South-East and the national parks people regarding what will happen next time there is a fire in that park. Unfortunately, as the member for Kaurna said—and he quoted David Paton when he was speaking at the Friends of the Park forum at Millicent recently—in the meantime the integrity of that park has been largely lost. I have just quoted some reports that would have been the result of the inquiries by this House and the other place over the past 15 years. At least four of these reports are sitting on the table in front of me, and all of them come to just about the same conclusions—that there is considerable confusion in this matter. At the heart of this confusion is the fact that we have volunteers who as I said earlier want to get out and do the job, believe that they can do the job but are at the end of the day confused about exactly what their role is, how they should go about it and how much authority they should exercise. That is what this bill is about.

This bill is not about shifting the responsibility or the duty of care or whatever but about clarifying the existing situation. It is about not having a ludicrous clause in a bill which says that a CFS firefighter in the centre of a park in a remote area of South Australia has to get the chief officer of the CFS out of bed in the middle of the night before he can actually put out the fire. That is what this bill is about. We have management plans which control the way the CFS operatives go about fighting the fires in these parks so as to maintain the integrity of the parks. As the member for Stuart said, you can only fight and control these fires in a couple of ways, and they are expressed in the management plans.

The member for Kaurna also raised the issue of why this bill would treat government forests differently than it would treat the national parks forests. The answer to that is quite simple: the government forests have expended large sums of money over a long time and have a very efficient firefighting capability of their own. However, the national parks also have a firefighting capability, but to my knowledge that capability is almost entirely restricted to very light vehicles which carry very small amounts of water. They do not have tractors, rollers and the equipment actually to do the work. They have plenty of capability to go out and put out a very small or minor fire that will take only a bit of water. However, they do not have the capability to address a major incident, whereas the CFS does. The government forests do have that equipment. They have tractors and ploughs which are used in the normal running of their forest and they have a large fleet of heavy firefighting vehicles. The people who man those vehicles are, indeed, members of the CFS, as I believe are a lot of the national parks people, and that is the reason why I believe they have been treated differently—their capability is much greater than that of the national parks people.

It is imperative that we sort out this matter once and for all. It is imperative that we clarify the matter. It has been going on for a great many years. Some members of the opposition have suggested that this is a bill to appease the member for Stuart, but it is not. In fact, I raised this matter

after the fire in the Ngarkat park, and I became aware that the member for Stuart had an interest in this matter. He said, 'That's been sorted out. There was a select committee a couple of years ago, and we sorted it out.' That is why I did my homework and found out that there was a series of select committees and a range of reports, and none of them have been acted upon. They all came to the same conclusion but none of them have been acted upon. If members look at the history of this bill they will see that these matters have not been addressed.

Mr Conlon interjecting:

Mr WILLIAMS: The member for Elder interjects. I have listened to what he said. What the members for Elder and Kaurna, the shadow minister, have said seems to be in incredible conflict with what their leader has said. I am not quite sure where members opposite are all coming from.

The Hon. M.D. Rann: We are all supporting the bill.

Mr WILLIAMS: That's not where you started out. You never indicated that you were supporting the bill. I am delighted to hear that the opposition will support this bill. If I was aware of that a bit earlier, it might have saved the House a fair bit of time. The amendment the member for Fisher has filed is a quite reasonable measure and does not detract in any way from what the minister is trying to achieve in this bill. I do not have a problem with that whatsoever. I commend the bill to the House.

Mr VENNING (Schubert): I support this bill, and I will speak only briefly. I am from the land, and I have been involved with fires all my life. My introduction to fire at the age of five years was a very serious occasion, indeed, when we lost everything except our house. To be in grade one at school and to look out across the fields to the farm two miles out and see your farm burning was a frightening thing, and I will never forget that. For a five year old to lose everything we had except the homestead was horrific, and it has given me a certain respect for and fear of fires ever since.

I have been to many fires in my time since that occasion, including the Mount Remarkable fire in 1988, and the member for MacKillop has just referred to that. Also I was at the Ngarkat fire in 1991, which was a very serious fire. I was at Keith at the time helping my brother doing his farming and there was a serious fire. One has to be present to appreciate the confusion and the urgency that occurs during a fire such as that. I went to a bad fire last week at Redhill. It was not a very hot day, but there was a very strong breeze and we lost 400 acres of crop. The amount of volunteers who came from nowhere, including five units, got there very quickly; it was remarkable.

I know how difficult it is to make decisions and establish a chain of command at a fire. You have to establish who is there, who is the most senior and who will take control. It is very confusing because you can always be accused of too many chiefs and not enough Indians. We needed to clarify the situation and that is what this bill does. So many of our volunteers have so much experience and that is appreciated and recognised by us all. Trying to anticipate what will happen at a fire, especially in a windy and hilly condition, is difficult indeed and the most experienced people need to be the people who make those decisions, not necessarily those with the most officer superiority.

A fire in a national park has always caused problems about whether to make decisions to back burn, whether to bulldoze a large break, or whether to retreat and let the fire go and regroup on a firebreak some distance away. There has always been a dispute about who is in control, particularly in a national park situation. It has been going on for years and certainly it was the case at the Mount Remarkable fire. In fact, the inquest said exactly that. I have had a lot of experience in the study of the characteristics of fire, how it draws to itself. You can light a break in front of a fire, and instead of blowing the way the wind is going away from the fire it actually draws to it—which is quite an unusual characteristic—because it is sucked in by its own draft. The inferno creates its own draft towards itself. As long as it is close and as long as there is fuel between the two, the fire will go in reverse and you can effectively put out a fire like that.

It is the incident control officer's role, as this bill says quite clearly: it is a pre-determined person whose role it is, if he or she is present, (or his or her nominee is there) to take control. I just checked this with the minister because it might not necessarily be that person, but that person has the role to hand that authority over if he or she feels fit. I know well that often fire control officers have handed over this responsibility to a local landowner who knows the land, the hills, the valleys, the fences, the gates, the roads and where the water is. Certainly, it is often wise counsel indeed to hand over that experience to the person who knows the land. It is the incident control officer's role to determine who that person is.

In one such incident many years ago, the fire was threatening the town of Georgetown. The fire was coming towards the town on a mild front and the town was under great threat. There was one gentleman, Frank Landers, who was a fire control officer, and they told Frank to take control of this fire. Frank said: 'The only way we can stop the fire from burning down Georgetown is to light another fire'—and I helped him do that. We did. I will never forget the skill of this man of knowing when to light that fire, which, instead of racing towards Georgetown, burnt back on itself and it was extinguished. Frank Landers was well-known in our area—I think he has since passed on—for the experience he has had in fires. Certainly, many fire officers who have had great experience have handed control over to this gentleman.

I pay the highest tribute to our volunteer CFS firefighters. I am blessed with an excellent CFS structure in my electorate of Schubert, particularly in the Barossa Valley, Kapunda and the Adelaide Hills. I am very pleased that Williamstown will now get a new CFS shed, which has been argued for a long time. Also I pay tribute to one Jim Mitchell, who I know gives the minister a hard time, but I hope the minister will appreciate that Mr Mitchell has his heart in the right place—and I notice the smiles in the gallery. He does have his heart in the right place. He gives me a hard time, but he has a very good focus for fire control in our area, even though he causes the authorities some heartache.

I support this bill. It is very relevant at this time. We have a very bad fire season in front of us and we will have some very bad fires this year. I hope not too bad, but we all know there will be fires. I heard the member for Hammond say that he was in favour of burning. I am particularly in favour of cold burning, as we see in the tropics, with fires going through in the off season to remove some of the dense undergrowth. There is often an area of confusion where the national park finishes and where private country begins, because there are often no fences and it is common ground. There is nothing worse than having a farm right alongside a national park—and I know the member for Stuart has already mentioned this tonight—particularly where there is a fire and

it comes out of the national park on a one mile front onto your property.

That is the worse scenario. That is why people who live near national parks are understandably a bit touchy and sensitive and very concerned. That is when the responsibility has changed from the national parks people to the local fire control officers. Certainly, this bill will clarify that. It solves some confusion with the present act and the roles of the personnel. Finally, I commend this bill to the House and I also hope the opposition will support it.

Mrs PENFOLD (Flinders): The Country Fires (Incident Control) Amendment Bill has come out of public consultation and discussion between the minister and all the parties involved in fires such as the recent ones in Hambidge National Park on Eyre Peninsula and, of course, the Ngarkat Conservation Park. It is practical evidence that this government listens to constituents and acts positively. Elements in this bill arise from the constructive suggestions put forward in the very well attended briefing sessions and in the consultative process which resulted from these fires. It is not the result of any one person, but from the input of many people over many years.

The farmers on Eyre Peninsula produce around 40 per cent of the state's grain in a good year and, judging by the crops I have seen, this year will be a good one. In addition, I have a large number of national parks in my electorate. Control of fires in our crops is essential, therefore the control of fires in these parks which border on these cropping areas is of importance to the whole of Eyre Peninsula as well. Fires are caused by many incidents. Several recent ones have been directly from the use of equipment used to harvest the crops. However, one of the most treacherous and most unpredictable is lightening strike, often within the national parks.

The first attack in fighting and containing a fire is crucial. Local knowledge is essential, as is good equipment and first class training. This bill will help to ensure that the first response is fast and, hopefully, decisive, often at night or in the early morning before a fire has had a chance to build momentum. Many of the suggestions that came out of the Hambidge and Ngarkat Park debriefings did not need to be implemented by way of a bill. Many required only policy changes and their implementation. Some required only better equipment and training. Some of these changes have come to pass and, as yet, some have not.

We are fortunate that we live at a time when technology can be harnessed for our good in ways undreamt of just a few decades ago. Global positioning systems (GPS) is one of these technologies. The fire in Hambidge highlighted the need for GPS in on-ground vehicles and in aircraft used for reconnaissance. Rough terrain combined with smoke and unpredictable winds combine to make a very dangerous environment for our firefighters. GPS allows accurate plotting of a fire and the position of vehicles, therefore precise coordination of efforts to combat the fire by using resources most effectively and safely. GPS allows operations to continue during the night and in the early morning when atmospheric conditions are most responsive to controlling a fire and/or extinguishing a fire. Missing vehicles with GPS can be located quickly, providing security for personnel and relief for friends and family who often suffer for many hours wondering if their loved ones are safe.

The emergency services levy has proved its worth through the funds it has generated for the maintenance and upgrade of facilities. I have been pleased to note the ever extending provision of GPSs to emergency services, particularly country fire services and at the commissioning of three new vehicles for Eyre Peninsula last Saturday at Tumby Bay, with the minister, Robert Brokenshire—

The Hon. R.L. Brokenshire: Four.

Mrs PENFOLD: Sorry, four—I was also pleased to see specialised mapping equipment. This equipment will soon allow for accurate maps of a region to be combined with the precise position of the fire and the location of trucks by GPS. These maps can be used for briefing units on a big screen and copies handed to firefighters. In addition, the maps can be printed off at any remote location that has a computer with a printer that is connected to the internet. Even the problem of locating vehicles so that firefighters can be relieved or just provided with food and water by backup people will be easier. Of course, none of this equipment will be useful without proper training, and I commend those volunteers who often at their own expense, attend training so that they know how to use the new equipment to its best advantage.

Farmers whose vehicles do not need to be registered for day-to-day work can use these vehicles in firefighting without the necessity for them to be registered; thus, the vehicles can be driven on public roads to access a fire. This means that a large pool of farm firefighting units is available to lift the firefighting capabilities in a district.

One of the suggestions that came from the consultation was that those using their own vehicles and equipment for firefighting have the ability to be compensated through the local controller for staked tyres and other related expenses due to firefighting, particularly in national parks.

Safety is of paramount importance in the inevitable chaos surrounding the fighting of a large fire. It is imperative that volunteers offering themselves and their machinery log on and log off. This is a self-evident safety measure of knowing who or what is where, but there is the added possibility of compensation in case of injury or damage.

Safety includes the type of clothing that firefighters wear. It would be advantageous to both metropolitan and country people to mount a public campaign explaining the flammability of different types of cloth. Many people are unaware that wearing inappropriate clothing at the scene of a large fire leaves the wearer open to serious injury or even death. People arriving to fight a fire clad only in shorts and thongs is not a myth. However, the CFS volunteers are well aware of the problem and are being provided with the best of protective clothing, at a cost at level 3, of head to toe protection, of $1 000 per person.

Fires in national parks can have negative outcomes that do not apply in other instances. The destruction of native flora and fauna is a possibility, even to the point of extinction of a species where the only surviving species are destroyed. To combat this danger, and to eliminate or reduce the risk of farms and towns being put at risk, several measures were suggested in the consultation process.

A 25 metre firebreak to be maintained on the north, east and west sides, and a 50 metre firebreak on the south side of parks, with a cleared access road kept for vehicles in case of a need for back burning, and breaks to be chained every four to five years, are among those suggestions. The perimeter fire breaks would minimise future outbreaks into farming land and into scrub and remnant vegetation on private land which provide a valuable sanctuary for wildlife or from these areas into the national parks.

Consideration was requested to be given to dividing all large national parks such as Hambidge into appropriate

sections by firebreaks. The firebreaks could be used as roads of access for firefighting machinery and vehicles, thus also providing a measure of safety for the firefighters and volunteers. The firebreaks would assist in containing a fire, thus lessening the impact of the fire on the park itself and perhaps help to protect areas of greatest biodiversity.

Controlled burning of parks has been a hotly debated topic over the years. It again came into prominence with the fires in New South Wales that caused a great deal of damage to properties on the outskirts of Sydney suburbs. Controlled burning is now being used in parks to lessen the fire danger. Controlled burning reduces the flammable matter and therefore the risk of a fire starting, or a small fire becoming a big one. Controlled burning that has been properly assessed protects flora and fauna. Small areas are burnt, thus allowing the natural process of regeneration after a fire to occur, and species are protected because they are not burnt out wholesale.

The fire in the Hambidge Conservation Park did identify one necessity that is not at first obvious, that is, the supply of water. People fighting a fire lose copious amounts of fluid and require frequent and plentiful replenishment, or they suffer dehydration that can be life threatening. Bottled water was used but it was found impossible to meet the demand. Ice and water in coolers was a more effective method of supplying the necessary fluid. Volunteers who log on and log off can be readily supplied with water and food because their whereabouts are known. It has been known for firefighters to forget to log off and to be found sound asleep in bed, blissfully unaware of the manhunt that they have caused. Water and food are crucial in maintaining the health of firefighters and in preventing collapse.

I previously mentioned the food that was supplied to firefighters at the Hambidge fire. Country Women's Association members, church and community groups are magnificent when it comes to an emergency of this nature. The generosity of country people is a byword. The resources volunteered at Hambidge, both human and machinery, were considerable. The willingness of people to be involved was commendable. Volunteers, CFS and National Parks officers worked together with the community, and catering was, as I mentioned, exceptional. However, improvements can always be made, and I hope that better equipment, appropriate training and improved procedures (some of which have already been made), combined with the amendments in this bill, will help to improve our firefighting and minimise the loss of life, destruction of property and the loss of the biodiversity that occurs within our national parks. I support the bill.

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): First, I thank all members for their contributions tonight. I appreciate that the night is drawing on, so I will be as brief as I can, because other bills need to be debated. There are some important things that I would like to put on the public record about this bill. I commend all members for their contributions tonight, but I particularly commend the member for MacKillop and the member for Flinders for their contributions. If upper house members, when the bill goes to them, look at those two members' contributions, they will be see exactly what is intended with this bill.

I highlight a couple of points in response to some points that have been raised. First, it is very important for all members to realise that this bill was not prepared in isolation by the CFS. In fact, there was a great deal of consultation between my Chief Fire Officer and Operations Manager and the Director of the National Parks and Wildlife Service. That officer, who is now the Chief Executive Officer of the Department of Environment and Heritage, was also, at the time when this matter was discussed, a member of the CFS board.

So, we had a very balanced situation because the Director of National Parks and Wildlife was looking at the role from the national parks' point of view and also had an understanding that in the current act there was quite a lot of ambiguity that was detrimental to the CFS in its primary task. And let us get that primary task on the public record.

The training and the primary task of members of the CFS when they go to an incident is to extinguish the fire as quickly as possible. It is not their intention to look at how to do burn backs or to determine how much of a park might have to be put at risk. The training and commitment of the CFS comes into play from the incipient stage of the fire when they go in there and put it out. As the member for MacKillop said, if there was clarity and a clear understanding of the bill (and that is the intention with this), a situation such as Ngarkat would not have occurred. That is the intention of the bill.

On four occasions, as many members have highlighted tonight, similar reports have been put before the parliament, but we have not taken the bull by the horns and addressed the issue. As a result, I suggest that former members of parliament missed a huge opportunity to protect national parks. As the parliamentary secretary for a previous Minister for the Environment, I also care about, have compassion for and an understanding of the importance of protecting national parks.

I want to reinforce the fact that the National Parks and Wildlife Service is very happy with this bill. In fact, the National Parks and Wildlife Service was adamant, when this bill was being drafted, that two key points had to be included: first, the issue involving management plans, and that is seen clearly in the act under the amendment to section 54, 'Power of the CFS member', and clause 6(3)(b), which talks about management plans for the reserve. The other key point to be included in the bill was that, clearly, an incident controller had to be included in the act.

No member in this House—or, indeed, in the other place, to which the bill, hopefully, proceeds for further debate—should be thinking that it is about anything other than improving opportunities to protect national parks. I have been involved with fairly significant fires over the years. I can remember, apart from Ash Wednesday, which was a different example (and I will be reasonably quick but it does highlight the point raised by the member for MacKillop), that two issues are involved: first, that we were totally under-equipped and that, frankly, we were not trained at all for firefighting.

Today, of course, the equipment is available and so is the training. A lieutenant manning a fire appliance must have a level 2 accreditation. That is very important because that training is all about rural firefighting. Today, if a CFS volunteer is in charge you have a very professional, very well trained, accredited and committed firefighter. On one occasion when I attended a fire there was no clear intention about how to handle that fire early in the piece. That fire ultimately burned for over 50 miles. I well remember the roar of that fire coming before we could even see it. Without exaggeration, flames would have been well in excess of 30 to 40 feet high.

I watched horses panic and run straight into the fire: they had no other way to go because they were in a corner of the paddock. We were trying to protect the home and ourselves

by just holding up the foggers to try to stop any fire going in through the eaves under the roof. It is a pretty scary experience. I do not, as the minister holding the portfolio concerning volunteers and paid staff, want to see a situation where the lives of those people who are committed to their region are put at risk. That is another very important part of this bill. First, everyone's life must be considered; and, secondly, the protection of properties must be considered.

It is important that all members realise that this bill does accommodate both those issues. The other point which I want to highlight tonight and which I think some have missed is that members were talking about burning back and wiping out, perhaps, a third of a national park. Members said that if that were to occur they wanted input from senior CFS officers and/or senior National Parks and Wildlife officers. When one looks at this bill one can see that that will happen.

What members are talking about is not a fire at its incipient stage but a fire that is way out of control—a fire that has been burning for a minimum of 12 hours and, more likely, for two or three days. The problem is so big that a fully integrated, experienced and qualified command team would be involved, as well as senior officers of national parks, and that is why the National Parks and Wildlife Service, of course, supports this bill. The other point we must remember is that, from the very beginning, there is now clear opportunity for the most qualified person in the CFS to hand over to a more qualified member of incident control within the National Parks and Wildlife Service or, indeed, to someone who is better qualified in any other service.

Our problem, if we do not support the bill in the way in which it is presented to the House, is that many parks in this state are isolated. We do not have park rangers patrolling those parks and, because no park rangers are present—and, indeed, it might take them five or six hours to get to a particular location—the problem similar to that highlighted by the member for MacKillop will occur.

As minister, I have no problem whatsoever with respect to the amendment to be moved by the member for Fisher (Hon. Dr Such). In fact, if members have a careful look at that amendment and tie it in with this debate, they will see that we have a far better and far more comprehensive bill to assist in protecting national parks than we currently have. With the amendment to be moved by the honourable member, if this bill is passed by this and the upper house, the bill will contain more safeguards than it presently has. I commend the bill to the House and again thank members for their contribution.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

Mr CONLON: I will ask a question of the minister now, although I suspect that my question has been answered by the member for MacKillop slightly better than the minister will be able to answer it, anyway. The new definition clause plainly separates out a forest reserve as a definition, which is not the position in the existing bill. I understand one argument is that the corporatisation of SA Forests would lead to it, but it is plain—and I will get it out of the way now, minister, because it will save time—that forest reserves will be treated differently in the new bill than in the existing act. In the existing act the powers of the CFS in regard to forest reserves are exactly the same as those involving a government reserve; in fact, there is no distinction.

What it will mean, when one reads this clause along with clause 6, is that, while the CFS will have control of fires in government and forest reserves, a great deal of control is still reserved to the officers of the Forest Corporation. I am sure that the answer I got from the member for MacKillop is right, but could the minister tell me now why the forest reserve is to be treated differently from government reserves? Why should the CFS control one, yet officers of the corporation have the governing hand in the other?

The Hon. R.L. BROKENSHIRE: The status quo remains with respect to the forest situation.

Mr Conlon interjecting:

The Hon. R.L. BROKENSHIRE: It does.

Mr Conlon interjecting:

The Hon. R.L. BROKENSHIRE: The status quo does remain. The forests, obviously, have some pretty slick and high-tech equipment. In fact, I would like the money to buy some of those fire trucks. As much as I have now, and I am grateful for it, I would like the money to buy some of those fire trucks. The other point is that we have a situation where the four reports that have been brought to the parliament previously all related to issues of ambiguity with respect to national parks and not those corporatised forests.

Clause passed.

New clause 3A.

The Hon. R.B. SUCH: I move:

Page 3, after clause 3—Insert:
Amendment of s.8—Responsibilities of the CFS.
3A. Section 8 of the principal act is amended by striking out from paragraph (b) 'and property in', and substituting 'property and environmental assets in fire and'.

New clause inserted.

Clause 4 passed.

Clause 5.

Mr HILL: In this section, 'incident controller' means a CFS member or other person for the time being appointed by a CFS officer as the incident controller for a particular fire or other emergency. This rather implies a very broad range of persons. It could mean that a very junior CFS member who happens to be there could appoint his or her son or daughter to take over as incident controller for a particular fire. Is that the case—am I reading it too broadly?

The Hon. R.L. BROKENSHIRE: It is the reverse of that. I understand that the National Parks and Wildlife Service was particularly keen to have this clause worded and framed in this way, because it depends upon the particular incident. It may be that someone is present from National Parks, or any other organisation, and there may be a border incident, where there is a national park in South Australia and a national park in Victoria and a fire travels across the border and, depending on the wind and where it is going, etc., it might be far more appropriate to appoint that person as the incident controller. So, it is all about looking at what qualifications you have there at the time. If there is an opportunity to provide someone with better qualifications as incident controller, that is the intent of this clause.

Mr HILL: It may well be that, as the minister says, this is the intention, as he has described it, but that is clearly not what the words say. The clause says, '"incident controller" means a CFS member'. It does not necessarily have to be a senior member, it does not necessarily mean a member who has done anything other than pay the subscription fee, as I read it, 'or other person for the time being appointed by a CFS officer'. That could be someone who has been promoted who appoints any other person—someone who walks past on

the street. There is nothing in here to give me any sense that a person with any knowledge, skill or training will be put in charge. In that context, I would ask how many CFS officers have attained national competency level as set by the Australasian Fire Authority Council, and whether or not those kinds of qualifications would be necessary for someone to become an incident controller.

The Hon. R.L. BROKENSHIRE: I hear what the honourable member is saying, but there are a couple of points that I would like to raise. First, one obviously cannot read that in isolation to the other amendments in the bill that talk about the fact that they must consult with the owner or person in charge of the land, or observe whether that person is present or may be immediately contacted. It also again talks about the fact that you have to take into account the management plans for the reserve. I have no problem with this, because the clear intent is here, that somebody in a position of authority and educative qualification at the right level, that is, a level 2 or above, is not going to all of a sudden give authority for the incident to the child who may be around. The point is, though, if you want we could have some wording put in that refers to 'with the relevant skill and knowledge'.

Mr CONLON: Before we were misquoted and verballed with respect to this bill, the shadow environment minister put his finger on why we say there is a problem. I have no doubt about the intention of this clause. The intention is for the CFS to control a fire or, if there is a more appropriate person in the circumstances, to hand that control over. The simple fact is that, while that may be the intention, the wording is loose. I also have no doubt that it would be unlikely that a CFS member or officer would appoint someone inappropriate. However, I believe that between here and another place (and I flag that we would be considering amendments) the minister may like to look at tidying up the wording in that clause to remove any doubt.

The Hon. R.L. BROKENSHIRE: I am taking the points on board. Whilst I personally have no problem with the way in which the clause is worded at the moment, I have listened to the honourable member and I will take up that point and ensure that that wording is slightly changed before it goes across to the other house.

Mr HILL: I am curious about the meaning of subsection (4), which provides:

> The appointment of an incident controller for a fire or other emergency is superseded by a subsequent appointment of an incident controller for that fire or other emergency by the same or a more senior member of the CFS.

Is that not kind of like changing the captains on a ship from time to time? How many changes of incident controller could there be in a particular incident?

The Hon. R.L. BROKENSHIRE: This was put in here after legal advice from Parliamentary Counsel. There are two key points. First, you can have a shift change where you have a situation where some have been there for a period of time and they need to have a shift change. The second point that ties in with this is that, if the fire gets bigger and a more senior member of the CFS comes along, this provision allows for responsibility for that incident and incident control to be handed over to that person. That was inserted there after discussion with Parliamentary Counsel for that reason.

Clause passed.

Clause 6.

Mr CONLON: Essentially, clause 6(3)(b) refers to the problem that we have been raising all along, the actions in a government reserve. The incident controller will be required to take into account relevant provisions of a management plan for the reserve that has been brought to the attention of the officer. This relies on a management plan being brought to the attention of the incident controller. I would have thought that perhaps there should be an obligation to at least make an attempt for that person to acquaint himself or herself with the provisions of a management plan for the area rather than relying on it being brought to their attention.

The Hon. R.L. BROKENSHIRE: Again, there are two points here. One is that these management plans are developed by the National Parks and Wildlife in conjunction and after consultation with the CFS. What happens also is that the CFS officers and the regional commanders, in particular, spend a lot of time assessing the plans, training, doing audits around the parks, etc. I know what the honourable member is saying, and those things in practice are happening all the time. In fact, that is where the training is coming more and more into importance in the understanding of prevention, risk management and the management plans.

The other point with the clause that we have agreed to in this committee is that the amendment by the Hon. Bob Such, the member for Fisher, also has to be taken into account as well as the management plans and the issues around environmental assets in the fire, etc.

Mr CONLON: I am not entirely satisfied that it will actually ensure what it sets out to do, namely, make sure that fire control by an incident controller takes into account management plans. We will think about that between here and the other place.

The second question I have is that it does not seem to me to dictate that a person must take into account a management plan. There is an old saying in law that there is no right without a remedy. What happens if a person simply ignores the management plan? There is no penalty or right for someone to take an action. What does it mean? What obligation does it impose and how is an obligation enforced?

The Hon. R.L. BROKENSHIRE: Part of the requirement of being a CFS officer is that, first, they must act in an honest way, and they must balance up all their decisions with respect to life. Parliamentary Counsel also worded it that way, and the advice they gave us on the wording of it is that if you made it any tighter effectively you could prevent them from going in and putting out the fire. With the training, commitment and professionalism today of CFS volunteers, together with the communications that they have with the paid staff, and opportunity with integrated radio networks, and so on, there is a quick and easy opportunity for them to be consulting very widely over radios, whereas in the past they were not able to do that.

Mr HILL: I am also concerned about this provision because it seems a much vaguer provision than was in the previous act. It takes all responsibility off the CFS officer to ascertain what the management plan is for the park. The onus is really on others to bring it to the attention of the CFS officer. I should have thought that the CFS officer who would be an incident controller, if what the minister said before is correct, would be part of the decision making process about the management plan, would be aware that he or she is likely to be the incident controller, and would have a whole lot of obligations and duties already put upon him or her by nature of his or her seniority. Is there a way of rewording this to take into account that the officer may well have some responsibility to gather this information?

The Hon. R.L. BROKENSHIRE: I repeat that this is primarily about incipient immediate action with a small fire

when it first gets going. National Parks was happy about the fact that this clause was drafted in this way to make sure that, as it says here, that person takes into account any relevant provisions of a management plan for the reserve that have been brought to the attention of the officer or other member. Because it is at the incipient stages, it is about fast attack, getting in there, clarifying everything, hitting the fire hard and knocking it out. That is what National Parks wants also. If, in the event, we have a situation where, because of adverse weather conditions or whatever, they cannot do that and the fire broadens out, by then we would have other people into the incident as well, as I explained previously. I sit comfortably with what Parliamentary Counsel has requested and put into the drafting, but between now and its going to the another place I am happy to sit down with the shadow spokesperson and see whether there is any way of changing the wording so that the clarification and intent is more qualified, as he has raised. I and National Parks sit comfortably with this, but I am happy to talk to the shadow minister before I take it to the another place.

Mr HILL: I thank the minister for that offer, as it would make clear, if we are talking about a quick response, that one set of circumstances would apply and, in a more deliberate and considered situation, another set of circumstances would apply. It raises the question of who brings it to the attention of the officer. What is envisaged by that? I take it from listening to the minister that in the case of a CFS officer walking through a park and seeing a fire and immediately going to put it out he would just act in a natural way, as would be perfectly acceptable. But, there must be some obligation on the training officers to make them aware of the general issues in relation to management plans in the parks and a particular duty on somebody when the fire is well established. That may be a way of making it clear in this provision.

The Hon. R.L. BROKENSHIRE: I am happy to look at that and, when I have done so, I will take it up with the shadow spokesperson. To let the honourable member know what happens in practice, an enormous amount of training and preparation is done these days, and often they will have mock training where they have the National Parks and a range of people there as well. For a lot of the parks today, either in the fire stations or sometimes even on the appliances, they will carry the management plans with them. In my own electorate area, particularly in Blewett Springs, McLaren Flat and McLaren Vale, they do a lot of work in and around the Onkaparinga Gorge, which is a difficult part to manage, as the honourable member knows, as he has the bottom end in his electorate. They work closely with people such as Terry Gregory from National Parks, and they have a good relationship and a clear understanding of how they would handle incidents, as well as of identifying rare and precious species of flora and/or fauna in that park. They will be aware of those areas, so they already know about it as local firefighters; and, it is part of the training that they undertake.

Mr HILL: I take on board what the minister said, as there is some comfort in that explanation. Half of our national parks have no management plans at all. What is the current practice of CFS officers in relation to those parks? What do they consider when going into a park?

The Hon. R.L. BROKENSHIRE: First, under the current act—and this is not being amended—they are charged with certain responsibilities to take into consideration the asset, and so on, as is already described in the act. Secondly, where there are no plans at this stage, CFS is starting to develop some plans itself. Thirdly, I know that there has been quite a lot of activity in the national parks to try to get more plans developed. From advice given to me, I can say that probably close to half of all the 316 reserves have management plans. We have had CFS officers going around working with National Parks to develop these plans. It is an integrated, collaborative approach between National Parks and the CFS. From a CFS viewpoint, we will give National Parks all the support we can to get the rest of the management plans done because it helps us all—National Parks and the CFS—at an incident.

Clause passed.

Title passed.

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I move:

That this bill be now read a third time.

Again, I thank all honourable members for their contribution. I will take up the points that were raised in committee and, prior to debate in the upper House, I will get back to the shadow spokesperson on those two particular points. Again, I ask that all members of parliament have a very close look at this measure, because this is important for the CFS, the paid staff and volunteers of the CFS, and also important for the national parks themselves. So I thank all members for their contributions at this late hour.

Bill read a third time and passed.

STAMP DUTIES (LAND RICH ENTITIES AND REDEMPTION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 November. Page 388.)

Mr FOLEY (Hart): This particular piece of legislation has been considered by the opposition, both in shadow cabinet deliberations and, obviously, in caucus deliberations. We will be supporting this measure, which is designed to correct a series of anomalies in the Stamp Duties Act relating to land rich entities and redemption. Some issues relating to a Supreme Court case involving the Commissioner of Taxation in 1998 need to be addressed in respect of conveyancing duties, and we need to ensure that the legislation is amended so that those anomalies are corrected. A number of other issues are involved.

A somewhat significant issue that is involved was the subject of some debate within the shadow cabinet and within the caucus, and that is an issue related to a High Court action that was successfully undertaken by a group of business people in South Australia who challenged their liabilities in respect of some stamp duties, which I understand involved a figure of about $50 000. Surprise, surprise! They took this issue all the way through to the High Court. I have not had any personal experience in legal matters, certainly nothing in the High Court: some of my colleagues might have a feel for the cost involved in Supreme Court actions and can then extrapolate them for High Court actions, but it would be fair to guess that it would be somewhat larger than $50 000.

Mr Clarke: That is just for a QC clearing his throat.

Mr FOLEY: Exactly! As my colleague indicates, it is an expensive habit. The fact is that a particular group of business people in this state took the state to court, all the way through to the High Court, on whether or not they had a certain liability that they had to meet in respect of stamp duties involving a transaction. We understand that the government

has had some considerable discussion with the property industry as to how they would deal with that issue and, to close the loophole, in some draft legislation initially there was a provision that it should be retrospective, and retrospective to when the original court decision was made, to ensure that we trapped not just the company which deliberately chose not to pay its liability but also another company which, we were advised—surprise, surprise—also objected to a stamp duty bill of a larger amount: I am told that it is a figure in the millions.

The identities of the people are not known to the opposition and may not be known to the government: there may be some secrecy provisions. However, it would be fair to say that somebody in the property industry funded the first action against the state to the High Court, because I do not believe that somebody who wishes not to pay a $50 000 stamp duty liability would go to the High Court and, given that an action started shortly thereafter for another company which had a tax liability of some $4 million or $5 million, that it also suddenly was the beneficiary of that High Court decision. You would not have to be a genius to work out that there may be some correlation between the two parties. That is most unfortunate.

However, the government has come with a compromise. I understand the property industry was quite aghast at the prospect of retrospective legislation to deal with this particular anomaly. As I said, it involved stamp duty on unit trusts. I am not necessarily critical of the Treasurer—these are the judgment calls that treasurers and governments have to make and I have no doubt that the Treasurer would have had some long internal debates about this: maybe it is just the bravado of someone in opposition—but I would have been inclined to make this completely retrospective, to capture all parties that had an appropriate tax liability to the state and to send a very clear message to the business community that, if you have a tax liability, exploiting a loophole in the tax law by way of taking issues to the High Court simply will not succeed. In a state like ours where you actually make the law, you make the law, and we can make law that is retrospective.

That has been used successfully by the commonwealth government to deal with businesses which have chosen to challenge the rights of states to levy fees on tobacco, alcohol and petrol and all they have succeeded in doing is having the commonwealth government collect their tax liability, not the state. So, if it is good enough for the commonwealth, my view is that it should be good enough for the states. However, the view was taken—not necessarily with the full agreement of my colleagues and, I must say, not necessarily as my preferred option, to be quite frank: I would have been inclined (and perhaps, as I said, the bravado from opposition might be tempered with some realism in government) to go the distance—that it is not for the opposition to make tax law in the state: it is not for the opposition to do the government's bidding. The government itself has chosen to put forward a compromise piece of legislation that it thinks will adequately deal with the dilemma of this particular anomaly, and we will support them.

I want to send this message to the business community—not that I think anyone is going to read this contribution but, never mind, I will say it anyway. I want to flag that I do not care who it is in industry and who it is in business: if there is a responsibility and an obligation to pay your share of tax, pay it you will. I have said this personally to the Treasurer that should such circumstances arise again in the future he should feel free to telephone me before he drafts legislation to get an indication as to where the Labor Party stands on this legislation, because I would be more than happy to offer the opposition's support in taking whatever action is appropriate to quickly close loopholes and to ensure that we get the tax revenue in this state that the parliaments of the past have deemed appropriate for us to seek from the community.

I say that in the future, if a situation arises, we will be prepared to work with the government, from opposition, as we have done in other cases in previous examples. Certainly, should I be the Treasurer of South Australia, if that is to be—I might not be, but if it is to be—then I will certainly take a very hard line to ensure that tax liabilities are, indeed, met by the community, as unpleasant as they may be from time to time. The law passed by previous parliaments should be upheld and loopholes and expensive court actions to the High Court should be discouraged and, if not discouraged, if people are successful, parliament and the government should not be adverse to retrospective legislation to close those loopholes. There are some other issues in the stamp duties legislation of a more technical nature. They have our support, and I am happy to support the bill.

Mr CLARKE (Ross Smith): I rise very reluctantly to support this bill in the sense that it does not have the retrospectivity which I personally would have favoured. The only way either the state governments or the commonwealth will effectively tackle tax avoidance is to say quite clearly as a policy statement that if you find a lawyer who can find their way around the tax laws and defeat the clear intent of the parliament with respect to the obligations of people to pay their fair share of tax, we will legislate and we will legislate retrospectively to recoup those lost earnings, no matter how many years. We will always have the tax dodgers, because there is no incentive for them to comply with the spirit and the intent of our tax laws, because if they can get away with it for one, two, three or four years, they can always rely on the government of the day—Liberal or Labor—saying, 'Okay, we will close the loophole, but it will be prospective not retrospective.' So they have the benefit for whatever the number of years is that they may get away with it in terms of tax avoidance.

As I understand the figures—and we will find out more about this from the minister in committee—some $6 million may have gone missing, money that should otherwise properly be within the coffers of the state, helping to improve our schools, hospitals, police, roads, Family and Community Services, Housing Trust, our homeless, and so on. However, that money is not there, because someone worked a way around their lawful obligations. I do not want any pious claptrap from the government or from the Attorney-General about the sanctity of retrospectivity, that we should not do it.

Mr Lewis: Do what?

Mr CLARKE: Pass laws with retrospective application. I accept that you do not do it willy-nilly.

Mr Lewis: Why is it relevant in this case?

Mr CLARKE: The member for Hammond may not have heard me at the very beginning, and I do not want to bore everyone else by repeating what I just said, but I will try to bring him into the loop. Basically, this Attorney-General in particular says that no law should be passed retrospectively when it comes to issues such as tax avoidance. But not that long ago the Minister for Transport brought in some legislation when her blood test laws were found faulty, and a magistrate chucked out a whole range of charges against people, because they had not been properly warned. I am not

sure of the exact details, but it related to people driving under the influence of alcohol, and they had not been properly read their rights at the time they were asked to take the test. Those matters were struck down by the magistrate.

It did not take long for retrospectivity to come into place. The principle of no retrospectivity was quickly abandoned, and it was on the basis that these people had committed an offence and, on a mere technicality, we could not have these drunk drivers out on the roads getting away with it. But it is all right for a smart snook in the property industry to rob the state of $5.5 million. That person's rights are absolutely inviolate. We cannot go retrospectively seeking to get him to pay $5.5 million back into the taxpayers' coffers so that we can spend it on the roads, the Housing Trust, our schools and hospitals.

The principle of retrospectivity was inviolate, but not with respect to these drivers on the blood alcohol test. There were other examples when this Attorney-General and this government—and I believe others as well—have conveniently overlooked the sanctity of the no retrospectivity rule to suit particular circumstances. I do not quibble with that, because I have never had a problem with retrospective application of our laws, provided they are soundly based, particularly where the intent of parliament is quite clear and where it has been flouted because someone is smart enough and wealthy enough to hire a lawyer to get them out of trouble.

It is about time that we applied the same sort of test when it comes to collecting the revenues for this state or at commonwealth level. I am fed up to the back teeth, as are ordinary citizens, of people who have the capacity to pay getting off on a technicality. They have a legal obligation—and I am not just talking about a moral obligation—to pay their fair share of the costs of the running of the affairs of this state or of this nation. When they do not do it, everyone else has to pick up the tab, and usually those people who most have to pick up the tab are those who, like 98 per cent of us, are not in a position to hire a QC to work rorts around our taxation system.

I was pleased to hear the shadow treasurer get to the stage of saying that, if he becomes Treasurer, he would consider adopting a policy of going retrospectively to seek revenue that the state should have. I would like to see that put into practice, because at the end of the day there is no other way of stamping out tax avoidance than governments of all persuasions standing shoulder to shoulder saying, 'Whatever rorts you pull, when we uncover them, we will go back whatever number of years is necessary to recoup that money and with penalty. So, enjoy it while you can, because when you get caught you will pay through the nose, as you should, so that you meet your fair share of the burden of the maintenance of a modern civilised society that we all want to live in.'

The principle of applying retrospectivity to laws has not been sacrosanct in every instance. The DUI charge was just one example, and there are many other examples I have seen while I have been in this parliament where we have passed laws in this regard. I recall one law involving the then Minister for Infrastructure, the now Premier, back in about 1995, and I think it involved water rates. A mistake was made, and we passed legislation that went back to 1987 retrospectively to protect the revenue base of the old E&WS, now SA Water.

I think that was about 1994 or 1995, and we went back to 1987. Again, I do not object to that: there were good policy grounds. The Labor opposition supported the then Minister for Infrastructure's legislation. I will ask the minister for some further details in committee about these sorts of tax dodges, considering that our coffers have a shortfall of some $6 million, which, otherwise, should be going to the common good of the people of South Australia.

Ms RANKINE (Wright): I want to take a few moments to address an anomaly in relation to this legislation which does not seem to have been addressed. What I am talking about is the exemption from duty in respect of certain transfers between spouses or former spouses. The current legislation enables stamp duty to be exempted if someone, for example, has lived in a de facto relationship, that is, cohabited continuously for at least five years. That is not part of this amending bill, and I have not had the chance to seek Parliamentary Counsel's advice on this. However, I flag to the government the possibility of perhaps having an amendment moved in the upper house when this legislation reaches it.

According to the De Facto Relationships Bill, in the division of property a de facto relationship is deemed to have been a relationship where people have continued to cohabit for at least three years or there is a child. I am saying that in the de facto relationships legislation property can be divided amongst people if they have lived together for three years, but you must have been living together for five years to have stamp duty exempted.

This was brought to my attention by one of my constituents who was in exactly that situation. She had lived with her partner for three years and wanted to have his name transferred onto the title deed of their property but was told that stamp duty was payable. However, if they had parted, he would have had an automatic entitlement to claim a portion of that property. That seems to me to be a fairly clear anomaly, and we have an opportunity to address that whilst this legislation is before us.

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): I thank members for their contributions, and I thank the opposition for supporting this bill. As members have adequately advised the House, this tidies up some anomalies relating to stamp duties and closes some loopholes that have been identified either via court cases or via experience with Treasury and the taxation department. This is another effort on the part of the government to ensure that, as the member for Hart and the member for Ross Smith have both said, taxation that is due to be paid is legally paid by those people or businesses, and to ensure that the government reaps the tax that is due to it.

Bill read a second time.

In committee.

Clause 1 passed.

Clause 2.

Mr CLARKE: What grounds does the minister say the government has not to seek this legislation being made retrospective? Why can it not be of retrospective application to recover lost sums for the state Treasury?

The Hon. M.R. BUCKBY: I am advised that full retrospectivity was considered in the first place by cabinet, but prior to the court case in September 1999 being settled, there were five or six objections. The defendants won the court case and, as there were objections prior to the decision in that court case, it was considered that, rather than go through another court case, because a decision had already been made, full retrospectivity would not be applied; and exemptions would be applied to those who had lodged an

objection prior to the result of the court case. So, full retrospectivity would not be sought.

Mr CLARKE: I must say that I still find that hard to understand. I understand what the minister has said, but, given other decisions of cabinet such as the more recent example of the drink driving tests that were undertaken, involving hundreds of people, the government had no compunction in making the legislation fixing that defect retrospective to ensure that all those hundreds of people retrospectively had to the pay the penalty.

We are talking about half a dozen individuals who had lodged an objection prior to the High Court's decision being handed down. In the case of the drink drivers, hundreds of people had, if you like, been fined and penalised in exactly the same conditions as a person who had successfully gone to court and proved that the government was wrong, that the law was deficient, yet no redress was given for those people who were unlawfully convicted, so we retrospectively made it lawful. We did not do it in this case involving half a dozen organisations.

I would like to know by how much in total the state Treasury is short as a result of not making this bill fully retrospective. What is the amount? Does it range from a few dollars for one individual to $1 million for another? We are talking about half a dozen: what is it in total and in individual lots?

The Hon. M.R. BUCKBY: I am advised that $6 million is the total. In relation to one of those objectors, the amount is $5.2 million; the other five make up the $0.8 million.

Mr CLARKE: So, this gets worse. The state, by not pursuing retrospectivity, has given a golden windfall to one individual of $5.2 million. I would like to know the name of the individual or company involved because I think the public of South Australia have every right to know that someone, by exploiting a loophole in this state's laws, saved themselves $5.2 million. It is okay for hundreds of ordinary citizens who have been convicted of drink driving offences unlawfully, because of a deficiency in government laws, to have laws made retrospective to ensure they are caught—and I am not arguing against that—but, to chase one individual or one corporation for $5.2 million, I find outlandish, staggering and obscene when one sees the mental health budget cut; we have queues in our public hospitals; and we cannot get people through our dental hospitals because of the cut-backs for the aged in terms of their teeth, dentures and so on. Because of some notion that we should not make this bill retrospective, we have denied the people of this state $5.2 million and made one person or one corporation that much wealthier. I find that obscene.

Mr LEWIS: I am also curious to know: who is this sod? Is it Christopher Skase or someone equally outlandish? Why is it? How much did he contribute to Liberal Party funds? What other questions can I ask?

The Hon. M.R. BUCKBY: I am advised that secrecy provisions apply here, so the name of the company, companies or persons cannot be released.

Mr Clarke: What about the rest of the question?

The Hon. M.R. BUCKBY: Could you repeat it?

Mr CLARKE: I asked the name of the individual, but you say secrecy provisions prevent disclosure. We are talking about $6 million and one individual or one body corporate has got away with $5.2 million. I cannot rationalise how the state government can say that we will not chase that person. Was the law so unclear? Does the government agree that the law was open to such interpretation that a person innocently could make that mistake? Was it seen as a deliberate contrivance to get around the clear intent of the law? If it was the latter, why not pursue them? You pursue the average drunk driver retrospectively. We fix up the EWS technical deficiency and go back several years (to 1994-95) to protect its revenue base for the state—and I do not disagree with that—but we do not chase $6 million when we are screaming poverty and the government is flogging off assets of the state everywhere.

The Hon. M.R. BUCKBY: I do not recollect the discussion in cabinet at the time, but I am advised that, whilst we thought the law was clear in terms of chasing these particular companies, the advice from the legal profession was that it was not clear because a case similar to this had not been challenged in the courts at the time it came before the cabinet. So, because the legal advice was that it was not clear, it was decided not to pursue it.

Clause passed.

Clauses 3 and 4 passed.

Clause 5.

Mr CLARKE: As I understand it, six individuals or corporations have got away with not paying their debts.

The Hon. M.R. Buckby: Yes.

Mr CLARKE: How many other individuals or corporations complied with the law, as the government interpreted it, and paid in accordance with what the government thought the law was prior to the High Court decision being handed down?

The Hon. M.R. BUCKBY: I do not have a figure for the member for Ross Smith, but I am advised that it was quite a number. I cannot give him the exact number.

Mr CLARKE: I am not surprised that the minister cannot give a figure off the top of his head, but are we talking hundreds, thousands or tens of thousands of either individuals or bodies corporate?

The Hon. M.R. BUCKBY: I am advised that we are probably looking at about five to 10 cases a year.

Mr CLARKE: I gather that the principal act that we are acting on has been in operation for some years. Therefore, literally scores of individuals or corporations have similarly interpreted the act in the same way as the government until the most recent High Court judgment. They have paid their money into the Treasury when, given the High Court judgment, legally they did not need to do so. They are not being given the benefit of any refund. Why should a few smart alecs who have bent the law to suit themselves and been able to get a favourable interpretation walk away with $6 million when, over a number of years, a score or more of other citizens or corporations have paid their full share even though the law was deficient? They are not being given any refund or financial benefit because the law was found to be deficient, yet one individual or corporation walks away with $5.2 million in its back pocket. How does the government justify that?

The Hon. M.R. BUCKBY: My advice is that, because the five or six companies had acted to protect their position, in other words, objected to paying the stamp duty, legally we could not pursue them. The companies had sought to protect their interests. For the information of the honourable member, this time period goes back to 1980.

Mr FOLEY: I am following the debate with some interest and I make the comment that the questions put forward by my colleague are the very same questions, the advisers would acknowledge, that were put to them in the very long discussions we had prior to my taking this bill to my colleagues.

They are the very questions that I put and, like my colleague, I was somewhat frustrated by the answers. As I said, at the outset we took a decision, after much internal debate, that it is for the government of the day to collect tax, not oppositions, as difficult it may be for us. The real issue here is why the government failed to act immediately.

One argument put forward as to why you do not put the retrospectivity in place is because there was some time between the High Court decision and the draft legislation being circulated. What concerns me greatly is that there was a gap at all; that there was a period of some doubt in the market. My question therefore is: why did the government fail to act the minute the High Court made a decision—maybe not the minute but, within a week, or so, of that decision a bill could have been drafted, approved by cabinet, introduced in the parliament and wham, bam, thank you ma'am.

The Hon. M.R. BUCKBY: I am advised that the High Court decision was made on 30 September. I am also advised that the legal people then looked at that decision and advice was given to the Treasurer on 30 October—a month later. A cabinet submission was then submitted on 8 November. Other than that, I cannot advise the honourable member why there was a lag, but that was the consequence of events.

Mr FOLEY: If I have got this right, the Treasurer received a cabinet submission on 8 November, following a decision of 30 September—

Mr Clarke: Is that 1999 or 2000?

Mr FOLEY: It was 1999. It should be put on the record that, obviously, officers of Revenue SA and Crown Law acted with great haste to give the Treasurer some guidance on this. Why did the government take from 8 November in cabinet until the original distribution of the very first draft bill—and this is where it gets a bit difficult to understand the government's process. The draft bill, which was circulated, actually had retrospectivity. I think that the member for Ross Smith needs to know that: the first draft bill that was issued was a bill of full retrospectivity. That is, of course, where the industry, particularly the Property Council, got up in arms. What was the date when the draft bill was circulated?

The Hon. M.R. BUCKBY: The date was 14 April this year.

Mr FOLEY: That says it all. Why does it take a government on such a critical issue and with such a significant amount of money in doubt from 8 November 1999 to 14 April 2000 to issue a draft bill? That in itself is an extremely long time. Given its importance, if cabinet considered it on 8 November, why was a bill not circulated within a matter of days—if it had to be circulated at all? I am not sure why you would put out a draft bill for industry's consideration on retrospective tax law. It is not as if they will say, 'That's not a bad idea. I think we'll go along with that, thanks very much; we'll pay the $5.2 million.' Obviously they will object to it and ring the opposition—and they did. Obviously, they would see the Leader of the Opposition and complain about it. I am not sure why they did not come to see me about it, but that is for them to explain. That is obvious. I am at a loss to understand. It may be difficult for this minister to give an adequate answer regarding the delay to 14 April and the subsequent delay to 29 November; it has taken an awfully long time to deal with it. I ask the minister to comment as to why those delays occurred.

The more substantive matter now is that surely we should have a mechanism in place. I suspect that, while these sorts of things will not happen often, the business community may acquire a taste for this sort of action and may decide that there is some other less than satisfactory drafting of some of our tax law and may go at it again at some time in the future. Do we have an improved protocol, mechanism or process within Treasury, Revenue SA or at least government? It is not Revenue SA's fault; it appears it has moved with some speed. There is a fair argument that the government sat on its hands and dithered over whether or not this would be retrospective law.

The Hon. M.R. BUCKBY: My recollection of the debate in cabinet was all over retrospectivity, particularly in terms of the legal profession's view of retrospectivity. I stand to be corrected, but to my recollection that was where the delay came about. The actual procedures undertaken by Revenue SA are really quite efficient in getting something up quickly, so that is not a problem. It was the deliberations of cabinet that caused the delay.

Mr FOLEY: I must say that that highlights a great weakness and deficiency in the Liberal cabinet. I am glad that the minister has provided the committee with the advice regarding one Trevor Griffin in another place—the so-called Attorney-General, who when it suits him is a man of high principle but who, we note, is prepared to get into the gutter when it suits him, as he did today in question time. I always find it cute that the Hon. Trevor Griffin parades himself as a man of high moral standards but is quick to slip into the gutter and play politics, as he did today. Perhaps Mr Griffin might regret that as events unfold.

The minister is saying to this committee that, because Trevor Griffin had a philosophical problem with retrospectivity, this matter was held up for some time in cabinet. We might want to question the Hon. Trevor Griffin and the government in another place through the Treasurer as to why Trevor Griffin felt that somebody should not pay their $5.2 million tax liability. Mr Griffin is not consistent when it comes to retrospectivity. I do not expect him to give me a response, but I make the point that I find it extraordinary that a philosophical debate over retrospectivity would go on for so long in cabinet while such an important issue was left not dealt with. I think it shows a critical problem with the government's cabinet process and the obvious influence and power of one Trevor Griffin, who may well have cost this state $5.2 million.

Mr LEWIS: Although I find it curious that these things have happened, I can understand it in some measure because, having got up close to some of the people in Treasury, I realise that there was not a lot there. And, the closer I got to it, the more I realised that there was not a lot there. More particularly, for the sake of the member for Hart, can I say that it was a time of great stress for the Treasurer: he was trying to sort out the botch in the electricity sale legislation, remember. So, he was pretty busy between when he was first told of that cock-up and during this period through the beginning of the year; when he finally ostensibly told the Premier about it some time after the middle of the year; and then, within a matter of a couple of weeks, brought legislation into the House to rectify it. And, of course, as the member for Hart would know, he had budgetary preparations under way, and he was also trying to put out some fires within the Liberal Party. He is known to be a good fireman as well as a good political arsonist when it suits him.

I am just surprised, though, that it could not have been quite simply whipped into line and brought into parliament to let parliament determine the issue. It ultimately has to do so, anyway, and it is, to my mind, a measure of the govern-

ment's conceit that it thinks it has to resolve all matters itself and that parliament is really a rubber stamp.

In any case, I do not expect that the minister at the bench can respond effectively to any of those remarks. I do, however, have a question to which he could respond. Under the definition of 'spouse', we see the following:

> 'spouse' of a person includes a de facto husband or wife of the person who has been cohabiting continuously with the person for at least five years;

Is that definition of 'spouse' consistent with every other piece of legislation and, if it is not, why have we included a longer period here than is the case in any other legislation? Also, why does the minister believe that the Labor Party has not moved to reduce the period of five years to two years, so that cohabitation has occurred for only two years—because that is what the Labor Party is doing in all other legislation?

The Hon. M.R. BUCKBY: I am advised that in 1996 cohabiting continuously with a person was reduced to three years. It is viewed that the legal profession are suggesting that all should be brought back to that three year period and so that will be followed up at a later date with this.

Mr LEWIS: To test the will and the consistency of the parliament and the consistency of the Labor Party, I give notice that I will move, in the definition of 'spouse', that 'five' be deleted and replaced with 'three'.

Progress reported; committee to sit again.

CONSTRUCTION INDUSTRY LONG SERVICE LEAVE (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

ADJOURNMENT

At 11.58 p.m. the House adjourned until Thursday 30 November at 10.30 a.m.