HOUSE OF ASSEMBLY

Thursday 15 March 2001

The SPEAKER (Hon. J.K.G. Oswald) took the chair at 10.30 a.m. and read prayers.

FREEDOM OF INFORMATION (MISCELLANEOUS) AMENDMENT BILL

The Hon. R.B. SUCH (Fisher) obtained leave and introduced a bill for an act to amend the Freedom of Information Act 1991. Read a first time.

The Hon. R.B. SUCH: I move:

That this bill be now read a second time.

This is a very important measure because no democracy can function without information. I accept that some information held by governments is not appropriate to release, but I believe that is in the minority in terms of the amount of information. I accept that no government wants to be under detailed scrutiny. I was intrigued to hear recently the Deputy Leader of the Opposition saying that the current act was not being supported in spirit, which did concern me, because you either abide by the act or you do not. I believe that secrecy has become somewhat of a disease not only in this state but throughout Australia. It certainly would not be tolerated in other democracies: for all their faults, the people of the United States would not accept the level of secrecy that we have and, in particular, the greatest abuse of all, covered by that famous phrase 'commercial in confidence'.

We have had an excellent report prepared by the Legislative Review Committee on the Freedom of Information Act 1991, which was chaired by the Hon. Angus Redford. I draw members' attention to it, if they have not read it, because in the executive summary it points out that the 1991 act has been in operation for nearly a decade—I guess that follows mathematically—and they indicate that the review is timely. Part of the summary, on page 1, states:

> In the most recent year for which figures are available (1998-99), there were a total of 6 781 requests pursuant to the act, a steep rise from the 4 070 requests recorded in 1995-96. Of these requests 87 per cent were granted in full, 8 per cent granted in part and 5 per cent refused.

The report continues:

> Based on these figures, it may be said that the act is working well. However, a closer inspection of the figures puts a different perspective on these raw figures. Evidence from the public, media outlets, members of parliament, highly respected academics and other studies and reviews suggests that the operation of the act has not met the lofty aspirations contained in the original objectives of the act. The very clear evidence available to the committee is that applications for access to personal information held by agencies work well and the process is relatively straightforward. However, access to 'non-personal' information such as policy documents has not been anywhere near as effective.

So, the report distinguishes between requests for personal information and non-personal information. That is part of the thrust of the bill that I am introducing today.

The committee identified three basic concerns with the act. They relate, first, to the uncertainty of the act itself; secondly, the culture within the public sector; and, thirdly, procedures associated with applications. The report goes into considerable detail about those. There is not much point in canvassing all of them because members can read the report in full. However, further into the report, it states:

> The overwhelming impact of the evidence and examination by the committee of all Australian and many international models of the operation of freedom of information legislation reveals that the act is not working and stands in need of a complete overhaul.

The committee made several recommendations. It looked at the New Zealand Official Information Act and other options and came forward with a draft bill and various associated recommendations. So, the bipartisan Legislative Review Committee has indicated that the current act is not working.

I will seek leave at the end of my speech to have the clauses inserted in *Hansard* to explain the key elements of the bill, but there are three aspects with which I am concerned and which this bill seeks to address. The first one is the current time constraint or limit in relation to agencies processing a request. At the moment, it is 45 working days. This bill seeks to reduce the time within which an application for access to an agency's documents must be dealt with from 45 days to 20. I think members would accept that 20 working days is a reasonable time within which an agency can or should be required to respond.

The other major element—and I do not intend to list all of these because there are quite a few—is to narrow down the exemptions, because what we have at the moment is not a freedom of information act; it is a freedom from information act. So, my bill seeks to narrow down dramatically the number of exemptions which can be used to prevent people making bona fide claims in terms of access to information.

Mr Lewis: I think you mean ministers or senior public servants, don't you?

The Hon. R.B. SUCH: The member for Hammond interjects regarding who these people are who are withholding information. Obviously, it is government officials and ministers. The number of exemptions under my proposal, as I indicated, will be significantly reduced and stop some of the abuses which go on now, including: walking documents into the cabinet room and getting cabinet protection, signing certificates of exemptions when they are not really warranted, and a whole range of other tactics which are designed to thwart the thrust of the present legislation.

The other element is to give a greater role to the Ombudsman to act as a referee in relation to disputes over material that should be provided. In having this drawn up, parliamentary counsel not only took into account the excellent work done by the Legislative Review Committee but looked at the New Zealand model and other examples and came up with something that is simple, workable and will facilitate freedom of information in a genuine, open manner but without prejudicing where information should be kept confidential.

I do not need to speak at great length. I commend the bill to members. When you are in opposition you like freedom of information legislation more than when you are in government, but we all know that the wheel turns and that those in opposition may become government and vice versa.

Mr Lewis: Anyway, it is in the public interest, isn't it?

The Hon. R.B. SUCH: The member for Hammond, my conscience on my right, says that it is in the public interest. We all need to remember that we are here to serve the public interest not our own short-term goals and ends. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement of the measure one month after assent.

Clause 3: Amendment of s. 3—Objects

This clause is consequential to the inclusion of local government in the definition of 'agency'.

Clause 4: Amendment of s. 4—Interpretation

This clause amends the definition of 'agency' to include councils and removes councils from the definition of 'exempt agency'. A definition of 'exempt document' is also inserted.

Clause 5: Insertion of s. 6A

This clause inserts a provision specifying that the principal Act does not apply to the Parliament, an officer of the Parliament or a parliamentary committee.

Clause 6: Amendment of s. 10—Availability of certain documents

This clause is consequential to the substitution of Schedule 1.

Clause 7: Amendment of s. 14—Persons by whom applications to be dealt with, etc.

This clause reduces the time within which an application for access to an agency's documents must be dealt with from 45 days to 20 days.

Clause 8: Amendment of s. 17—Agencies may require advance deposits

Clause 9: Amendment of s. 19—Determination of applications

These clauses are consequential to clause 7.

Clause 10: Amendment of s. 25—Documents affecting inter-governmental or local governmental relations

This clause makes a number of amendments consequential to the inclusion of councils in the definition of 'agency' and to the substitution of Schedule 1.

Clause 11: Amendment of s. 26—Documents affecting personal affairs

Clause 12: Amendment of s. 27—Documents affecting business affairs

Clause 13: Repeal of s. 28

These clauses are consequential to the substitution of Schedule 1.

Clause 14: Repeal of Division

This clause repeals the internal review provisions in Part 3 of the principal Act.

Clause 15: Amendment of s. 32—Persons by whom applications to be dealt with, etc.

This clause reduces the time within which an application for amendment of an agency's records must be dealt with from 45 days to 20 days.

Clause 16: Amendment of s. 34—Determination of applications

This clause is consequential to clause 15.

Clause 17: Repeal of Division

This clause repeals the internal review provisions in Part 4 of the principal Act.

Clause 18: Substitution of heading

This clause substitutes a new heading to Part 5, reflecting the proposed repeal of the internal review provisions.

Clause 19: Amendment of heading

This clause amends the heading to Division 1 of Part 5 of the principal Act to remove the reference to the Police Complaints Authority.

Clause 20: Substitution of s. 39

This clause repeals section 39 of the principal Act and substitutes new clauses as follows:

39. Review by Ombudsman

This clause provides for review of determinations under the Act by the Ombudsman. The clause also provides that a person who is dissatisfied with a determination under the Act (other than one relating to a document the subject of a Ministerial certificate) must not commence Court proceedings in relation to the determination unless the determination has been reviewed by the Ombudsman in accordance with the Division.

39A. Requirements of Ombudsman to be complied with within certain period

This clause provides that an agency must comply with a requirement of the Ombudsman (made during the course of an investigation under the Division) as soon as reasonably practicable and in any case no later than 20 working days after the day on which the requirement is received by that agency. This time limit may be extended by the principal officer of the agency in certain specified circumstances but any extension must be for a reasonable period of time having regard to the circumstances.

39B. Procedure after investigation

This clause specifies the procedure to be followed by the Ombudsman if, after making an investigation under the Division, the Ombudsman is of the opinion that the determination the subject of the investigation is unreasonable or wrong or is otherwise an action or decision to which section 25(1) of the *Ombudsman Act 1972* applies.

The clause also imposes a public duty on agencies to observe recommendations of the Ombudsman made under the clause.

Clause 21: Substitution of s. 40

This clause substitutes a new section 40 in the principal Act providing for an appeal to the District Court where a person remains dissatisfied with a determination following review by the Ombudsman, or where a person is dissatisfied with a determination relating to a document the subject of a Ministerial certificate.

Clause 22: Amendment of s. 41—Time within which appeals must be commenced

Clause 23: Amendment of s. 42—Procedure for hearing appeals

These clauses make consequential amendments.

Clause 24: Insertion of s. 54A

This clause inserts a new provision requiring the Minister, within the period of 12 months after the commencement of the provision, to develop, in consultation with the Ombudsman, appropriate training programs to assist agencies in complying with the principal Act.

Clause 25: Substitution of Sched. 1

This clause substitutes a new Schedule 1 in the principal Act, specifying the documents that are exempt documents for the purposes of the measure.

Clause 26: Amendment of Sched. 2

This clause reduces the number of exempt agencies listed in Schedule 2.

Clause 27: Transitional Provision

This clause provides that the proposed amendments do not apply in relation to an application for access to an agency's documents made before the commencement of the measure.

Mr De LAINE secured the adjournment of the debate.

STATUTES AMENDMENT (AGE OF YOUNG OFFENDERS) BILL

The Hon. R.B. SUCH (Fisher) obtained leave and introduced a bill for an act to amend the Bail Act 1985, the Controlled Substances Act 1984, the Criminal Injuries Compensation Act 1978, the Criminal Law Consolidation Act 1935, the Criminal Law (Forensic Procedures) Act 1998, the Criminal Law (Sentencing) Act 1988, the Expiation of Offences Act 1996, the Summary Procedure Act 1921, the Whistleblowers Protection Act 1993 and the Young Offenders Act 1993. Read a first time.

The Hon. R.B. SUCH: I move:

That this bill be now read a second time.

In some ways this bill is a difficult one for me because I am very passionate in my support of young people; I always have been and I always intend to be. What we have at the moment in our society is a situation where I would not say crime is out of control—I think that is an exaggeration—but there are elements of our justice system that are not working. This bill seeks to make young people accountable for their actions by the lowering the age at which young people are treated as adults to 17.

I note that in today's media there is a report that the Hon. Terry Cameron is moving to lower the age for voting to 17. I have considered that, but I did not wish to see it as an automatic trade-off. However, I think it is an important aspect that needs to be considered. I have spoken with many people in my electorate, both old and young. The young people tell me that, at the moment, when they reach 18 they take the law seriously. They are not going to run the risk of adult punishment. They know the law and they know the consequences, but they muck around until they are 18 and then generally they behave themselves.

Some people have said that this is a very radical measure. In one sense, it may be, but it is already the law (and has been

for 10 years) in Victoria and Queensland. So, we have a situation where two states already have this provision. What I am talking about here are not trivial offences. We are not talking about someone walking down the street and using a couple of four letter words.

If members look at recent reports of the Youth Court, they will see that over a 12 month period more than 1 000 court appearances involving major crime were finalised. What am I talking about? I am talking about serious assaults and robbery with violence—that level of offence. If any member wants to argue that they are kiddies' offences or children's offences, then I just do not accept that argument. If you are 17 and you are engaging in armed robbery or the bashing of little old ladies with iron bars, then you do not deserve to be treated as a child. I do not believe anyone can say that that behaviour is the behaviour of a child. It is not: it is adult behaviour. Unfortunately, it is still too common. It is adult behaviour and it should be treated in that way.

We know the Youth Court can refer on some serious matters. The most common application is in relation to murder, but most other offences never get referred on to a higher court. At the moment there is a range of penalties, the most serious being detention, but for most people appearing in the Youth Court they do not suffer a serious penalty, in my view. I believe we need to send a clear message as a deterrent that if you behave in that unacceptable way I was talking about, commit major offences, then you will suffer adult consequences.

I do not want to reflect on the Youth Court. It is easy to attack magistrates and judges but it is, in effect, a place of secrecy. That is not legally the case. The media can attend and report without publishing names. Very few do because they never know what case is coming up. In effect, we get no public scrutiny of what is happening in the Youth Court. We do not hear any detail of the crime of a person charged with serious offences as a 17 year old; and we do not hear any detail of the penalty or any aspects of a particular case.

Some people say, 'Well, we do not want young people being put in an adult gaol.' I would hope that even an 18 year old or 19 year old person, if they ended up in prison, would not be put in with people who are likely to engage in rape or other unpleasant activities, which we know can occur in prison. The point that needs to be understood is that we do not want to live in a jungle, but we run the risk of going down that path. I know the Attorney-General will say that there has been an increase in crime in certain respects only—I accept that—for example, home invasions and the illegal use of motor vehicles, which is a lovely euphemism for stealing. I accept that it is not across the board. I commend the Attorney-General for not getting into an auction in terms of penalties. In the end I think that that is counterproductive.

What we want is effective, firm policing and effective, appropriate penalties that match the seriousness of the crime. We do not have to cut off people's hands or impose mandatory sentencing. We want vigorous policing so that people who engage in antisocial behaviour are apprehended and, when they appear before the court, they get the penalty that is appropriate. If we do that, then the public will not be clamouring for mandatory sentencing and the cutting off of people's hands and other severe punishment. I refer to the cutting off of people's hands with slight tongue in cheek, but members would understand the thrust of what I am saying.

I have discussed this matter with people involved in the Youth Affairs Council, and their position will no doubt remain different from mine, but I have thought about this and, as I said earlier, discussed it with young people and older people in my area. The feeling is that at 17 you know right from wrong, particularly in relation to major crimes. The Attorney-General has said, 'Let us have consistency. If you treat them as adults at 17, we should have consistency in all respects of legal entitlement.' I do not believe you will ever get absolute consistency. At the moment, if you are 15 years old, government agencies say that you are independent of your parents in respect of your behaviour and control. You are not independent in respect of parental obligation to sustain you. You can get a licence from the age of 16, and the age of consent for sexual activity is 17, although it is one year higher if it involves a teacher or a person in a place of special responsibility. You can enter the armed forces from 16 in apprenticeships and some of the general areas in the navy, certainly at the age of 17. I do not believe we are ever going to get absolute consistency in terms of when you can do various things.

I do not know whether members have seen the 50 page booklet put out by the Children's Interest Bureau which says, 'When can I?' and which outlines all the variations of entitlement when a young person can do various things. I do not accept the Attorney-General's argument that everything must be consistent. In the United States, alcohol consumption is prohibited until you are 21 yet they vote, obviously, at 18 and go into the army at 18. In a perfect world everything would be consistent. In a perfect world we would not be here. We would not be needed.

In summary, I am not against young people. I am still passionate about them. I am not saying that this is the only thing to do. I am not saying it is the answer to the problems that are emerging in some aspects of our justice system, but it is one part of a total package. I am very supportive of things such as early intervention, helping people with literary and numeracy, parental support, and guidance counselling for people with psychiatric and psychological problems. We have to do that as well. What I am talking about here is the small number—even though 1 000 plus is significant—of teenagers who do things which are way over the top. I will not comment on current cases before the court, but I think members know what is happening in relation to the use of weapons in our society by people who are of the age group about which I am talking.

We know that many young people are falling through the gaps. I communicated with the Premier about this issue in the middle of last year. I have many of them in my shopping centre, that is, young people who left school early and who basically do not have a future. I was pleased to hear the CEO of the Department for Education, Training and Employment indicating that he saw it as a responsibility of his department, along with other agencies, to try to tackle the serious issue of young people falling through the gaps of our current agencies and systems—young people who basically have no future in employment.

Many of them to whom I talk hang around the shopping centre at The Hub and they tell me that they cannot get a job; that the school did not want them; and no-one seems to want them. I am sympathetic to the situation of those young people. We need to address this issue; in fact, we should have addressed it a long time ago. That does not mean that we ignore this aspect. As I reiterate, I am not arguing that this will solve all the problems. For those who say that it is not needed or it does not work, I invite them to look at the situation in Victoria and Queensland where this has been in operation for 10 years or more.

To conclude, I ask members to look at the statistics produced by the Attorney-General's Department and the Office of Crime Statistics. I will not go through all the points (it is a thick volume), but 65.6 per cent of juveniles appearing before the Youth Court were 16 and over. Most of those who are committing the serious offences are not young teenagers; it is the older teenagers who are disregarding the law, taking it lightly, and not getting the penalty that is appropriate. The message is not getting across to others of a similar age.

I know this will be a difficult issue for many members. As I indicated earlier, the proposal by the Hon. Terry Cameron—and I have not had a chance to discuss his proposal—would further reinforce my approach. If he is successful and the voting age is lowered to 17—something I support, provided it is voluntary and optional—I think that would add greater weight to what I am seeking to do. I commend the bill to the House and I ask members to give it the serious attention that it deserves.

Mr De LAINE secured the adjournment of the debate.

SUMMARY OFFENCES (PIERCING OF CHILDREN) AMENDMENT BILL

The Hon. R.B. SUCH (Fisher) obtained leave and introduced a bill for an act to amend the Summary Offences Act 1953. Read a first time.

The Hon. R.B. SUCH: I move:

That this bill be now read a second time.

I indicate that two bills have the same title at this stage, one dealing with body piercing and the other with the securing of spray paint. This bill relates to body piercing.

Earlier this year I was approached by a constituent of mine who was most concerned that her 12 year old daughter was supposedly going to have an earring fitted. Her mother was horrified to discover that she did not have an earring fitted, as was understood, but that she had other parts of her body pierced with other attachments. The people who did the body piercing said, 'Well, there is no control; we can pierce any part of a child's body without reference to the parent even knowing, let alone approving.'

On making some further inquiries, I spoke to a local youth worker, who said that a 10 year old in the southern area had three body piercings to three different parts of the body. It is ironical that a medical practitioner is not permitted to do what is being done to these young people, who are mainly young females. I think it is something in the genetics that females prefer adornments more than do males, although it is not exclusive.

Ms White interjecting:

The Hon. R.B. SUCH: I have to be careful—

An honourable member interjecting:

The Hon. R.B. SUCH: Well, a bit of both. I do not know whether members realise that if a medical practitioner did what this body piercer did to someone under 16 years they would be liable to be taken to the Medical Board and, indeed, to be prosecuted. They are not allowed to carry out a surgical procedure on someone under 16 years without parental permission unless it is an emergency or there is another doctor who also signs off.

However, a young child can have any part of his or her body pierced. The Attorney-General wrote to me recently saying that he did not believe that is the case and that the police could be involved. If the police are being involved and it is working, why are parents coming to me and other members, and saying that their youngsters are having their bodies pierced?

With this bill I am seeking not to stop body piercing of children but that the parents or guardian should give written consent and accompany the young person when that consent form is handed over. The reason is obvious: knowing the ability of young people, it would not be hard to forge the signature of a parent. So, it would require that the parent or guardian accompany the youngster to the salon. I think that is wise, anyway, because the law is lacking in respect of the health care provisions. I have spoken to the Minister for Human Services and he shares my concern.

I am not saying that most body piercing salons do not maintain hygiene and keep instruments clean. I am not in a position to know, and I am not qualified to make that assessment. I am concerned that (and I believe members will have this confirmed by the AMA) there is a risk of Hepatitis C, which is probably the greatest risk in respect of body piercing, and AIDS, which is a lesser risk unless the tongue or part of the mouth is pierced.

One potentially dangerous risk is piercing around the eyes. I was talking to a health professional this morning who said that the risk of nerve damage is quite real in that respect. Another aspect of which I was not aware until a dentist pointed it out is the risk of nickel allergy—something of which I have never heard—with a lot of cheap jewellery. I know members' jewellery is fairly expensive, but for children the jewellery has a high nickel content. The dentist said that often the nickel produces a nickel reaction and, when dental treatment is required later in life, a lot of procedures or applications are rendered useless or inappropriate because of the clash between that nickel allergy and what dentists and dental technicians use. This is something that I was unaware of until I had the pleasure of the company of the dentist this morning in his chair.

Mr Atkinson: What was he doing?

The Hon. R.B. SUCH: On me? He was just checking to see if I was semi normal. So, that was an aspect that I had not thought of, but I have heard of horrifying stories of bits of flesh dropping off, but I do not want to over-dramatise this. The main issue is that if a young person, under the age of 16, wants body piercing, he or she must get permission from their parent or guardian who then accompanies them when the form is handed over. I should point out to members that tattooing of minors is illegal, so we have had this anomaly for a while. I suppose that it has come to the surface only because, as members would know, particularly with young girls, body piercing is very fashionable at the moment, especially piercing the navel with rings, and so on. I think it is appropriate that we take action.

I am not one for having legislation for the sake of it, but I believe that we do owe a duty of care to young people. I would not like to see us sitting idle if some young person lost the sight of an eye or contracted hepatitis C or AIDS as a result of what I think is an inadequate system at the moment. I commend this bill to the House and I trust that members will be supportive of it. I do not say that this is the biggest issue facing either us or the world, but I believe that it is one that warrants attention.

Mr ATKINSON secured the adjournment of the debate.

SUMMARY OFFENCES (SALE OF SPRAY PAINT) AMENDMENT BILL

The Hon. R.B. SUCH (Fisher) obtained leave and introduced a bill for an act to amend the Summary Offences Act 1953. Read a first time.

The Hon. R.B. SUCH: I move:

That this bill be now read a second time.

This bill relates to the sale of spray paint. It has concerned me for quite a while that we have a voluntary code, the only problem with it being that it does not work. I have raised this matter with the Attorney on many occasions and he says that he prefers the voluntary option. Sadly, one of the biggest retailers in Australia, and I will not name it, will not support the voluntary code at all; so that you have immediately lost a major portion of the shopping arena that will not support it. Many retailers are responsible and do support the current code, but some of these recently arrived, so-called discount stores will not abide by the code either.

The issue, I believe, is quite simple: if the retailer is required to secure the cans and if young people, minors, seek to purchase a can, many currently avoid purchase by means of 'self-serve', and they are required to produce ID, giving their name and specifying the quantity of paint, and so on, I believe it will go a long way in helping to reduce the incidence of spray can graffiti. The Australian Retailers Association, in response to my letter informing it of my intention to introduce this bill, obviously does not support the measure. The association is saying that adults are mostly responsible for graffiti and buy the cans; that is the general tone of its letter. However, I do not accept that.

I do not believe that most of the graffiti is the work of adults, and I do not believe that most people buy the cans: I think that many of the cans, if not most of them, are stolen. I do not believe that this is an onerous provision. I understand that it operates in other countries. Scotland, I believe, requires a person to produce ID. The provision does not require the young person to give their address in a way that would enable them to be subject to any inappropriate identification of their address, but the police could easily speak to the retailers to ascertain a name to locate a person who seemed to have a desire for huge quantities of cans.

But, I suspect, if people are buying the cans they are more likely to be responsible anyhow; and those people who are engaging in widespread vandalism at the moment are not purchasing the cans but stealing them. I know that people say that graffiti is art but I do not accept that. There can be spray can art, I accept that, but not what we see on our buildings in 99.9 per cent of cases—it is straight out vandalism. I have never understood the argument that if you vandalise someone's property, or public property, with a spray can, it is somehow less serious than if you do other damage to people or their property. I just cannot see the logic.

I cannot see the difference between someone spending $1 000 to fix up their stone fence because it has been coated in spray paint and someone else spending money on a fence that has been deliberately smashed up; the logic of that defies me. To the people who say, 'It's great and it's free expression', I invite them to put up a sign in front of their property inviting the graffiti vandals to come along and give their place the once over. If it is so good, invite them along, put up a sign that reads, 'Spray can vandals welcome here. Please feel free to vandalise my property.' It is not a minor issue. I know that some people say that it is not as bad as bank robbery and that kids must do certain things, but I think that is a nonsense.

The city of Onkaparinga, in my electorate, is currently spending $180 000 a year just on removing graffiti, and that is with the help of volunteers. That council has a fairly effective program in that it sues the graffiti vandal. It sues the child, not the parent. The parent did not do it, the child did it. The council sues the child if the child does not remove the graffiti or pay to have it removed, and that method has been fairly effective in about 80 per cent of cases. I think that the policy of one or two councils in the north-east has been effective, too, but this problem is costing the community a fortune.

It makes me very concerned because in areas such as Happy Valley, where we desperately want youth facilities, that $180 000 a year would help provide swimming pools, skateboard parks and all sorts of things, yet a small number of people, acting illegally, are spraying paint on public and private property. I just do not accept the argument that it is free expression and that these are harmless little butterflies getting around with a can of paint, daubing it everywhere. It is not art. True spray can art is done under properly approved circumstances. I need not say any more on this bill. I do not accept the Attorney's argument.

I have tried for many years to convince the Attorney that the voluntary code is not working. If it was working why do we have the problem that we have today? Let us make it harder for those who want to engage in illegal activities to get hold of the spray cans. It is not a big imposition to secure the cans. Those stores that really want to sell them will do that. Many good, reputable hardware stores already do it. Cheap as Chips does it; why can the other retailers not do it? It is no great burden and I think that, for the big retailer that currently snubs the voluntary code, it is time that it was brought into line under a compulsory code that requires the securing of cans and ID from young people who wish to access cans by legitimate purchase.

I commend the bill to the House and I hope that members will see the merit of abolishing this blight on our community and put the money saved into areas that are more productive and constructive for young people and others.

Mr De LAINE secured the adjournment of the debate.

CONSTITUTION (PARLIAMENTARY TERMS) AMENDMENT BILL

Mr HANNA (Mitchell) obtained leave and introduced a bill for an act to amend the Constitution Act 1934. Read a first time.

Mr HANNA: I move:

That this bill be now read a second time.

I will be brief today, because I have already canvassed the reasons for this reform in 1999, when I gave a second reading speech with respect to an identical bill. For ease of reference, I refer to *Hansard* of 1999-2000 at page 423. Members will find there that, on 11 November 1999, I canvassed the reasons why we should have fixed dates for state elections. In essence, it is a matter of certainty, so that the Electoral Commission, the public and business know exactly when the election will be—subject, of course, to those exceptional situations such as a successful no confidence motion, and so on. This measure takes the political expediency out of the equation. There has been discussion about what the best date for fixed terms would be. After consideration and consulta-

tion, I maintain that the third Saturday in October is the best date to stick to.

That brings us to the question of when this bill should come into effect. I am still of the view that it would be appropriate to apply the bill from October this year onwards. However, I am quite happy to entertain—and I am sure that the opposition is happy to entertain—consideration of alternatives. My intention today is simply to introduce the bill and, in this way, give members an opportunity for further comment on the proposal. I expect that the government will oppose it on purely political grounds. However, with the support of the crossbenches, I am hoping that we can at least pass the second reading of this bill the next time that we deal with private members' business and then go into committee, where we can look at the critical question of whether amendments are appropriate. I commend the bill to the House, and especially to the members on the crossbenches. There is no need for explanation of clauses, because that was canvassed before, when I introduced an identical bill back in 1999.

Mr LEWIS (Hammond): In principle—

The SPEAKER: Order! The member can only adjourn the debate. We are dealing with a bill, not a motion. Motions can continue to be debated, but bills must be adjourned to another date of sitting.

Mr LEWIS secured the adjournment of the debate.

DIGNITY IN DYING BILL

The Hon. R.B. SUCH (Fisher) obtained leave and introduced a bill for an act to provide for the administration of medical procedures to assist the death of patients who are hopelessly ill, and who have expressed a desire for such procedures, subject to appropriate safeguards. Read a first time.

The Hon. R.B. SUCH: I move:

That this bill be now read a second time.

This is a very sensitive issue, and it is not something that is taken lightly. I was a member of the Social Development Committee, which looked at this issue. I was in the minority, in terms of the report, along with Sandra Kanck. The committee received over 3 000 submissions from people who expressed an interest and concern about the current law. I know members will say that this is a difficult time to introduce the bill because an election is coming up. It is not, as I said, an easy issue for members, but I think they need to understand that this issue will not go away. The public opinion polls and all the other surveying indicates that nearly 80 per cent support this as an option for people.

The important point is that this is a voluntary thing. No-one is being compelled to be involved in any way, shape or form with this procedure, either professionally or as an institution, and certainly not as the patient, if it is against their conscience or religious belief. We know that, within certain religious faiths, there is opposition to the notion of voluntary euthanasia, and I have great respect for the people of those faiths—the Catholic Church and, in particular, the Lutheran Church. But it has to be pointed out that within many other churches there is support for this proposition. At the end of the day, what we are deciding, or, if this bill goes through, what we are allowing legally, is for people, according to their own conscience and their own religious beliefs, to decide whether or not they wish to end their life in a particular way under the supervision of a medical practitioner.

The reality is that at the moment we have voluntary euthanasia, anyhow. It is done behind closed doors and in a way that I do not believe is in the best interests of anyone. This bill would legalise and regulate a practice that is occurring now. That in itself is not a justification for doing it, but it is a very strong argument for doing it. Even people who are opposed to voluntary euthanasia will admit that they do not mind what happens at the moment, where a doctor administers a high dose of pain-killer and the person dies; they ask whether the doctor intended to do it.

The question of intent is a fine line. The medicos know that if you increase the dosage to a high level it will result in the death of the patient. So, at the moment we have this pretence that there is no deliberate intention to take the life, but the reality is that that is so, because that is what the relatives and the person want, in many cases.

So, let us not pretend that somehow it is not happening: it is happening. It puts great stress on people at an awful time. I am sure members in here have seen loved ones die. A year or so ago I had the irony of seeing a young nephew die at the age of 26. The irony was that he was a palliative care nurse, working in a hospice, and in the end he was nursed by his colleagues at Daw Park. I saw my mother die over a lengthy period of time, and other members would have experienced similar situations. It is very stressful for people.

We are talking about only a very small number of people who would ever want to access this, thankfully. It is very stressful for them to be contemplating something which they know at the moment is not clearly covered by the law. So, at the moment the doctor and patient are put under further stress when they are at the last, short period of their life. I do not believe that is a caring or an appropriate attitude. I believe that, with the appropriate safeguards, this bill will make quite clear what is allowed and what is not allowed.

At the end of the day, this is about freedom of choice. It would be outrageous of me or anyone to propose that we would not allow certain people in our community to practise their religious beliefs, yet at the moment what we are saying by not having legislation like this is that people, many of whom are in the Uniting Church and other churches, are not allowed to practise their religious beliefs or conscience; they are not allowed to proceed in the context of their relationship with their God, because we will not allow it or change the law relating to the way in which people are allowed to die.

What do I say to those who do not believe in this? I would put to them, 'How would you feel if someone wanted to impose upon you a restriction or prohibition on your religious beliefs or practice of your religion or your conscience?'

It seems strange to me that anyone who comes from a liberal tradition could oppose a measure such as this. Ultimately, this is about freedom of choice; acting according to your conscience, based on your religious or spiritual beliefs; and doing what you believe is right according to your conscience and those beliefs. Likewise, I do not see how anyone from the social democratic tradition could oppose something like this that allows freedom of choice and freedom of conscience.

If one looks at the social democratic tradition, one will see strong opposition to conscription, for example. In a way, the current situation is reverse conscription—that is, a denial of the opportunity to avail oneself legally and clearly of the right to die with dignity.

As I said earlier, the Social Development Committee took a lot of evidence on this, and at the end of the day the members made recommendations. I would not want to reflect

on the membership of this committee; obviously, they can speak for themselves on whether or not their vote or recommendation was based on personal or religious beliefs, their conscience or other issues. That is for them to explain and elaborate on.

What was clear in the evidence given to that committee was that, contrary to popular belief, no total pain relief is available. This applies to people with some bone cancers, and there are some diseases where the skin and flesh literally decay away. We heard submissions from people who were looking after loved ones who were in absolute discomfort and agony, saying, 'End this misery. I am incontinent.' I ask people how many would like to be in that situation, surrounded by loved ones, in absolute agony, with no control over their bowels or bladder? It is absolutely horrendous. Even those medicos who do not personally support voluntary euthanasia will admit that there is no such thing as total pain relief—admittedly, for a small percentage of the population.

Some people have said to me that pain is a good thing in life. It is a bit like Daniel going through the fiery furnace or in the den of lions. What I find strange about that argument is that the pain is usually for someone else. I do not believe that as parliamentarians we have the right to deny this opportunity to people who want it; they are not seeking to impose it on people who do not want it.

The bill quite clearly provides that if people object on religious or conscience grounds they cannot be required to be involved and that if an institution does not want to be involved—for example, a church hospice—there is no way that they can be required to be involved.

The safeguards involved require certification and the involvement of two doctors and two other witnesses. A register must be kept by the Minister for Human Services; there must be a monitoring committee, involving the Council of Churches and others; and, obviously, at the end of the day, the involvement of the Coroner through reporting to him or her.

We can canvass all sorts of arguments for and against, but I plead with members not to automatically say, 'This is too hard,' or 'We're close to an election,' because people will be held accountable. The minority who do not support this measure will always be more vocal than the majority who do. That is always a risk for members of parliament. There is always a danger; someone comes through the door of your office and you immediately think the whole electorate feels the same way. Members must be careful in assessing what the majority of people in their electorate want and how they feel, and should not consider just the view of the noisy minority who are well organised and well resourced in challenging what they personally do not agree with.

I believe that the challenge for all of us, whether we are from a liberal or social democratic tradition, is to think about whether we will be prepared to allow those for whom it fits their conscience and religious beliefs to die in a medically assisted way when they are hopelessly ill, there is no chance of recovery, they are suffering greatly and they wish to end their life in dignity. I accordingly reinforce my plea to members really to think about this and give it their total consideration, not a quick, knee-jerk reaction which, at the end of the day, will not stop this issue reappearing.

This issue will persist, because people want it. Like other issues, whether they be slavery, the emancipation of women or other conscience issues, at the end of the day, right will triumph, because that is what most people want. To deny them that right is the denial of a basic democratic freedom: freedom of conscience and freedom to act according to their religious beliefs and how they perceive themselves as part of the total picture of life and death.

So, I commend the bill to the House and ask members to consider it with all seriousness. If people have constructive amendments and can see ways of improving the bill, I, along with other members, am more than happy to consider those amendments. I do not believe we should go down the path we took several years ago of simply trying to defeat something, when most people in the community want it. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides that the measure will commence 6 months after the date of assent or on an earlier date fixed by proclamation.

Clause 3: Objects

This clause sets out the objects of the measure.

Clause 4: Definitions

This clause defines certain terms used in the measure. In particular—

- a person is 'hopelessly ill', within the meaning of the measure, if the person has an injury or illness that will result, or has resulted, in serious mental impairment or permanent deprivation of consciousness or that seriously and irreversibly impairs the person's quality of life so that life has become intolerable to that person;
- 'voluntary euthanasia' is defined as the administration of medical procedures, in accordance with the measure, to assist the death of a hopelessly ill person in a humane way.

Clause 5: Who may request voluntary euthanasia

This clause provides that an adult person of sound mind may make a formal request under the measure for voluntary euthanasia.

Clause 6: Kinds of request

This clause provides for two kinds of request as follows:

- a 'current request' by a hopelessly ill person that is intended to be effective without further deterioration of the person's condition; and
- an 'advance request' by a person who is not hopelessly ill that is intended to take effect when the person becomes hopelessly ill or after the person becomes hopelessly ill and the person's condition deteriorates to a point described in the request.

The clause also provides for later requests to override earlier requests.

Clause 7: Information to be given before formal request is made

This clause sets out certain information that must be provided by a medical practitioner to a person making a request.

If the person making the request is hopelessly ill or suffering from an illness that may develop into a hopeless illness, the person must be informed of the diagnosis and prognosis of the person's illness, of the forms of treatment that may be available and their respective risks, side effects and likely outcomes and of the extent to which the effects of the illness could be mitigated by appropriate palliative care.

If the proposed request is a current request (ie. the person is hopelessly ill) the person must also receive information about the proposed voluntary euthanasia procedure, risks associated with the procedure and feasible alternatives to the procedure (including the possibility of providing appropriate palliative care until death ensues without administration of voluntary euthanasia).

In the case of an advance request, the person making the request must be informed about feasible voluntary euthanasia procedures and the risks associated with each of them.

The clause also provides that if the medical practitioner providing information about palliative care to a hopelessly ill person, or a person with an illness that may develop into a hopeless illness, is not a palliative care specialist, the medical practitioner must, if reasonably practicable, consult a palliative care specialist about the person's illness and the extent to which its effects would be mitigated by appropriate palliative care before giving the person the information.

Clause 8: Form of request for voluntary euthanasia

This clause provides for the forms set out in Schedules 1 and 2 of the measure to be used for the purpose of making a formal request for voluntary euthanasia.

However, if the person making the request is unable to write, the clause provides that the person may make the request orally in which case the appropriate form must be completed by the witnesses on behalf of the person in accordance with the person's expressed wishes and must, instead of the person's signature, bear an endorsement signed by each witness to the effect that the form has been completed by the witnesses in accordance with the person's expressed wishes. The clause provides that, if practicable, an oral request for voluntary euthanasia must be recorded on videotape.

Clause 9: Procedures to be observed in the making and witnessing of requests

This clause provides for the witnessing of a request by three people (one of whom must be a medical practitioner) and specifies that the witnesses must certify that the person making the request—

- appeared to be of sound mind; and
- appeared to understand the nature and implications of the request; and
- did not appear to be acting under duress.

The medical practitioner must also certify—

- that the medical practitioner has given the person making the request the information required under clause 7; and
- in the case of a current request—that the medical practitioner, after examining the person for symptoms of depression, has no reason to suppose that the person is suffering from treatable clinical depression or, if the person does exhibit symptoms of depression, the medical practitioner is of the opinion that treatment for depression, or further treatment for depression, is unlikely to influence the person's decision to request voluntary euthanasia.

Clause 10: Appointment of trustees

An advance request for voluntary euthanasia may appoint one or more adults as trustees of the request (although persons cannot be appointed to act jointly). The functions of such a trustee are to satisfy herself or himself that the preconditions for administration of voluntary euthanasia have been satisfied and to make any necessary arrangements to ensure, as far as practicable, that voluntary euthanasia is administered in accordance with the wishes of the person who requested it.

Clause 11: Revocation of request

This clause provides that a person may revoke a request for voluntary euthanasia at any time and that a written, oral, or other indication of withdrawal of consent to voluntary euthanasia is sufficient to revoke the request even though the person may not be mentally competent when the indication is given.

A person who, knowing of the revocation of a request for voluntary euthanasia, deliberately or recklessly fails to communicate that knowledge to the Registrar is guilty of an offence punishable by a maximum penalty of imprisonment for 10 years.

Clause 12: Register of requests for voluntary euthanasia

This clause provides for maintenance of a register in which both requests and revocations may be registered. The clause also obliges the Registrar to provide certain information to medical practitioners attending hopelessly ill patients. No fee may be charged for registration of a request, registration of the revocation of a request or for the provision of information to a medical practitioner in accordance with the clause.

Provision is also made for the regulations to prescribe conditions for access to the Register.

Clause 13: Registrar's powers of inquiry

This clause gives the Registrar certain powers of inquiry to ensure the integrity of the Register is maintained.

Clause 14: Administration of voluntary euthanasia

This clause sets out the preconditions for the administration of voluntary euthanasia. Under the provision a medical practitioner may administer voluntary euthanasia to a patient if—

- the patient is hopelessly ill; and
- the patient has made a request for voluntary euthanasia under the measure and there is no reason to believe that the request has been revoked; and
- the patient has not expressed a desire to postpone the administration of voluntary euthanasia; and
- the medical practitioner, after examining the patient, has no reason to suppose that the patient is suffering from treatable clinical depression or, if the patient does exhibit symptoms of depression, is of the opinion that treatment for depression or further treatment for depression is unlikely to influence the patient's decision to request voluntary euthanasia; and
- if the patient is mentally incompetent but has appointed a trustee of the request for voluntary euthanasia, the trustee is satisfied that the preconditions for administration of voluntary euthanasia have been satisfied; and
- at some time after the making of the patient's request, another medical practitioner who is not involved in the day to day treatment or care of the patient has personally examined the patient and has given a 'certificate of confirmation' (in the form prescribed in Schedule 3); and
- at least 48 hours have elapsed since the time of the examination conducted for the purpose of the certificate of confirmation.

The clause also provides that a medical practitioner may only administer voluntary euthanasia—

- by administering drugs in appropriate concentrations to end life painlessly and humanely; or
- by prescribing drugs for self administration by a patient to allow the patient to die painlessly and humanely; or
- by withholding or withdrawing medical treatment in circumstances that will result in a painless and humane end to life.

In administering voluntary euthanasia, a medical practitioner must give effect, as far as practicable, to the expressed wishes of the patient or, if the patient is mentally incompetent but has appointed a trustee of the request who is available to be consulted, the expressed wishes of the trustee (so far as they are consistent with the patient's expressed wishes).

Clause 15: Person may decline to administer or assist the administration of voluntary euthanasia

This clause provides that a medical practitioner may decline to carry out a request for the administration of voluntary euthanasia on any grounds. However, if the medical practitioner who has the care of a patient does decline to carry out the patient's request, the medical practitioner must inform the patient, or the trustee of the patient's request, that another medical practitioner may be prepared to consider the request.

In addition, a person may decline to assist a medical practitioner to administer voluntary euthanasia on any grounds (without prejudice to their employment or other forms of adverse discrimination) and the administering authority of a hospital, hospice, nursing home or other institution for the care of the sick or infirm may refuse to permit voluntary euthanasia within the institution (but, if so, it must take reasonable steps to ensure that the refusal is brought to the attention of patients entering the institution).

Clause 16: Protection from liability

This clause provides protection from civil or criminal liability for medical practitioners administering voluntary euthanasia in accordance with the measure and persons who assist such medical practitioners.

Clause 17: Restriction on publication

This clause makes it an offence (punishable by a maximum penalty of $5 000) for a person to publish by newspaper, radio, television or in any other way, a report tending to identify a person as being involved in the administration of voluntary euthanasia under the measure, unless that person consents or has been charged with an offence in relation to the administration or alleged administration of voluntary euthanasia.

Clause 18: Report to coroner

A medical practitioner who administers voluntary euthanasia must make a report (in the form prescribed by Schedule 4) to the State Coroner within 48 hours after doing so. Failure to so report is an offence punishable by a maximum penalty of $5 000. The State Coroner must forward copies of such reports to the Minister.

Clause 19: Cause of death

This clause provides that death resulting from the administration of voluntary euthanasia in accordance with the measure is not suicide or homicide but is taken to have been caused by the patient's illness.

Clause 20: Insurance

Under this clause an insurer is not entitled to refuse to make a payment that is payable under a life insurance policy on death of the insured on the ground that the death resulted from the administration of voluntary euthanasia in accordance with the measure.

The clause also makes it an offence (punishable by a maximum penalty of $10 000) for an insurer to ask a person to disclose whether the person has made an advance request for voluntary euthanasia.

This clause applies notwithstanding an agreement between a person and an insurer to the contrary.

Clause 21: Offences

This clause provides that—

- a person who makes a false or misleading representation in a formal request for voluntary euthanasia or other document under the measure, knowing it to be false or misleading, is guilty of an offence; and
- a person who, by dishonesty or undue influence, induces another to make a formal request for voluntary euthanasia is guilty of an offence.

Both offences are punishable by a maximum penalty of imprisonment for 10 years.

In addition, a person convicted or found guilty of an offence against this clause forfeits any interest that the person might otherwise have had in the estate of the person who has made the request for voluntary euthanasia.

Clause 22: Dignity in Dying Act Monitoring Committee

This clause obliges the Minister to establish the Dignity in Dying Act Monitoring Committee, consisting of a maximum of eight members appointed by the Minister. The Committee must include persons nominated by the South Australian Branch of the Australian Medical Association Inc., The Law Society of South Australia, the Palliative Care Council of South Australia Inc., the South Australian Voluntary Euthanasia Society Inc. and the South Australian Council of Churches Inc..

The Committees functions are to monitor and keep under constant review the operation and administration of the measure, to report to the Minister (on its own initiative or at the request of the Minister) on any matter relating to the operation or administration of the measure and to make recommendations to the Minister regarding possible amendments to the measure or improvements to the administration of the measure which, in the opinion of the Committee, would further the objects of the measure.

Clause 23: Annual report to Parliament

This clause provides for the making of an annual report to Parliament on the measure.

Clause 24: Regulations

This clause provides a power to make regulations.

SCHEDULE 1

Current Request for Voluntary Euthanasia

This schedule sets out the form to be used for a current request.

SCHEDULE 2

Advance Request for Voluntary Euthanasia

This schedule sets out the form to be used for an advance request.

SCHEDULE 3

Certificate of Confirmation

This schedule sets out the form for the certificate of confirmation by a second medical practitioner.

SCHEDULE 4

Report to State Coroner

This schedule sets out the form for the report to the State Coroner.

Mr De LAINE secured the adjournment of the debate.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE (AMUSEMENT STRUCTURES) AMENDMENT BILL

Mr WRIGHT (Lee) obtained leave and introduced a bill for an act to amend the Occupational Health, Safety and Welfare Act 1986. Read a first time.

Mr WRIGHT: I move:

That this bill be now read a second time.

In moving this bill, I need to speak only for a short period, because it is a very simple bill, only one or two pages in length, but it is an important bill. Most members in this House would agree that the Occupational Health, Safety and Welfare Act is one of the more critical and important acts with which we have to deal. Members would all agree that workplace safety is obviously critical and essential to having a healthy workplace. Of course, although workers' compensation is a very important arm of this legislation, it is far better for us to avoid accidents than for workers having to use the workers' compensation system. That system is an important part of and critical to any of the good workplace acts with which we have to deal in this parliament on an ongoing basis.

As I said in my introduction, this is a simple bill seeking to amend the Occupational Health, Safety and Welfare Act, whereby the Australian standard for amusements rides (AS3533) would become an approved code of practice. In the past, it has had this classification. In fact, up until 1995 the Australian standard for this area—amusement rides—stood as an enforceable standard. However, at that time it was scrapped as part of a national agenda. The current government again failed to make amusement rides standard law in this state as a consolidation of the work safety regulations in 1999. Some Australian standards have been gazetted as approved codes of practice, and some have not. There may well be good reason for that. During the Christmas/New Year period, the opposition did some research into that area and will continue to do so, but suffice to say that we think it is important—and this is naturally a sensitive area—that we highlight to the parliament and to the community that this code of practice needs urgent attention.

After a long period and much investigation, which has been taking place since that very unfortunate accident last year at the royal show, it has been noted that the minister has finally come forward and made some comment about tightening the regulations. Indeed, in its editorial today the *Advertiser* brings the minister to book on this very issue. We see this as fundamental. I would hope that this bill would have bipartisan support across the chamber. If this bill became a part of the act and was passed and the Australian standard for amusement rides (AS3533) became an approved code of practice, it would mean that the Occupational Health, Safety and Welfare Act would cover amusement rides. That is currently not the situation, and this is simply not good enough. We would see it as a great priority for this Australian standard to be covered by the Occupational Health, Safety and Welfare Act. We would see it as being critical and something that should have been done some time ago with some urgency by the government.

The opposition really should not have had to bring this bill to parliament. The government should have acted before Christmas to tidy up this matter. I do not think that any of us would disagree that the safety of our children is paramount and critical. It is one issue for which there would be bipartisan support in this chamber. We have raised questions in the parliament about the amusement rides situation. I wrote to the minister before Christmas about some issues that exist here, and it is something about which we all feel very strongly. This is a simple bill, which merely makes the Australian standard that covers amusement rides an approved code of practice. Some might be asking, 'What does that mean?' All it means is that the current act with which we work for occupational health, safety and welfare would cover this Australian standard. I refer members to section 63A, headed 'Use of codes of practice in proceedings', which provides:

> Where in proceedings for an offence against this act it is proved that the defendant failed to observe a provision of an approved code of practice dealing with the matter in respect of which the offence is alleged to have been committed, the defendant is, in the absence of proof to the contrary, to be taken to have failed to exercise the standard of care required by this act.

Surely none of us would want to ignore the critical importance of this Australian standard being covered by that part of the act. I would have thought that everyone in this chamber would see the relevance, importance and significance of an Australian standard covering amusement rides to be covered by a section of the act, which is such an important measure in our statute books.

This elevates the Australian standard to a new level. If the Australian standard is covered by an approved code of practice, it is covered by the act. It raises it to a new level, and it does a number of things. It can be used in prosecution. It puts the onus on the employer or the appropriate body in a situation where a prosecution may well follow. So, it assists in that. It increases the likelihood of a prosecution being laid. It does not mean—and I have said this on radio previously—that, if an Australian standard is not an approved code of practice, there cannot be a prosecution. It does not mean that, and I want to highlight that. In a situation such as that which occurred last year at the royal show, where we do not have an Australian standard 3533 covering amusement rides not being an approved code of practice, it does not mean that a prosecution will not occur.

However, we can say with great confidence, whether it involves that unfortunate incident or any other, that if this Australian standard was covered as an approved code of practice it elevates it to a new level and increases the chances that a prosecution may be laid, because it is covered by the act. It is as simple as that. It is all about good fundamental government. This government should have acted more quickly. The editorial in today's *Advertiser* is spot on. The minister has been lax and slow; he should have dealt with this issue much sooner than he has. This is a simple bill that should receive bipartisan support. People only have to refer to the current act, which is a critical measure. We should all be supporting this legislation; we should all be vigilant when it comes to workplace safety. This increases the role, importance and significance of an important act of parliament.

Although I am not overly confident, I would hope that with a simple bill and a bill of this importance, there would be bipartisan support, unlike other occasions when I and some of my colleagues on this side of the House—and I see the member for Torrens—have brought good, sensible, private members' bills into this chamber which should have received bipartisan support but which have been shunted to the backburner for pure crass political reasons.

I encourage all members to look at the act, to read the editorial in today's *Advertiser* and to think very seriously about this bill that the opposition brings to this parliament. I intend to say a little more as we go through the explanation of the clauses, although they are very straightforward and there are only a couple of them. This is a very simple bill which deserves the full support of this chamber and I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 63—Codes of practice

Section 63 of the Act is proposed to be amended so that Australian Standard AS 3533, relating to amusement structures, as in force at the commencement of this section, is declared to be an approved code of practice for the purposes of the Act.

The Minister will be able to vary the code pursuant to the scheme set out in the Act.

Mr MEIER secured the adjournment of the debate.

AUSTRALIAN ROAD RULES (SPEED LIMITS IN BUILT-UP AREAS) VARIATION BILL

Adjourned debate on second reading.

(Continued from 1 March. Page 982.)

Mr MEIER (Goyder): I notice that this is one of two bills before us in relation to this topic but, from speaking with the mover, I believe that the second bill will be withdrawn. This bill, in simple terms, seeks to lower the residential speed limit to 50 km/h. I personally have problems with that. I think we see it as a simple solution to lower speed limits to 50, or in fact I believe this bill could be read to mean that you could lower it to 40, if you wanted to, or any other limit below 60 as a council sees fit. In my assessment there is no doubt at all that some streets require a lower speed limit—I would not argue with that for one moment—but, at the same time, if we want to jam up our streets with traffic in certain areas, then going down this track will help ensure that that occurs.

I believe that there are ways around lowering the speed limit rather than simply having a piece of legislation to allow that automatically to come in, by and large. The use of restricted roadways is one way to go; the use of speed humps is another way to go; and the use of spoon drains is a further way to go. All those have a significant effect on lowering the speed limit in built-up areas. I am particularly thinking of through roads that would be subject to a 50 km/h speed limit (or lower), which, at present, are probably quite safe at 60 km/h without any shadow of a doubt.

The Hon. R.B. Such interjecting:

Mr MEIER: The honourable member who introduced this legislation interjects and says, 'It would not apply to them.' I am not talking about through roads such as Anzac Highway, Marion Road or Morphett Road, I am talking about minor streets—

The Hon. R.B. Such: Collector roads—

Mr MEIER: Yes, they would have to be signposted clearly to ensure that you knew that the speed limit was 60 km/h. In fact, the honourable member has said to me that it is 50 km/h only if no other speed sign is in place. As I said earlier, it could be less than 50 if they wanted. The thing is that, if you are to have a range of speed zones in a metropolitan council area, then, I believe, people will concentrate more on the signs than on the road and that can lead to an unsafe situation. Personally I am one who tends to watch speed signs once I am in the outer areas of the metropolitan area, particularly as I am heading towards my electorate.

I use Highway 1 when travelling north and, over the years, they have changed the speed zones and have had speed zones of 70, 80, 90, 100 and 110. There are still times now when I am travelling when I think, 'Golly, am I in an 80 or 90 speed zone?' Therefore, I concentrate on the signs rather than on what is happening on the road, and that has the potential to cause a dangerous situation as well. This could mean that you have two lots of roads in council areas, or shall we say three. For instance, you have the normal through roads such as South Road, Marion Road, Morphett Road and so on—and I understand they will remain at 60—and then other roads which are perhaps designated as feeder roads and which also, according to the mover of this bill, could be 60, but will have to be separately signposted. But what happens when you get on to a road which is not a feeder road, but nevertheless is a reasonably wide road and which one would imagine could be a feeder road?

I know what will happen. You will have a situation where speed cameras will be placed so that they can catch motorists without any trouble at all for doing 60 in a 50 zone. We already have that situation applying in the Unley council area and I know that the member for Waite, who represents part of that area, has indicated to me that he has had many constituents complain to him about the lowered speed limits

in those streets. They believe that it has been a government conspiracy to seek to raise revenue. Mr Speaker, you and all members would know only too well that the lowering of the speed limit has nothing to do with the state government: it is a council matter. It is an issue that the council has to pursue, and the council has to convince the residents (and other any others) that they want to lower it. That has happened in the Unley council area and maybe some others as well, but I do not believe it is having the desired effect.

I know that in my own area of Goyder, which includes Yorke Peninsula, two towns have sought to reduce the speed limit. Again I have sympathy for both of the particular examples that come to mind, but I personally believe that the use of speed humps, or a variation to the road design, would achieve the same aim. Certainly, the safety of all pedestrians has to be looked after and dealt with to the best of our ability, and there is no doubt that excessive speed has a very negative effect in that particular respect. However, to have a bill such as this where basically you will see councils going towards the 50 throughout, I think is not appropriate at this stage.

The member has assured me that it will not apply to country areas. In fact, I can see that in the bill quite clearly because it refers to 'metropolitan Adelaide', which has the same meaning as in the Development Act 1993, which basically means the greater metropolitan area. I experience it more as a country member. I usually sit on the 110 kilometres an hour speed limit. When I come into the city area quite a change of attitude has to occur when one reduces speed to 60 km/h. In some cases, particularly if I have cut through somewhere and I have to come down to 50 km/h, it will cause more problems than it will solve.

With those comments, I personally have great problems in supporting this bill. I will be interested to hear other members' comments. I dare say that it will lead to a debate. The way around it is still to allow councils to make decisions for themselves and not to bring in a sweeping change such as this which will cause more problems than it fixes.

Mr De LAINE secured the adjournment of the debate.

ROAD TRAFFIC (SPEED LIMITS IN BUILT-UP AREAS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 December. Page 794.)

The Hon. R.B. SUCH (Fisher): This bill becomes redundant, given that the other bill has been introduced. I move:

That this bill be discharged.

Motion carried.

CONTROLLED SUBSTANCES (CULTIVATION OF CANNABIS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 December. Page 796.)

Mr De LAINE (Price): I rise to support this bill which was introduced by the member for Hammond. I agree with most of what the member for Hammond said in his second reading speech, in particular, regarding the effects of cannabis on the physical and mental health of users. I also agree with most of what the member for Schubert said, in particular, in relation to the petty crime which cannabis use causes and, even worse, the organised crime that results from the sale of this insidious drug by dealers, both small and big time. I agree also with the member for Schubert that the bill in its present form is fairly soft, but it can be amended and, in any event, it will improve to some extent the current situation.

Police tell me that Adelaide has become the cannabis capital of Australia, and that situation, I believe, is as a direct result of decriminalisation of marijuana, the legislation regarding which passed this parliament in 1986. At that time, the bill to decriminalise the substance was introduced by the then Minister for Health, the Hon. John Cornwall. I was one of three Labor Party members who crossed the floor to oppose the bill. A number of Liberal Party members voted with the then Labor government because it was a conscience issue for both parties. Unfortunately, the bill narrowly passed, so marijuana was decriminalised in this state.

The passing of that bill was probably not the entire reason for the problems being experienced today, but it has certainly assisted in the increase of drugs use from then until now. It has also contributed substantially to the escalating use of heroin and other drugs which tend to follow on from the use of cannabis.

Under the current legislation, 10 plants is far too many for personal use. In my view, three plants is far too many. Because of modern technology and techniques, hydroponics in particular, plants grow very large and produce heads up to three times per year. Growers can crop the plant up to three times per year, so I am informed by the police.

It is ludicrous that a total of three plants, even if they are two metres high and can be cropped three times a year, is okay but if someone has 15 plants only 200 millimetres high they are breaking the law. The law needs to be changed from this ludicrous situation.

There has been argument of late about whether the allowable number of plants should be 10 plants or three plants. My preferred option is no plants. There is no question that the vast majority of crimes committed these days are drug related. The police are at their wit's end trying to cope with an ever increasing wave of drug-related crime and desperately need this parliament's help.

The government employs police officers to protect society, and at the same time we tie one hand behind their back. We members of parliament must act responsibly and give the police the powers they need to protect the community not only in the area of drugs but also in other areas of crime. I feel sorry for the police. They do their job. They work hard to lay charges and get convictions, yet the courts let the offenders off.

Recently, in my electorate, I had a lot of complaints from neighbours about a drug dealer dealing in cannabis. People were going to this place day and night, week after week. I reported the matter to the police. They spent several months observing and getting evidence to enable them finally to bust this dealer. The case went to court and the offender was found guilty and sentenced to a gaol term of three years; then the judge said 'I will reduce that to a $300 bond.' He was back trading the very next day. Both the neighbours and the police were absolutely furious that the court had let the offender off so lightly.

It is high time that judges and courts do the job they are paid to do by the community at large and act responsibly by handing down realistic penalties. If they fail to do this, then this parliament must frame legislation to force them to do their job. I support the bill.

Mr MEIER secured the adjournment of the debate.

WALLAROO-BUTE RAILWAY

Mr MEIER (Goyder): It is with great pleasure that I move:

That this House congratulates the Yorke Peninsula Rail Preservation Society on reopening the railway from Wallaroo to Bute and thanks the Minister for Transport for her assistance in granting the lease of the rail track.

The official opening of the railway line from Wallaroo to Bute on 11 February this year was a major step forward in bringing rail transport back to Yorke Peninsula. I know that many rural members have had a fight on their hand for countless years in trying to stop rail's being closed. At long last we are seeing an example of where rail is being extended.

Members should appreciate that the opening of this railway track did not occur overnight. In fact, it has taken many years of hard work. The first item of correspondence that came to my attention was back in 1992. In fact, the preliminary inquiries were made through the then Minister for Transport, the Hon. Frank Blevins, on 3 September 1992 from the Yorke Peninsula Rail Preservation Society, mainly from Paul Thomas, the then chairman. That same Paul Thomas is now Mayor of the Copper Coast, which includes the towns of Kadina and Wallaroo.

At that stage Mr Thomas and a group of volunteers could see the need to preserve the railway line that was still in place and to ensure that, when Australian National was no longer going to use it, the line was not pulled up. So many rail lines throughout country South Australia have been pulled up. It is only in recent years that many of them could have been re-opened, possibly as tourist railways or commercial enterprises.

At this stage, the Kadina to Snowtown line extension through to Bute is there principally for tourists. However, it also has the capability for use as a commercial line because the next move will be to seek to take that railway line through to Snowtown, where, as many members would be aware, a major bulk handling storage facility is now located adjacent to the railway line. It does not take much to realise that the railway could run from that Snowtown depot to the Wallaroo silos or vice versa.

Certain other activities are also in the pipeline for Northern Yorke Peninsula and, again, the railway line may well be used as a commercial line in future years. It comes about at a time when the railways of Australia are principally in the hands of private enterprise—and what a change we have seen since the railways have been operated by private companies. They are being re-established and invigorated in a way that has been lacking for so many years. I do not think anyone would not want to acknowledge that railways are again starting to become a major force in Australia.

At the present time we are seeing the final stages, hopefully, prior to the commencement of construction on a major new line from Alice Springs to Darwin. Again, in future years a feeder such as that from Wallaroo to Snowtown could tap into that market through to Darwin.

I particularly want to say a very big thank you to all the volunteers who have been associated with the extension of the line from Wallaroo to Bute. The current president, Kevin Masters, has worked tirelessly to ensure that the rail line progressed as we wanted it to. I believe that over the years up to 40 volunteers have been involved in this project. It was a wonderful occasion to have Diana Laidlaw formally open it. I want to pay tribute to the honourable minister because, whilst we had negotiations back in 1992 and 1993 with Frank Blevins—and subsequently Barbara Wiese was also involved—really it was from the time that Diana Laidlaw took over as Minister for Transport that things started to proceed and major steps forward occurred.

However, no matter how supportive of a project a minister for transport might be, there are always obstacles to be overcome. From time to time over the last year and a half to two years I have become frustrated when it appeared that it might not be possible to get a lease which contained terms that would be acceptable to the Yorke Peninsula Rail Preservation Society. A lot of hard work was done behind the scenes, and I acknowledge the work of the minister in helping to overcome those problems. I would also like to thank some of her Department of Transport officers who also sought to overcome the problems that arose, possibly due to legislative aspects or, in most cases, concern that never before had a line of this type been leased to a private company. It is a line that has the potential to service the Wallaroo silos, which probably hold more grain than any other silo in South Australia.

I guess, if a line is handed over to a tourist operator, there is always a concern about getting the commercial operators back in. I think the lease has catered for that very well and there is no question that Wallaroo will always have the opportunity to have commercial trains running in future years. So, to all the people behind the scenes I say a very sincere thank you. It is quite remarkable that this line, which is a broad gauge line, has been able to accommodate the carriages and the locomotives, because they could not be brought up on the existing standard gauge line to Snowtown. The broad gauge, therefore, had to be brought up on semi trailers. The first item that came up was the locomotive (which came from Victoria) and that has proved to be a very satisfactory locomotive. I believe that the price paid for it then was almost insignificant compared with the price that would be paid today. So, it shows how trains have come back into their own.

Likewise, the carriages used on the train are turn-of-the-century carriages, and I would say to anyone interested in going on a train trip that takes you back in time that the Wallaroo to Bute run provides an excellent opportunity. They now also have a Red Hen they are seeking to do up and run on the occasions when fewer people are using the tourist train, for whatever reason.

There is also a dining car, which, I believe, may already be operating, but if it is not it is certainly well on the way because the first of the dining runs has started. Interestingly, recently one young couple decided to use the train for their wedding—again, another first. They hired but did not actually marry on the train. The bride and groom were kept in separate carriages so that they did not see each other before the wedding. They married at Bute. I also pay compliments to the two district councils, namely, the District Councils of the Copper Coast and the District Council of Barunga West.

Both councils were exceptionally supportive of the re-introduction of the railway in the earlier years, particularly the District Councils of the Copper Coast. In fact, it was before even the Northern Yorke Peninsula Council. More recently, Barunga West Council has helped in many ways to ensure that the extension of the train to Bute would work well. The council, volunteers and the Lion's service club in Bute have constructed a Gunner Bill's Gallery in the old police station. Gunner Bill's was named after a former old-

timer in the area. That gallery now provides a great attraction for tourists and a wide range of art and craft items can be purchased.

Work is also being carried out on the police cells located in the back of the gallery. Once that is completed it will be possible for people to see how police cells operated in earlier times. In fact, the creation of Gunner Bill's Gallery at Bute has involved some 30 people and they have clocked up approximately 800 voluntary hours. The gallery is a craft and historical centre, it is a project of the Bute Lion's club and it will house quality craft sold on consignment. The gallery also contains a significant amount of local history and, in time, there will be a Centenary of Federation display. Afternoon tea will also be offered to people travelling on the tourist trains.

It really has been a community project of the first order, and it is wonderful to see how this has progressed. The Rail Preservation Society has been thrilled to bits with the response over this last Christmas/January/February period. In fact, it has taken considerably more money than anticipated. That reflects well from the point of view that we have just had the hottest summer since the turn of the century. If we managed to have such a good season this year, when the summers in future years are a little cooler it will probably ensure that even more people take advantage of this great tourist train.

I would like to highlight something that occurred on the inaugural trip in which my wife and I participated. The train travels through some bush country and we would have seen of the order of 20 to 30 kangaroos whilst travelling to Bute. On the way back we again saw a few kangaroos. One kangaroo decided to hop along with the train. After a while, I said to my wife, 'Look, it has gone for quite some metres; you watch, it will turn off in a moment', but it did not. In fact, for kilometre after kilometre, the kangaroo kept hopping along with the train. We then came to—

The Hon. D.C. Wotton: Probably missed it, that's all.

Mr MEIER: My colleague says that the kangaroo probably missed the train. I had not thought of that; I do not think that was the case. We then came to an area where there was a fence and a line of trees with that fence. I said, 'You watch, it will turn off here.' But no, the kangaroo went straight through the trees and, bang, straight over the fence. It then went through a paddock that was stubble at that stage. Further on a harvester was harvesting a crop. I said, 'If that kangaroo does not change direction shortly it will run slap bang into the harvester.' Thankfully, the kangaroo saw the harvester and, instead of going to the farther side of the harvester, the kangaroo actually came between the harvester and the train so that it was closer to the train still.

The kangaroo would have probably stayed with us for the better part of four kilometres. I spoke to a few of the tourists who were all thrilled to bits. One tourist was from Britain and another from Holland. I said, 'What did you think of that?' They said, 'We have been all around the world and we have never had a better attraction than this train ride in our lives.' I said, 'That is great to hear.'

The Hon. D.C. Wotton: Did they appreciate your organising it?

Mr MEIER: They wondered whether I had especially organised the kangaroo to hop along beside the train. I would say that this train run has highlights that would not be found anywhere in Australia. I pay my full compliments to everyone who has been involved, from every volunteer through to the minister. I am sure that it will continue to be a great attraction for many years to come.

Mr De LAINE (Price): It gives me great pleasure to join with the Government Whip, the member for Goyder, in congratulating the Yorke Peninsula Rail Preservation Society on the reopening of the railway line from Wallaroo to Bute. It is a wonderful feature for tourism in that particular area. With respect to the experience just outlined by the honourable member, it would be great if that could be repeated every time the train runs on that track. I would also like to pay tribute, as has the honourable member, to the efforts of the volunteers of that organisation. This applies also to volunteers right throughout our society, in any area, who give enormous amounts of time for the benefit of the community at large.

These people, particularly those involved in the Railway Preservation Society, do work very hard. It is a labour of love. I know some of them and they work very hard. They are very dedicated people and put in enormous amounts of work. Some volunteers are still working and give up their free time. Others are retired people and give enormous amounts of time to this very worthwhile cause. I believe that it is very important to preserve our history, not only for people of the current generation but, more importantly, for future generations so that they can know and see first-hand and enjoy the history of our great state.

The preservation of the railways infrastructure is particularly valuable because of its extreme importance to the state's history and to this particular area mentioned by the member for Goyder in terms of the important use of the railway when it serviced the then rich copper mining industry. I support the motion as moved by the member for Goyder.

Mr VENNING (Schubert): I support and congratulate the member for Goyder on this motion, and certainly congratulate the Yorke Peninsula Rail Preservation Society. When I first became a member of this place I did have the honour of representing part of this area, namely, Bute. Also, until a couple of years ago we had a farm that was located alongside the rail track. I have watched with great interest the progress of this society. I am very pleased that what started as a venture in the main street of Wallaroo has now reached Bute. There have been a few cynics along the way, a few negative detractors but, I think, they have all disappeared.

The experience that was just highlighted to the House by the honourable member certainly is unique in terms of seeing the farming operations that occur alongside the railway line. There is a lot of activity all the year, as well as native fauna, because there is a natural strip of bush alongside the railway line in several areas. It is quite common to see kangaroos and other fauna, particularly birds. Certainly, I hope that this is only chapter one of this project because a track does travel on from Bute to Snowtown. The corridor is still public property and I believe that, in most instances, the track is still there. I think it is a travesty of justice that we ever closed this railway line; we should never have done so. I blame, to some degree, the bulk handling authority, which did not replace the rail unloader at Wallaroo, as a result of which the line became defunct and was closed, I think, in about 1983 or 1984.

Mr Lewis interjecting:

Mr VENNING: Certainly, I am very interested to hear of its success. I have read in press releases in recent days that the society might even consider carting grain from Snowtown to Wallaroo. So, there is your sleeper, member for Hammond. Here is a volunteer group doing probably what government or private enterprise ought to do. Certainly, it highlights that deficiency, because I remind honourable members (who might be aware of this) that Wallaroo was a major port, and

this rail link, which never should have been closed, was closed.

I am very interested in the progress of this project, and I certainly hope to take a ride on this railway line, if not before the Kernewek Lowender, then certainly during the Kernewek Lowender program, when I hope to spend a day or so with the member for Goyder with our Hupmobile, in which we spend the day driving between the three towns of the Iron Triangle. It is a delightful day, spent in delightful company, and certainly it is worth the hassle of getting the car there.

This is a great region, and the Yorke Peninsula Rail Preservation Society certainly deserves the congratulations of this House, because it is becoming a very important part of the tourism scene in South Australia, and it is adding to the attractions of the Iron Triangle.

My ancestors come from Altarnun in Cornwall, and my family and I are very interested in Cornish heritage and history. I am so pleased that the Yorke Peninsula Rail Preservation Society has made this benchmark of getting to Bute—I know that the people of Bute are very pleased—and I now look forward to their progressing to Snowtown. I know that the honourable member will give the society every assistance possible, but if they want any extra help they can come to me, because we will move everything, including sleepers, to make sure that they achieve that aim. That would make it a neat probably hour and a half's round trip, with more country to see, because as you drive through the Hummocks out through Barunga Gap you see another change of scenery. Good on these volunteers. There must be thousands of hours of volunteer work involved, and it is great to see some people getting it together. I congratulate the member for Goyder for being their member.

Mr HANNA (Mitchell): I was not going to speak on this topic, but the member for Goyder has really excited and provoked me into speaking on this magnificent motion. The Yorke Peninsula Rail Preservation Society should, indeed, be congratulated on its volunteer work, promoting the reopening of this railway. From the description of the member for Goyder, this will be an international tourist attraction of the first order. When you think about it, this government has spent tens of millions of dollars on the Hindmarsh Soccer Stadium, the wine centre and the Holdfast Shores development. Sure, a few people will come along and want to walk through those sorts of developments, but this project, for just a few thousand dollars in comparison, will draw a stream of tourists through Adelaide to the Yorke Peninsula. It will really make it the centre of kangaroo attractions in the world, judging from the speech of the member for Goyder.

We appreciate the detailed and drawn-out accounts of every new development in his electorate, which he brings to the House every week. There is no doubt of his passion and his fervour. In fact, *Hansard* probably will not be able to convey the excitement, or the fever pitch, with which the member for Goyder speaks on developments such as this. My final comment would be that this reopening of the railway is 'beaut'.

Motion carried.

CRAFERS TO GLEN OSMOND HIGHWAY

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

That this House, recognising the first anniversary of the completion of the Crafers to Glen Osmond Highway, congratulates all of those who have played a part in providing the significant improvements to this major carriageway.

I also commend the member for Goyder on his motion, and I look forward to at some time being able to enjoy the Yorke Peninsula Rail Preservation Society's achievements. Perhaps I should have a chat to some of those people to see if they would come along and support the Adelaide to Bridgewater Line Preservation Society, because I have not had very much success in relation to the preservation of that line.

I am very pleased to move today that this House recognise the first anniversary of the completion of the Crafers to Glen Osmond Highway, and that we congratulate all those who have played a part in providing the significant improvements to this major carriageway. I want to do so particularly because it has been brought home to me very clearly that people so easily take things for granted. We all travel up and down that road, which has been open for only just over 12 months, and we all enjoy the safety and convenience that it provides. But we just take those things for granted—and particularly when we look back to what we had to put up with in respect of the Old Mount Barker Road. I think it is worthwhile that we consider those who had a part in making all that happen.

I was interested—as were, I am sure, all members—to see the front page of the *Advertiser* on Monday 26 February, with the headline 'Tunnels to prosperity'. That is certainly the case. We have seen a remarkable change in the hills as a result of those tunnels going through. More than 100 new businesses have opened, real estate is booming in the hills—and all this, of course, since the completion of the Heysen Tunnels 12 months ago.

The construction of the Adelaide-Crafers highway is estimated to have cost something like $151 million, and I believe that we should all be indebted, and continue to be indebted, to the federal government for supplying that funding to enable the work to be carried out.

I would particularly like to express my thanks (and I am sure that I speak on behalf of the constituents of Heysen) to the Hon. Alexander Downer who, as the local member, has worked so hard to make all this happen. While the state has not been involved, to any great extent, in providing funding for the project, I would also hope that I could take some credit in seeing what has now been achieved as a result of some 25 years of representation on this issue, because, as far as I am concerned, there has not been a more important issue than looking to improve the Mount Barker Road certainly since I have been in office for some 26 years.

I was pleased that the *Advertiser* was able to carry out an investigation. That investigation found, certainly, that the new highway was a much safer and quicker route, and that they were able to bring so many statistics to our attention as a result of the opening of the tunnels, in particular. We have been told, for example, that the price of houses has climbed by an average of $15 300, to an average of $148 167 last year, with the number sold in the Stirling, Onkaparinga and Mount Barker districts up by 78 to 948. We also have been told—and I can certainly support this, putting on my other hat as Chairman of the Adelaide Hills Tourism Marketing Committee—that tourism numbers have reached an average of half a million visitors each year, and that is according to the first set of official Australian Bureau of Statistics figures compiled for the region. I will say a little more about that later.

We have seen a remarkable drop in the number of road accidents, and we can all be thankful for that. Indeed, the number of truck crashes has fallen from 18 to five in the period from March to mid November 1999; and the number of general road accidents dropped from 162 in the period March to mid November 1999 to 70 in the period March to November 2000. To clarify that, the number of truck crashes fell from 18 to five in the same period. That has been a remarkable reduction in road crashes, damages and death, and I concur in the comments on that matter made by the state Minister for Transport and Urban Planning, Diana Laidlaw. I thank her for the very strong support she has provided.

I was interested to see that the South Australian Road Transport Association Executive Director, Steve Shearer, commented that the tunnels and highways were an excellent piece of road work which had helped to reduce haulage accidents on what we all recognise as having been a notoriously dangerous route.

Mr MEIER (Goyder): I move:

That Orders of the Day: Other Motions be postponed until Notices of Motion: Other Motions are concluded.

Motion carried.

The Hon. D.C. WOTTON: I appreciate the support of all the members in the House at the present time to enable me to continue my remarks.

An honourable member interjecting:

The Hon. D.C. WOTTON: It is a very important motion before the House. Coming back to the subject, I should also say that I was pleased to see the comments of the Adelaide Hills Council Chief Executive Officer, Roy Blight, that new access to the hills had boosted demand for housing, resulting in higher real estate prices. He made the point that there had been a marked increase in property values, which had flowed through to the rates, and the local council would be very thankful for that. Real estate agents in the area have been flooded with requests to buy and rent properties in the Adelaide hills region, and a number of people who have considered the sale of their properties have certainly taken advantage of what has happened in more recent times.

Earlier I mentioned the significance of the improvement in tourist numbers, and that has been quite remarkable. Certainly, the opening of the tunnels has resulted in more sightseers, particularly on day trips into the Adelaide hills. That has come about for a number of reasons, but mainly because the travelling time between Adelaide and the hills has now been cut significantly. The hills are seen as being a lot closer and easier for people to access and enjoy, and that is great for tourism. Currently, there are more than 220 tourism operators in the hills. A number of those are involved in bed and breakfast accommodation, and that number is growing.

Other forms of business have also enjoyed 12 months of growth, with the Adelaide Hills Regional Development Board Chief Executive Officer, Michael Edgecombe, saying that he felt it had been a record year for new business start-ups. He indicated that about 100 new businesses had been opened, with many involved in tourism, food processing, light industry and business services such as accountants and tax specialists. He reiterated the point that many millions of dollars of new investment had been brought into the hills last year.

So, the new highway has brought with it many benefits, the main one, of course, being that it is a much safer route. I know it is not perfect. There will always be those who say that we should not have semis on the freeway, that they should be restricted to certain times and that they should not travel two abreast, and they will go on about that. There will continue to be accidents; nothing is surer than that. It is a very steep piece of carriageway. Unfortunately, the truckies seem to get a fair bit of criticism for the way they drive, but I would suggest that the road habits of some other vehicle drivers should receive as much, if not more, of the criticism we level at the semitrailer drivers. On the many occasions that I go up and down that road, sometimes two or three times a day, I am amazed at the lack of driving skills on the part of some drivers.

I would suggest that to a large extent that comes about as a result of impatience. I have to say that the driving habits of some of those who are driving with P plates leave a lot to be desired. If I were able to request anything coming out of this motion, it would be a greater police presence on that road. I am pleased the Minister for Police is in the chamber at the present time, because I think that with the amount—

The Hon. R.L. Brokenshire interjecting:

The Hon. D.C. WOTTON: I concur in that. My concern with that is that there seems to be a lot of police presence through the hills where it is not necessarily needed, and I have already made my thoughts known to the minister about that. Particularly on this road, with the amount of traffic using the road and the difficulties that are experienced by some drivers, it would be good to have the police there to be able to pull over those who do not do the right thing, who do not indicate when moving from lane to lane, who speed and who are not as courteous as they might be to other drivers.

On behalf of the parliament I thank all those who have had a part to play in the construction of this carriageway. I had the good fortune to meet many of those people personally, and it was certainly a significant challenge for them. They carried out that work brilliantly. I can recall vividly seeing the young fellow coming through the tunnel when the tunnels met in the centre. It is a remarkable feat, particularly when you drive up that tunnel now and you see the curve in the tunnel, and they hit the spot right on the bullseye. As I say, it is quite remarkable. The major reason I wanted to bring this matter to the attention of the House is the fact that it is so easy for all of us to take for granted the amount of work that was carried out and the expenditure that went into ensuring that that road was made so much safer for all of us. I hope the remainder of the House will support this motion.

Mr CONLON (Elder): I rise in my usual display of bipartisanship to support the motion. There is no doubt that the project was one of the most important infrastructure projects we have seen in this state for many years, and its benefits have been canvassed well by my friend opposite. It is important that it not be taken for granted and that we should congratulate all those involved. For that reason, I am sure it was merely an oversight on the member for Heysen's part that he failed to mention my federal colleague and good friend the Hon. Laurie Brereton, who of course signed off the funding for the project when he was Minister for Transport in the Paul Keating government. I spoke to the Hon. Mr Brereton in recent days, and he reminded me of how happy he had been to be involved in nation building in the state of South Australia. It is worthwhile to remember at this time, in the centenary of our federation, that there have been federal governments that knew the true meaning of federation

and were prepared to engage in nation building beyond the Blue Mountains.

I would like to thank in this place the Hon. Laurie Brereton for committing that funding to the project. I also remind the House that it was at a time when Laurie Brereton was proving himself to be a true friend of South Australia; he also signed off the runway extension funding and committed $5 million of federal money to the Islington railyards clean-up around the same time. Just to labour the point, I also point out that in the same period it was the federal Minister for Regional Development Brian Howe who committed $9 million of Better Cities money to the Patawalonga Basin, which allowed the other major development we have seen in recent times.

The reason I make those points is that, like the member for Heysen, I do not believe these major projects should be taken for granted. It was plainly the commitment of a federal Labor government, in particular Laurie Brereton as Minister for Transport, that brought about those projects. I contrast that with the sort of contribution to major projects in South Australia we have seen from the federal Liberal John Howard government in recent years. In my honest and sincere opinion it is the case that the current Prime Minister rarely sees beyond the Blue Mountains and is extremely Sydney-centric in his viewpoint. I will close by saying that it does appear that that shortcoming of the federal government may well be rectified in the near future with the return of the Beasley government in which the inestimable Laurie Brereton will become Minister for Foreign Affairs, and that is something I look forward to.

Mr De LAINE (Price): I also would like to support the member for Heysen's motion in recognising the first anniversary of the Crafers/Glen Osmond highway, and also congratulating all those who took part in that magnificent project. It has certainly been a wonderful project. During the project's final stages and since completion I have been a regular traveller on this highway and, from Glen Osmond corner to Crafers, it has taken eight minutes off the journey and also made it much safer. The honourable member mentioned the project figure of $151 million, which was slightly over budget. I cannot believe how much work they did for that amount of money.

Two and a half years ago, during the final stages of the project, I remember taking some ministers from the New South Wales government to have a look at the project and they were absolutely amazed at how much work was being done and the magnitude of the project in relation to the then quoted figure of $138 million for the project. They mentioned that in Sydney they had overseen an earthmoving civil engineering project which cost the government $60 million and, in comparison with the hills development here, it was only really an upgraded intersection. They could not believe that we had had all this work done here for what was then to be $138 million.

The project manager told me that no earth or rock materials had been brought in from outside. All the rock and earth materials used in the project were taken from the cuttings within the project area, and no foreign material was brought in. In fact, at the end of the project, only about 300 tonnes of rock was left over, which was used to remediate a local quarry in the area. It was an amazing result overall. He also told me—as the member for Heysen mentioned—that the tunnels that were cut into the sides of the hills from either end matched up perfectly in the middle. That was a first-off civil engineering concept in the world, and there were a couple of other concepts that they used as world firsts in parts of the bridging and so on in that project.

In closing, I would like to pay a tribute to the people who managed the project for the way they managed the enormous volume of traffic that came down from the hills each morning and night while the project was in operation. The project would have been enormous enough had all traffic been banned from the area and they had gone ahead with all the earthworks, road and bridge constructions, but, no, they did all the work, the blasting, earthmoving, road and bridge building and the tunnels while this enormous volume of traffic was using the road every day, morning and night, and during the day. In my view, the way that that traffic was managed each day was nothing short of a miracle, and they are to be commended on that. I have much pleasure in supporting the member for Heysen's motion.

Mr LEWIS (Hammond): I was not going to speak on this matter, but I will now, because I sat through it. I do not have a problem with the proposition to commend the people who designed and built the project and the extra time it cuts off the journey. I use it myself, of course, because it is between here and home. I was a member of the Public Works Committee that examined all stages of the project from the time it was first presented to the committee to the time it was completed, and you, Mr Speaker, were its chairman at the time it was first brought before the committee. It is an outstanding project, and the engineers who designed it, as well as those who supervised its construction and the people who worked in that work deserve commendation, and Luigi Rossi particularly so.

Others have canvassed with great eloquence the benefits that it confers on the people who live the other side, as it were, of the escarpment and who must traverse that section of road, and I say ditto to their remarks. I want to turn to something far more serious as a consequence of what the government sees as an opportunity, it seems to me, to raise money. I have put out a news release that says:

> Operation Attitude—Who's Got An Attitude?
>
> I wonder if it was a money hungry state government which was behind the decision to blitz the truckies on a downhill run from Stirling to the Toll Gate on the South Eastern Freeway; or anywhere else for that matter
>
> OR
>
> overzealous traffic division inspectors directing the SAPOL operations
>
> OR
>
> some gung-ho candy car operators who took it into their heads to get an attitude themselves
>
> OR
>
> all of the above, which has resulted in truckies being pulled over and issued with high cost traffic infringement notices and demerit points to go with it (some of them with cautions or warnings or whatever) under the interpretation of Rule 108 of the Australian Road Rules which prevents truckies from using primary braking systems on designated sections of road where there is proper signage to that effect.
>
> Police need to be issued with heat sensing (that is, infra-red) glasses, so that they can properly detect truck drivers who have been using their primary brakes instead of their engine's brakes to reduce and hold their speed on steep hills, anywhere.

That would make it possible for them to avoid the subjective assessment that, because they saw the red lights on, or come on, that is, flash, the primary brakes had been used. It is still inappropriate to stop somebody who has used their primary brake, even if only for a matter of a split second, or a second or two, in my judgment.

So I call on the government to refund all the payments that have been made, that it has received from any truckie issued with a traffic infringement notice for failing to observe so-called Australian Road Rule 108 and make any necessary adjustments to their licence demerit points and withdraw all the traffic infringement notices because of the fact that the brakes lights of many modern trucks come on not only when primary brakes are applied but also when the engine braking system is applied. There is no way that the officers can know whether it was the foot pedal activating the pads on the discs or shoes, or whether it was the engine brake that was in fact operating.

Secondly, there is no consistent measure, other than the subjectivity of the officer with an attitude, as I have said in this case, of primary brakes use; and there are ambiguities and inconsistencies nationally in the signage that the minister (who was here a bit earlier) and the minister in the other place have failed to recognise—and I note the minister has returned. This is an appalling situation where we have interstate drivers who are not accustomed to seeing the signs that we have used in South Australia, but have been accustomed to seeing the signs that have a red border around them and/or erected with flashing lights to say, 'You cannot use anything but your engines to slow you down.' There is not a standard and there bloody well should be, because there is in every other road traffic sign for which you get pinged and for which you can be issued with a traffic infringement notice and, if you do not agree with it, go to the court.

It seems to me that the government and the police are the people who have an attitude when they mounted Operation Attitude, and it is not the truckies. The vast majority of them have been very responsible. I concluded my press release with the remark, 'It makes you wonder, doesn't it!' Let me tell members that I received dozens of calls from truck drivers who were irate at what had happened to them—not just people who live in my electorate but people who live interstate, as well as outside my electorate in South Australia. I want to read one of those letters from a very old, close friend, David Swan, who operates a trucking business out of Meningie. I will not read out all of it because it is not germane to what we have before us, as it relates to the way in which the government is now raising revenue from this road. In part, the letter states:

> On Friday 2 March one of our heavy articulated vehicles was descending from Crafers into Adelaide along the new section of the freeway. The vehicle was unladen, travelling under the speed limit, and in a lower gear, with periodic brake adjustments.
>
> This vehicle was stopped by a police patrol car. When our driver asked the police officer what the problem was, he was told that he had used the primary brakes on his vehicle, which was contrary to the Road Traffic Act for this part of the highway. The driver was told by this police officer that it was also an offence to use the vehicle engine brake.

Well, that has to be bullshit! The letter continues:

> The driver was booked and told the fine was $177. I have learnt that, where there is a traffic sign which states that 'all trucks use low gear' such as the one at Crafers, the vehicle must not use its primary brakes as it traverses this part of the freeway.

Well it was not, it was using its engine brakes and it only touched up on the primary brakes once in a while to slow down wherever the gradient got a bit more and the speed increased. It was in a lower gear than normal road gear, yet he was still pinged—and you call that justice, and reasonable, sensible road traffic laws enforcement.

There is no consistency in the signage and there was no warning. Who does have the attitude in this problem? The letter continues:

> I, and other transport operators that I have spoken to, have not been aware of this requirement when this sign is displayed. We had been using the Devils Elbow route for years, and now the new tunnel road, and this is the first that drivers knew of this particular [road rule]. However, there is no way a heavy vehicle will be able o comply with this act, as it is not possible to descend on gears alone—

and it is not; I have a heavy truck licence and I can see the sense of that—

> The truck's primary brake, or the engine brake, must be used to steady the vehicle and to keep it under control. Most drivers prefer to use the engine brake so that the brake drums are cold and the primary brakes operate effectively when they arrive at the Glen Osmond traffic lights. We operate in a safe and responsible manner on the roads—

and they do; all the Swan drivers are carefully selected for that reason, as are Norm Patterson's—

> and we consider this to be a knee-jerk reaction to a recent incident of very bad driving—

boy, was it ever—

> We believe this fine to be unjust—

so do I—

> and must protest in the strongest possible terms—

and I do on their behalf—

> . . . if you think that we have been unjustly treated, would you please take this matter up, and see if you are able to get the Minister for [transport] to look at this ridiculous road rule.

Well, I have. I have written to both the Minister for Police and the Minister for Transport and I asked them a few pertinent questions about the subject matter that I put on the record just now; and those pertinent questions go to the manner in which the matters in hand that I have spoken about have been, if you like, handled or mishandled by police.

I say to all those people that, as long as I have breath in my body, I will stand in here and lay it on the minister if the minister does not withdraw those expiation notices, refund any that have been paid already and adjust the demerit points on the drivers' licences. It is as crook as hell. There cannot be any other reason for it than that the government made a grab for money and put some crude, rude, gung-ho, candy car operators out on the job to do the dirty work for them. I have no respect whatever for police who behave in that way when there are so many inconsistencies—and the government knew that at the time it said that it was going to conduct Operation Attitude. It should never have got into it.

Motion carried.

AUSTRALIA DAY

Mr LEWIS (Hammond): I move:

> That this House strongly recommends that the federal government change the date upon which Australia Day is celebrated from 26 January to 9 May, the day upon which the federal parliament first sat.

The very name 'Australia' was not known, had not been thought of, on 26 January 1788, yet it is 26 January which New South Wales has effectively, through its cultural hegemony, imposed on the rest of us as the day on which Australia was founded as a nation. That is just not true. It was not a nation. It was a case of the British Crown annexing a piece of territory on a continent south of the equator for the purposes of establishing by military fiat a penal settlement and referring to it as a colony.

I do not take any joy whatever on that date in thinking about it as though it were an appropriate day to celebrate an anniversary of this country's being a nation. It is not an appropriate date to use as the basis for the celebration of the foundation of a nation called Australia. Captain Matthew Flinders, the man who met Baudin and had a chinwag with him at Encounter Bay early in the 19th century—1802 I think—came up with the idea that it ought to be Australia.

It is not appropriate for us to call this our national day, in my judgment. It is more appropriate for us to celebrate the 9 May, being the day upon which parliament first sat in the Royal Exhibition Building at Melbourne. All members would have received a letter signed by David Pitchford, Bernie Harris (Executive Coordinator of the Centenary of Parliament) and James Barr (General Manager of the National Council for the Centenary of Federation). When we federated, we became a nation. We became Australia. Surely, that is the day upon which we should be celebrating our national day—9 May, not 26 January.

Is it any wonder that the Aborigines get angry? Is it any wonder that those descended from an Aborigine as an Aboriginal feel angry? Is it any wonder that it is a divisive day—not a unifying day at all? To me it is no wonder. I understand those sentiments, and I do not accept them as in any sense warranted. The more important thing for us to do is to celebrate the occasion upon which it became possible for us to regard ourselves as Australians, as people with one citizenship who were independently and separately sovereigned for our affairs as a nation.

That is why I have this motion before us today. We all should go to Melbourne—we are fools if we do not—to celebrate the occasion early in May to which the letter invites us. If we do not, then we really do not deserve the honour and responsibility that has been conferred on us as elected members in the parliament of our respective states. We became one nation on that day. It is the most appropriate day. I cannot think of a better day on which to celebrate it, rather than 26 January.

Debate adjourned.

[Sitting suspended from 1 to 2 p.m.]

ALICE SPRINGS TO DARWIN RAILWAY (FINANCIAL COMMITMENT) AMENDMENT BILL

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

NATIVE BIRDS

Petitions signed by 86 residents of South Australia, requesting that the House urge the government to repeal the proclamation permitting the unlimited destruction by commercial horticulturalists of protected native birds, were presented by Mr Meier and Mr Wotton.

Petitions received.

GOLDEN GROVE ROAD

A petition signed by 179 residents of South Australia, requesting that the House urge the government to consult with the local community and consider projected traffic flows when assessing the need to upgrade Golden Grove Road, was presented by Ms Rankine.

Petition received.

TEA TREE GULLY POLICE

A petition signed by 25 residents of South Australia, requesting that the House urge the government to establish a police patrol base to service the Tea Tree Gully area, was presented by Ms Rankine.

Petition received.

DENTAL SERVICES

A petition signed by 634 residents of South Australia, requesting that the House urge the government to fund dental services to ensure the timely treatment of patients, was presented by Ms Stevens.

Petition received.

EMPLOYMENT

The Hon. M.K. BRINDAL (Minister for Water Resources): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.K. BRINDAL: Today's Australian Bureau of Statistics figures provide some very good news for young South Australians. The latest figures show that our state not only has the lowest youth unemployment in the nation but it is now a full 5.7 per cent lower than the national average. In February the number of 15 to 19 year olds seeking work fell by 1 200 in South Australia. The reduction in youth unemployment in our state to 22.1 per cent was especially gratifying, given that a year ago, in February 2000—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. M.K. BRINDAL: —it stood at 32.5 per cent. Compare that with the figure of more than 40 per cent when Labor was last in office. A more than 10 per cent fall in the youth unemployment rate in 12 months, I believe, shows that our job creation initiatives are working and, in particular, that this government's budget strategies and initiatives have proved to be the correct ones at this time.

At the same time, the February unemployment data shows that, while the overall jobless rate in South Australia was static at 7.3 per cent, seasonally adjusted, we have avoided the rise that was evidenced nationally as that figure rose from 6.6 per cent to 6.9 per cent. In effect, we have further narrowed the gap between the national unemployment rate and our state unemployment rate to within .4 per cent of the national average and within less than 1 per cent of the best performing state.

The 53 200 South Australians who were seeking work in February represents the lowest level since July 1990. And the latest unemployment figure of 7.3 per cent, while still leaving room for improvement, is far preferable to the 12.3 per cent rate of the dark days of Labor in the early 1990s.

Further good news for women seeking work is also evident in the latest ABS figures. During February, total female employment rose by 5 000—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The minister has leave.

The Hon. M.K. BRINDAL: —to 301 000. So, in summary, while there is no need for complacency, there is very good news for our young people looking for employment and we will, as we have in the last few years, work even harder to improve the job prospects for all South Australians.

ABORIGINAL LAND-HOLDING COALITION

The Hon. D.C. KOTZ (Minister for Aboriginal Affairs): I seek leave to make a ministerial statement.

Leave granted.

The Hon. D.C. KOTZ: I wish to advise the House that I have appointed Mr Garnett Wilson, OAM, to the position of Executive Support Consultant to the Aboriginal Land Holding Coalition. The Aboriginal land-holding authorities have met as a coalition since 1996 to develop and promote a joint working relationship with common policies and action strategies for the lands for which they are responsible, that is, some 26 per cent of the land mass of South Australia.

The coalition has been searching for some time for a person with the appropriate experience and qualifications to serve as its executive officer and advocate on its behalf. A report undertaken for the coalition indicated that the person needed to be a senior elder of the Aboriginal community who, without question, is accepted and respected by the traditional owners and occupiers of the lands, represented by the three land-holding bodies.

There is no more suitably qualified person to carry out this role than Mr Garnett Wilson. In accepting this appointment, Mr Wilson has advised me that it would no longer be appropriate for him to remain as Chairman of the State Aboriginal Heritage Committee, nor as the Chairman of the Aboriginal Lands Trust. In accepting Mr Wilson's resignation from both these positions, I wish to take this opportunity to recognise the significant contribution he has made to Aboriginal Affairs in South Australia for over four decades.

The people who have worked with Garnett Wilson know that he is what is colloquially known as 'a straight shooter'. He is tough, but fair, diligent and a man of honour. Like so many of his generation, Garnett faced hardships, but has had the courage and the fortitude to overcome all obstacles. This was first seen when, as a boy of 12, Garnett suffered serious injury as a result of an accident and subsequently spent more than four years in the Murray Bridge and Royal Adelaide Hospitals.

In 1947, he joined his father, who had served in World War II, to work as a rouseabout in shearing sheds. This was the beginning of a long and what he found enjoyable period, working in the shearing sheds all over South Australia, New South Wales and Victoria. In 1959, Garnett undertook training as a wool classer, and he became the first qualified Aboriginal professional wool classer in Australia.

In 1977 he was elected to the National Aboriginal Conference, representing an area stretching from Crystal Brook to the New South Wales Victoria border. As an elected member of the national executive, Garnett served as the Deputy National Chairman and as a spokesman on Aboriginal housing issues. For five years Garnett Wilson served as the Chairman of Tandanya and served as the first Aboriginal Chairman of the Aboriginal Legal Rights Movement, following the resignation of Justice Elliott Johnston. Mr Wilson was a foundation member of the South Australian Aboriginal Lands Trust in 1966 and served as its chairman since 1977.

For the past 35 years as a member of the trust, including 24 years as its chairman, Garnett Wilson has worked tirelessly on behalf of Aboriginal people. Under his leadership, the trust has worked successfully with Aboriginal communities to develop a sustainable resource management strategy for Aboriginal managed land in South Australia, and this has been the catalyst to attract funding for important land management projects on the Aboriginal lands. In addition, the trust has become an innovator in supporting commercial development on Aboriginal lands, with the aim of achieving economic self sufficiency for Aboriginal communities. In 1995 Mr Wilson was appointed Chairman of the State Aboriginal Heritage Committee on a part-time basis. The value of his work with the committee was further recognised by this government when it subsequently appointed him as full-time chairman.

Garnett Wilson earned the respect and admiration of the hundreds of Aboriginal and non-Aboriginal people with whom he has worked over many years. Garnett was duly recognised and honoured on Australia Day 1984 with the awarding of the Medal of the Order of Australia for services to Aboriginal welfare. I am sure that Garnett Wilson will bring a wealth of knowledge and experience to the Aboriginal Land Holding Coalition as its executive support consultant. It has been a privilege to work with Garnett Wilson since my appointment as Minister for Aboriginal Affairs, and one that I know is shared by previous Ministers for Aboriginal affairs, and by many of his colleagues and kinsmen. I know that it is improper to advise the House of anyone sitting in the gallery, and I will not make that comment, but I have every confidence that he will continue to serve well the Aboriginal people of this state, and I feel sure that all members will join me in wishing Garnett Wilson every success in his new and extended role in the service of Aboriginal communities.

Honourable members: Hear, hear!

SOUTHERN O-BAHN

The Hon. DEAN BROWN (Minister for Human Services): I lay on the table the ministerial statement concerning the Southern O-Bahn proposal made earlier today in another place by my colleague the Minister for Transport and Urban Planning.

GOVERNMENT'S PERFORMANCE

The Hon. M.D. RANN (Leader of the Opposition): I move:

That Standing Orders be so far suspended as to enable me to move forthwith a motion without notice regarding censure of the government.

Motion carried.

The Hon. R.G. KERIN (Deputy Premier): I move:

That the time allotted for debate of the motion be one hour.

Motion carried.

The Hon. M.D. RANN: I move:

That this House censures the government of South Australia in the light of the strong criticisms by the Industry Regulator and the Auditor-General of the government's handling of the ETSA privatisation process and poor outcomes of the ETSA privatisation for the people of South Australia, such as consumers facing price rises of between 40 and 100 per cent and also including:

- the highest prices in the Australian national electricity market,
- increased unreliability of supply,
- lack of planning for future electricity needs,
- lack of certainty of existing electricity supply and
- poor handling of South Australia's entry into the national electricity market.

The Auditor-General yesterday delivered the latest in a series of damning reports into this government's handling of the biggest privatisation in this state's history. Once again, we were told of a series of bungles made by the Olsen

government as it sold this state's electricity assets against the wishes of its owners, the people of South Australia. The state's independent financial watchdog has told South Australians that the Olsen government's ETSA privatisation has placed our future electricity supplies in jeopardy. The Auditor-General told us yesterday that there are no guarantees in the ETSA lease that the electricity assets and their generation capacity will be maintained. The Auditor-General told us that the power stations which South Australian taxpayers spent millions of dollars to build and maintain can simply be run down by the new owners. He produces a chilling graph that shows us that, under the Olsen government leases, these power stations that currently produce more than 2 000 megawatts could be generating less than 500 megawatts in 10 years' time.

Members interjecting:

The Hon. M.D. RANN: So, the Auditor-General is speaking rubbish—that's the government's response. Amazingly, the Auditor says the government—that is, the taxpayer—may have to intervene in years to come to ensure future power supplies within South Australia. Just how much will the ETSA privatisation cost taxpayers in future? Within a year of privatising electricity assets, the Auditor-General tells us that the government may have to go back into the power business to ensure that we keep the lights on. In February 1998, the Premier told us that South Australians had to privatise our power system to avoid risk.

The Hon. G.A. Ingerson interjecting:

The Hon. M.D. RANN: Why would the member for Bragg be interjecting? When we said they were going to privatise electricity after the election he is the one who went on TV to say that that was a lie, full stop: they would never sell ETSA. That is how much we can take from the truthfulness of his comments. In February 1998 the Premier told us that South Australia had to privatise its power system to avoid risk to the taxpayer. At the time, the Premier was claiming that it was this Auditor-General who had told him the electricity industry was so risky that we had to get out of the power business. Here is what the Treasurer—who said some interesting things yesterday about Mr MacPherson—said about the Auditor-General when he liked his advice about ETSA. I will quote:

> The Auditor-General is fearlessly independent, as we all well know. . . and it is not in his particular interest to beat up a fever pitch about the risks in the national electricity market unless he genuinely believes them to be the case and unless he would genuinely like all members. . . to closely look at what he had to say.

Then the Treasurer said:

> The warnings come from no less independent an authority than the Auditor-General.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: But now when the Auditor, in a detailed and forensic manner, explains that the Olsen government has put the taxpayers at risk of having to re-enter the electricity business, the Auditor is maligned by the very same Treasurer as not living in the real world. What pathetic hypocrisy. Here we had a Premier and a Treasurer—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —who held up this Auditor-General as being their authority, their reference point. His report was their bible, and now he does not know what he is doing. So much for the independent watchdog, that valued authority.

Members interjecting:

The SPEAKER: Order! I am sorry to interrupt the Leader of the Opposition. Members on my right will come to order and remain silent. This is a serious debate, and the chair expects the contributors from both sides of the chamber to be heard in silence.

The Hon. M.D. RANN: This report is another nail in the coffin of the ETSA privatisation and in this government's handling of our electricity system. As people who live in a first world nation, South Australians quite rightly expect a certain level of services. They expect that, when they turn on their lights, they will have power and that they will receive that power at a reasonable price. Well, thanks to this government, they will have to lower their expectations unless something is done urgently. This report is the latest example in an incredible process of mismanagement and deceit about our electricity system.

The Olsen government has given us: the highest electricity prices in the national electricity market—twice as high as the Victorian and New South Wales prices, with the prospect of those prices rising by 30 per cent or more; an unreliable and inadequate electricity supply—we had 500 outages in January, twice the monthly norm; and, of course, a critical lack of planning for future electricity needs.

The reasons for this are all simple. The Olsen government has been so busy selling off our power system that it has failed to run it properly, failed to maintain it and failed to prepare adequately for the national electricity market. The concept of the national electricity market was fine, of course, when it was put forward by the Keating government and signed off for South Australia by Dean Brown, the then Premier. It was designed to see power traded between the states to achieve lower prices and an adequate supply.

But the execution of the national market and the preparation for it here in South Australia has been appalling. That is because the government's focus was on the ETSA sale price, not the price that South Australians will have to pay for power now and in the future, or the adequacy of our power supply. The end result is potentially a massive cut to jobs throughout South Australian industry and a massive hike in families' power bills.

From 1 July, South Australian businesses whose power bills are greater than $20 000 a year will join the deregulated power market. The government's own appointed Independent Regulator, Mr Lew Owens, has been shouting from the rooftops that, as things stand, these businesses could face massive increases in their power bills. Reports today suggest that the Independent Regulator is now saying those increases could be between 40 per cent and 100 per cent—40 to 100 per cent, that is what Lew Owens is saying; read the *Advertiser* if you do not believe me.

Members interjecting:

The Hon. M.D. RANN: You believe that it's true. Previously, Mr Owens—

Members interjecting:

The Hon. M.D. RANN: You appointed him; he is your Independent Regulator—was saying 30 per cent, so obviously things are getting worse as we approach the fateful day of 1 July. Now it is not the opposition, the minister and member for Echuca might realise, that is conjuring up these figures. This is another independent source, just like the Auditor-General. If power prices do leap as high as Mr Owens and others have predicted, the impact on jobs in South Australia will be devastating. If you do not believe me go out and talk to people in industry and manufacturing.

Significantly, it was claimed recently that individual companies were loath to speak up for fear of deterring commercial contract offers. But the electricity retailer AGL says that the writing of supply contracts has all but dried up due to a lack of those offers. More than the fear of a high priced electricity contract, business fears not having a contract at all. They are then at the mercy of fluctuating prices and varying power availability. Mr Owens says—and let me quote your Independent Regulator:

> This situation may result in numerous South Australian employers either having no contracted electricity supply from 1 July (with no obligation on any party to supply them) or being forced to accept a contract with significantly higher prices. . . Either outcome—

this is Mr Owens, your Independent Regulator—

> does not augur well for the competitiveness of South Australian employers or their ability to plan for reliable and competitive electricity supply.

The Minister for Employment and Training might like to hear this: then Mr Lew Owens, your independent regulator, said, 'The economic development of South Australia is at risk.' So, are we to hear today from the government that the Auditor-General has got it wrong? You used to love him but he has got it wrong, and now Lew Owens—your independent electricity regulator—has got it wrong.

The same scenario faces households as well, unless something is done. By 1 January 2003, households in South Australia will join this deregulated market. The regulator has not ruled out families facing massive electricity hikes. In 1999-2000 the average household electricity bill was $740. A 40 per cent increase would see it stand at $1 050, an extra $300 a year. For every South Australian family, that is the potential price of this government's electricity policy. Let us remind the Premier, who is busy on the phone, that just two years ago this government was talking about a $100 a year Rann-Foley power bill if it could not sell ETSA. Well, the Olsen government has sold ETSA and now South Australian business and industry will be hit by the Olsen-Lucas power bill increase. It will join the Olsen government's power blackouts; the Olsen government's emergency services tax; and also, of course, the Olsen government's water deal. It is supposed to be a 20 per cent cheaper price but it is 30.5 per cent more expensive for South Australia's water supply.

South Australia already has the highest electricity prices within the national market. In 1999-2000 the South Australian power price was an average $58.7 dollars per megawatt hour. That compares with $27.7 for New South Wales; $25.7 for Victoria; and $46 for Queensland. But during January 2001 the average pool price was over $83 per megawatt hour in South Australia. By February, it had risen further to $133 per megawatt hour.

Having our power prices so much higher than the other states can only hurt our attempts to grow existing industries and attract new ones. But now the business community is going to the employers' chamber and coming to us and saying, 'What are we going to do from 1 July when Olsen's privatisation comes into effect with deregulated power prices?' A recent study by the Business Council of Australia found that at least one respondent to its survey said that they had deferred all investment in South Australia because of the high cost of electricity. Within the national markets, spot prices are currently 20 to 50 per cent higher than the price levels under South Australia's existing transitional vesting contracts that govern prices before deregulation. That is the new threat stalking the South Australian economy and jobs delivered to us by this government. Of course, the Premier will leap to his feet about the benefits to the state, but let us remember what he said. We were told water would be cheaper; it is 30.5 per cent dearer. Of course, we were also promised lower electricity prices after privatisation: they were too high in South Australia but they were going to be cut because of privatisation. On the very day that he announced the privatisation of ETSA, the Premier said:

Members interjecting:

The SPEAKER: Order! There are too many audible interjections from my right. Shortly, members will start to be warned. I warn the member for Bragg.

The Hon. M.D. RANN: On the very day that he announced the privatisation of ETSA, the Premier said:

> The fierce competition between private suppliers always results in prices dropping.

That is what this Premier told the people of this state. He told them the price of power would go down, just as he told them the price of water would go down, and he wonders why no-one believes him any more.

Supply of electricity in South Australia is trailing behind demand. For the past few years maintenance has not been adequate—and we all have sweated through the results this past summer. The Olsen government knew that acute power shortages of the past two years were going to occur. A report they commissioned from the Industry Commission told them so. In 1996, the then Brown Government, through its trusted and loyal minister, John Olsen, received the Industry Commission report entitled, 'The electricity industry in South Australia'. The report stated:

> Current demand forecasts indicate that South Australia will need to augment capacity or increase imports shortly after the year 2000.

The government's response to that news was to turn its back on not one, but two proposals for major interconnects and scrap the proposed upgrade of our second largest power station at Torrens Island. The government turned its back on the Riverlink interconnector with New South Wales which would have brought in a ready supply of cheap power from a state with an oversupply. After two years of actively embracing Riverlink, the government failed to back it through the NEMMCO process using an initial deferral by NEMMCO as the excuse to withdraw support altogether. Riverlink alone is no magic wand for our power problems, but it could have made a significant contribution to reducing the price and increasing the supply and would have been a godsend in the past summer.

The Olsen government also scrapped plans to upgrade the Torrens Island Power Station—plans first announced in 1995 at a cost of $50 million. It also failed to take up an opportunity of a proposal made by the ATCO consortium to augment the existing interconnection between South Australia and Victoria—and meanwhile maintenance of the system fell away. Between 1994-95 and 1999-2000 ETSA's operating expenditure, which includes maintenance, fell from $116.6 million to $79.9 million. The number of maintenance crews fell from around 270 to 90.

The Olsen government's one positive response to our pending electricity shortage was to call for a private power plant at Pelican Point in 1999—three years after being told of the impending electricity crisis in this state by the Industry Commission. Labor supported a new power station despite the increasingly desperate claims—

Members interjecting:

The Hon. M.D. RANN: Just hang on a minute—desperate claims to the contrary by the Treasurer and the

Premier. You have the marionette in the upper house saying, 'But Labor opposed Pelican Point'. We said that there was a better place for it—next to Torrens Island, right alongside an existing plant and its infrastructure. The Pelican Point Power Station was completed ahead of time and opened right on time: you cannot use that alibi and excuse—and you know it is a lie. Power shortages in the past two summers and the next couple have nothing to do with Pelican Point or Labor's view on it. Despite Pelican Point, South Australia continues to be dogged by higher prices, black-outs, unreliability and now the threat of no contractual obligation on the part of retailers to supply to consumers.

Yesterday the Auditor-General's Report on the government's electricity privatisation was brought down in this House. It is a damning indictment which goes right to the heart of the matters I am discussing. The Auditor-General points out that, while the private sector has long-term leases over the electricity generators, this does not mean they have any long-term obligations to supply power to the consumer in the way we would expect them to do. He points out that there will be a progressive run-down of generating capacity without 'any long-term certainty of continued supply of power in South Australia from the current generation sites'. This is the Auditor-General that you said belled the cat about the need for privatisation. He continues:

> . . . the current leases provide no long-term certainty that existing capacity will be maintained.

Now the government is apparently considering how to address this deficiency in the government's sale process retrospectively. The Auditor puts it bluntly. He says that a minute to the Treasurer of 4 February 2000 asked the government to consider what he calls the 'fall-back policy'. It is not a fall-back; it is not even a retreat: rather, it is a 'rout' policy. This memo states that the government has to plan for the 'facilitation of interconnect and generation options, and more interventionist approaches such as capacity auctions or demand incentive schemes. In other words, reliance is placed on the market or alternatively on direct government intervention, to ensure future power supplies in South Australia.'

Now we are talking about direct government intervention. Will the Premier, then, today rule out government's paying electricity subsidies to business in the wake of his disastrous management of our electricity industry, or will we have to do what the Californian state government is doing and buy power contracts to sell to the private sector at a cost to the taxpayer?

The Auditor-General has reminded the Olsen government today that you cannot privatise away your responsibility as a government. Being in government means securing a decent power supply for the future, a secure power supply at a decent price. In a minute, we will hear—

Members interjecting:

The Hon. M.D. RANN: —it is okay—the Premier's usual defence. He is the one who told the people before the election, hand on heart, that he would never privatise our power. He and Graham Gunn went to the power station in Port Augusta and looked those power workers in the eyes—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —and said that they would never sell ETSA. They said, 'Don't believe Mike Rann.'

The Hon. G.A. Ingerson interjecting:

The SPEAKER: Order! I warn the member for Bragg for the second time.

The Hon. M.D. RANN: Well, I know whom they do not believe today: they do not believe Graham Gunn and they do not believe the Premier of this state.

The Hon. D.C. Wotton: And they certainly don't believe you.

The SPEAKER: I warn the member for Heysen.

The Hon. M.D. RANN: Okay. I want to hear from the Premier that he will act. I want to hear that the Premier agrees with me that he needs to sit down with the other Premiers who are in the national electricity market and address the problems we face. His privatisation and his bungles have left us vulnerable. He needs to try to repair some of the damage by working with other Premiers to get the national electricity market back on track—to reinject consumer needs and the public benefit into the market.

Let me just say this to members: we have been now officially warned by the watchdogs that we can expect a massive hike in electricity prices from 1 July for businesses and then in 2003 for consumers.

An honourable member interjecting:

The Hon. M.D. RANN: I will tell members what we will do: we will print on the power bills after the next election the names Olsen-Lucas—

The Hon. M.K. Brindal interjecting:

The SPEAKER: Order! I warn the Minister for Water Resources.

The Hon. M.D. RANN: —who are responsible for the hike in electricity prices. And I tell this House: any members opposite who line up to support them today better get themselves into a witness protection scheme before the angry people of this state come after them.

Members interjecting:

The SPEAKER: Order! Premier.

The Hon. J.W. OLSEN (Premier): If we strip away the hypocrisy, the politics and the false statements of the Leader of the Opposition in his comments to this House, let us pick up a number of points. The Leader of the Opposition talked about being in government. One of the most fundamental responsibilities of being in government is to not bankrupt the state. It does not matter what the Leader of the Opposition says, his government, the Labor administration, bankrupted this state and brought its economy to its knees. That is the backdrop upon which I will respond now to the Leader of the Opposition. There is no more fundamental responsibility than ensuring—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The leader has made his contribution; I suggest that he remain silent. Premier.

The Hon. J.W. OLSEN: I would hope that the Leader of the Opposition extends to me the courtesy that I extended to him during his comments in this debate. The finances and the economy of the state are fundamental to the wellbeing of individuals in this state, and what we saw over a period of 11 years of Labor administration is that wellbeing effectively destroyed. Against that backdrop, let us move on. Let us look at some of the history of this matter. We need to look at the climate at the time when we, as a government, had to make the difficult decision in relation to the leasing of our power assets, a climate of an emerging national electricity market and the inherent risk that it would bring. In relation to that risk, was it real? Yes, it was. And I just simply point up to the House—and, in particular, to the Leader of the Opposition—

the situation regarding New South Wales and Queensland, both with Labor administrations: in New South Wales it is reported that the risk and loss is between $400 million to $600 million, and reports out of Queensland anticipate up to $1 billion over a 20 year period. So, the risk was real, and the risk has been reported and identified from out of New South Wales and Queensland.

As the leader said, it was the Auditor-General himself who sounded the warning bell of government utilities competing on a national market. Let me quote from the Auditor-General's 1996-97 annual report, where he describes the risk associated with ETSA Corporation and Optima entering the national market as government utilities, as follows:

> The downside for the South Australian public is significant as they, through the government, stand behind the financial viability of these entities. The conferral of government guarantees on publicly owned commercial businesses places a greater obligation on the shareholder, the government and its representatives for effective performance. The effect that the collapse of the former State Bank of South Australia had on the state's finances must never recur.

The Auditor-General warned in 1996-97:

> A variety of compliance risks are associated with the reform of the electricity market.

He said:

> The compliance risks may give rise to a significant cost to the SA government, whether as a consequence of financial penalties or failure of the commonwealth to provide anticipated 'competition payments' and maintain financial assistance grants.

He also warned that a number of regulatory risks were associated with the reform of the market. He said:

> Those regulatory risks which may give rise to a significant cost to the South Australian government include uncertainty with regard to future regulatory decisions under the NEM code which have a capacity to affect the value of the ETSA corporations and the payment of dividend [revenue income] to the SA government.

In relation to whether we received a fair price for our assets, I again quote the Auditor-General from his annual report on 30 June 2000, as follows:

> In relation to whether the state received a fair price for the assets disposed of in 1999-2000, information provided to cabinet on the valuation of assets before each disposal indicated that, overall, because of the results of the two major disposals, the state had virtually achieved the upper limit of the estimated total valuations of the assets.

Yes, the Auditor-General has raised concerns about the process and made suggestions. But in his supplementary report, tabled yesterday, he recognises that the government has addressed a number of the issues that he had previously raised. That is a snapshot of the last couple of years, and this debate needs to be put in the context of the issues that were confronting us as a government.

Let me also talk about the national electricity market, because this is key to this issue. The national electricity market was first mooted in 1991. In 1992, a council of Australian governments was formed with the National Grid Management Council to oversee the development, the model and the introduction of a national electricity market. I want to make this point quite clearly: it was a federal Labor administration and a state Labor administration that oversaw the development of the model and the introduction, therefore, of the national electricity market.

Let us not be in any doubt about that; the model that is in place was designed by federal and state Labor governments. That being said, there are issues related to this national electricity market, after the model has been in place. It was first mooted 10 years ago, has effectively been in practice in the last eight years at least and in effect in South Australia in recent times. Despite the fact that it was introduced by Labor and despite the fact that it is now being implemented by a number of governments around the country, it is a model that needs to be reviewed. I know that, from time to time in contributing to debates, the members for Gordon and Chaffey and others in this place have raised the issue as it relates to a national electricity market model and its operation. The Treasurer has also raised issues occasionally on the national electricity market. Consistent with that and with what the Treasurer has said over the past few weeks, it is appropriate that I announce that we will put in place a task force. This task force will include industry and consumer representatives and senior government officials, and I will look to the introduction of an independent chair. It will report directly to me, and I will make those findings public.

We need to look at the model and establish what its impact is on electricity consumers and businesses in South Australia. I will also pursue the issue at the highest level of government across the nation, that is, the Council of Australian Governments. The task force will examine the rules of the national electricity market and its impact on South Australia, interconnector modelling constraints and other issues that might be identified from time to time—in recent times more particularly—by the Industry Regulator. It will make recommendations on what action needs to be taken to improve the operations of that market for South Australia. I agree that we need to revisit the model and address these key concerns, and will take the issue to the next meeting of the Council of Australian Governments.

Eighteen months ago we indicated that the clean-up of the Murray River was an issue of such national importance and significance that we obtained the Prime Minister's concurrence in listing it as the first agenda item of COAG. Depending on the report of the task force that I announced today, this will also be listed as part of the Council of Australian Governments deliberations. It will include representatives from consumer and industry groups, and I will look at sourcing an independent chair of the task force, to take away just a little bit of the cynicism of some of those opposite.

The Hon. M.D. Rann interjecting:

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

The Hon. J.W. OLSEN: I want to pick up one or two points in rebuttal of the Leader of the Opposition. He mentioned that electricity as an input cost is an important barrier for business and for the attraction for new investment. I agree. Whose track record on attracting new private sector capital investment will outshine that of the former administration over the last seven years? Electrolux, formerly Email—

Members interjecting:

The Hon. J.W. OLSEN: Members might laugh; it is in their electorate that one of these companies is established. If you do not want them working in your electorate, that is fine; many other electorates will have these workers and, as manufacturing operations shift out of New South Wales and Victoria into South Australia, we will look to further expansion. As I indicated to the House on Tuesday, the ABS figures show that last year private sector new capital investment here outstripped by almost double the next nearest state, New South Wales. Look at the jobs figures, with unemployment going down, and our position compared to other states of Australia.

WorkCover is another example. WorkCover just announced another $83 million of cost being stripped away from businesses in this state, as we reduce the costs compared

with New South Wales and Victoria, where WorkCover costs are starting to take off. The other point of the leader's to which I want to respond relates to the Riverlink, the NEMMCO—

The Hon. M.D. Rann interjecting:

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

The Hon. J.W. OLSEN: I understand that my time has run out. In relation to Riverlink and NEMMCO, what we did not want to do is give an open chequebook to the New South Wales Labor government to underwrite its risk factor. It can build it tomorrow. We will facilitate its building it tomorrow, but we should not let the taxpayers of South Australia underwrite the Labor government's taxpayers in New South Wales. That may be what members opposite want, but that is not what we will put in place.

I also point out to the House that for consumers there is the little model that was put forward by the Leader of the Opposition about residential price increases. You might have overlooked the fact that there is a protection there for residential consumers; it is 2003. So, for the Leader of the Opposition to get up and put in place models today is a bit disingenuous, to say the least. As it relates to reliability, I simply point out to the Leader of the Opposition that, if we compare last year's set of figures to those of the Labor governments of Victoria and New South Wales, we see that our reliability is well ahead of that of your counterparts on the eastern seaboard of Australia, and that is a fact.

Today I am proposing to acknowledge that, in the history of the backdrop of the responsible long-term decisions that we have made, we look at the national electricity model and its application and implications for protection of South Australia to review the model, as has been recommended by a number of people, and we will do so.

Mr McEWEN (Gordon): I take up the point of the Leader of the Opposition, who says that it is important we get this debate back on track. We need to get a couple of matters back on track. The first is the supply/demand equation. Obviously, in terms of price/cost pressures, it is important that we get that back on track. Secondly, for all Australians, it is important that we get the national electricity market back on track. That is not a state but a federal issue. There is a way forward, and that way forward is a task force. That way forward—

Members interjecting:

Mr McEWEN: You can laugh, but I remind you that, when I spoke against the privatisation on Wednesday 27 May 1998, I called on the government at that time to prepare a long-term vision statement on South Australia's energy outlook. I called on a statement for the next generation, because that is what we are dealing with here. Obviously, energy will underpin economic growth in this state. My pleas failed at that time. Today is another opportunity for all of us to realise that the piece of architecture that is missing is a long-term energy vision for this state, the interplays between power and gas, and the interplays between generation capacity in this state and interconnects. One good thing can come out of this debate today: it can be a commitment from all of us to give that to the next generation. If we achieve that, at least we have achieved something.

There are flaws in the NEM. Again, Lew Owens points out that those responsible for that architecture are blinded to its flaws. Again, we have to go to another vehicle to have a look at what is wrong with NEM, and equally the challenges with which we are being faced today in terms of supply/demand equations in this state. Anything that achieves a task force to look at that will gain my support.

I was prepared in the Economic and Finance Committee to support an inquiry into the South Australian energy market out of frustration that the parliament as a whole had failed for two years to accept my plea. If we can now move to that step, I am again happy to allow the Economic and Finance Committee to sit back until that is prepared and then have a look at it.

Mr FOLEY (Hart): Yesterday, the Auditor-General, this parliament's independent watchdog of the actions of this Government, delivered his most devastating report yet on the Olsen government's mishandling of the ETSA privatisation. It reveals a government that has little or no regard for the public interest. It reveals monumental incompetence on the part of this government in disposing of this state's most valuable public assets. It reveals a government's willingness to sell at any price with contempt for the public interest. The Auditor-General points out that, while the private sector has long-term leases over the electricity generators, this does not mean that they have any long-term obligation to supply power to the consumers in this state. He points out that there will be a progressive run-down of generating capacity without 'any long-term certainty of continued supply of power in South Australia from the current generation sites'. He continues:

> The current leases provide no long-term certainty that existing capacity will be maintained.

The government's own figuring shows that the decommissioning of Synergen by 2003, the decommissioning of Optima by 2008 and the overall fall in generation from existing sites from over 2 000 megawatts to less than 500 in the year 2010 is a possibility.

The Treasurer's defence seems to be to ask the question: why would anyone invest in the purchase of these utilities without plans to reinvest later? There are at least four clear reasons why they might simply run down the assets without reinvesting in new capacity. Firstly, the contracts signed by the government do not require the new owners to undertake new investment; they can do as they please. Secondly, the new owners have bought assets that, in some cases, are close to the end of their economic life. They are sometimes making super profits, super profits that could be eroded by additional supply. They can take out resources quickly, maximising their profits for the short term and then simply go. Thirdly, as the Auditor-General says:

> The leasing arrangements for Flinders Power, Optima Energy and Synergen contemplate a phased reduction in generating capacity over a period of years.

That run-down is already in the contract signed by Treasurer Rob Lucas and the Premier on behalf of this government. Fourthly, not even the government believes Rob Lucas. The Auditor-General pointed out that the government is now considering what to do about this impending disaster. The Auditor-General puts it bluntly. He has uncovered a minute to the Treasurer from the Electricity Reform Sales Unit in February 2000, and it asked the government to consider this—this is an uncovered memo to the Treasurer. It says:

> . . . facilitation of interconnect and generation options, and more interventionist approaches such as capacity auctions or demand incentive schemes. In other words, reliance is placed on the market, or alternatively on direct government intervention, to ensure future power supplies in South Australia.

More taxpayer direct involvement is contemplated by this government. Because of the government's incompetence the taxpayer is being forced back into the electricity industry to overcome sloppy government sales practices. The Electricity Reform Sales Unit ignored the Auditor-General's advice that bids should be evaluated at the same time and not sequentially, because sequential evaluation meant that bids would probably not be evaluated consistently.

The Hon. M.H. Armitage interjecting:

Mr FOLEY: Don't worry chicken run, just sit there until the end of your term. For the generation and transmission assets, no date for lodgement or expressions of interest was provided. That was just plain shoddy. It was our multimillion dollar advisers who made a staggering blunder in relation to the price formula between ETSA Utilities and AGL. That blunder was not found by the consultants, but by a senior public servant. The consultants have paid no penalty for that error. The Treasurer should have resigned or been sacked for that appalling incompetence.

The Auditor-General said that it was inappropriate to extend the virtual immunity from prosecution to the government's advisers. He says that this diluted their accountability and they cannot be held responsible for their advice even if they have acted in bad faith or negligently.

Members interjecting:

The SPEAKER: Order! There are too many audible conversations on my right. The House will come back to order.

Mr FOLEY: Yet they were still paid top dollar for their advice. Neither Rob Lucas nor the Electricity Reform Sales Unit required the consultants to sign off on project documentation. I remind the House that these advisers were handling the sale of the state's largest and most profitable assets, and that they would have been paid well in excess of $100 million at the end of the day. The whole exercise shows this government's contempt for regional South Australia. The treatment of the people of Leigh Creek by this Treasurer and this government has been despicable. The government has sold out the needs and the interest of a whole town in rural South Australia.

The government has sold a lease over the entire town to the successful bidder, Flinders Power. Leigh Creek now relies on that company to provide adequate quality and quantity of services. No assessment was made about whether the successful bidder had any expertise in providing these services: indeed, it appears they did not. But, worse still, the Auditor-General finds that the state has absolved itself from legal liability to the residents of Leigh Creek, including any liability for loss, damage, injury or death suffered by a person through any cause whatsoever. He continues:

> It is not appropriate for the state to exempt itself from liability to the residents of Leigh Creek township from its own negligent or criminal acts.

The criticisms, of course, do not end with this Auditor-General's report. Let us remember that we had a report which was tabled in this House on 29 November last year. It listed 80 pages of bungles, oversights and mistakes in the process of hiring consultants to sell this state.

The Auditor-General in this state, report after report, has condemned this government and has condemned the Treasurer. For the Treasurer of this state to accuse the Auditor-General of South Australia of not living in the real world is a disgrace. This comes from a person who has spent all of his working life either in the Liberal Party or in the Legislative Council and he has the audacity to accuse Ken MacPherson of not living in the real world. This Treasurer is incompetent. He has bungled this process. He has assigned this state to higher electricity prices, to blackouts, to a lack of generation. This government should be condemned for blackening this state and for destroying this state's cost competitiveness. We will have blackout after blackout and we will have skyrocketing prices courtesy of this government. You are a disgrace. You should resign.

The Hon. G.M. GUNN (Stuart): We have just heard from the most incompetent economic adviser this state has ever had to suffer. We have just heard from a Labor Party politician who wants to line the pockets of overseas bankers at the expense of the long-suffering people of South Australia, and members opposite expect us to take them seriously. During the tirade which we heard from the honourable member for Hart he failed to tell the people of South Australia just what is taking place and what sort of investments the power generators are making throughout South Australia. He does not know. He's never spoken—

Mr Foley interjecting:

The Hon. G.M. GUNN: You aren't the Auditor-General: you don't know. Because if the honourable member made one telephone call, he would know the massive investment which is planned by NRG Flinders Power. Currently—

Members interjecting:

The Hon. G.M. GUNN: I know they do not want to hear it. They want to continue to spread scuttlebutt and nonsense and untruth. That is their aim, that is the exercise. They want to read more speeches prepared by Randall Ashbourne, that independent ABC journalist. They want to spread more scuttlebutt and nonsense. But let us have some facts. The facts are, Mr Speaker—

The SPEAKER: Order! I ask the honourable member to resume his seat. I ask the House to come back to order.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I warn the Leader of the Opposition for shouting over the chair. That is, I think, your second warning. I remind members that if you want your speaker to be heard you might as well give some courtesy to the other side, otherwise you are going to end up in absolute chaos by trying to outdo each other. In fairness to the debate, let us finish it. We have 10 minutes to go and let us hear the rest of the debate in silence.

The Hon. G.M. GUNN: Currently, Flinders Power is investing in a course of action to see how they can increase the capacity of the northern powerhouse. Already under this government—and the Leader failed to mention this—the old Playford B Power Station has been brought back on line, generating some 200 megawatts of power. Every hot day it is going, full steam. They are spending money ensuring that it operates to 2004, and they are looking at what—

Mr Koutsantonis interjecting:

The SPEAKER: I warn the member for Peake!

The Hon. G.M. GUNN: And they are looking at what steps have to be taken so that they continue to operate that power station well into the future. This company has a history of bringing back online old power stations, as it has done in Queensland, for the benefit of the industry. Leigh Creek has never produced as much coal as it is producing today. It is a record amount of production. Under this government and under—

Mr Foley interjecting:

The Hon. G.M. GUNN: The railway line has been upgraded. Steps have been taken to upgrade the railway line

and reduce the freight rate in order to save the power industry at Port Augusta. Your colleagues allowed AN to extort the people of South Australia and call into the question the future viability of that power station. Obviously, the honourable member has not had the courtesy of speaking to the management of these operations to know how they are operating those facilities at world's best practice—it is second to none. All the honourable member and his colleagues have done is attack the management and downgrade the operation. Obviously, they have no confidence—

Mr Atkinson interjecting:

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

The Hon. G.M. GUNN: Those people have acted in the best interests of South Australia, and we should support them and be proud of them.

The Hon. R.G. KERIN (Deputy Premier): I oppose this motion. It shows how out of touch the ALP really is. We are hearing them criticise, and have constantly heard them criticise, one of the best deals for this state. We have cleaned up $5 billion worth of debt through this deal. The sum of $5 billion is part of the debt which we inherited and which has been lost. Some balance in this debate should look at the mess with which we were left and what we have sorted out.

Members should look at New South Wales and Queensland, where the taxpayers continue to wear the burden of government's owning things which are not core business for them. The taxpayers are paying through their taxes for the mistakes made in those states—mistakes which we have got rid of. We have got rid of the risk, and that is it. One would think that South Australia had never had a blackout if one listened to the member for Hart during the summer. He constantly gave the impression that blackouts are a new invention which occur only in South Australia and nowhere else.

The member for Hart constantly led the people of South Australia to believe that the blackouts were caused by of a lack of generating capacity and a lack of power in South Australia. That was simply not correct. The blackouts were a result of the Labor government in the 1980s and 1990s not planning the infrastructure needs of this state. The problems we had with power supply in regional South Australia during the summer were the result of an enormous backlog of infrastructure building and maintenance which occurred during the 1980s and early 1990s. Over the past six or seven years, this government has seen an enormous growth in development and that has put enormous pressure on the infrastructure. We had problems because the capacity of the system—

Mr Atkinson interjecting:

The SPEAKER: Order! I warn the member for Spence for the second time.

The Hon. R.G. KERIN: —was not planned for in the 1980s and 1990s. Now, we talk about planning. The point is that we have been planning. This Labor Party government went against building power stations—

Ms Hurley interjecting:

The SPEAKER: Order! I warn the deputy leader.

The Hon. R.G. KERIN: —when it was in government. It did no planning, and it opposed Pelican Point. Members should look at what this state government has done. We now have Pelican Point; we have the proposed new gas pipeline to South Australia—and gas is very important to electricity needs; and, with further planning, we are looking at wind farms—something that the Labor government could not even envisage our having. We have several wind farms proposals on the table. As the Minister for Minerals and Energy knows, we are looking longer term at the possibility of geothermal power in the future—and that is extremely important.

In relation to planning, ETSA Utilities has come on board with the Office of Regional Development, DIT and the regional development boards to look at the needs in the community. We are looking at building the capacity. We have done the hard yards as far as getting generation capacity and the amount of power into the state. We are now trying to address the issues in relation to infrastructure. We have heard nothing but criticism from the ALP about what we have done to clean up the financial mess and going ahead to modernise electricity. What members opposite do not realise—and the Premier alluded to this previously—is that some changes need to be made to the national electricity market. Labor always fails to acknowledge that the national electricity market, which is now somewhat outmoded, was a Labor idea, and we have picked up the challenge as to how we deal with that. As I said, South Australia has done it better than elsewhere.

If one looks at what has happened in New South Wales and Queensland, in terms of losses that taxpayers have had to bear, one can see that South Australia has avoided that. We have paid off a heap of debt. We have sufficient electricity here now. The reason we are having a problem is lack of planning by the Labor governments—

Mr Foley interjecting:

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

The Hon. R.G. KERIN: —during the 1980s and the early 1990s.

Mr LEWIS (Hammond): Make no bones about it, I support the principle behind the privatisation of the state's energy generation and reticulation systems. However, I will bet that the Liberal Party members sitting in here today rue the day they ignored the advice I tried to give them in the party room on more than one occasion since 1985. There are plenty of things that should have and could have been done that would have left this state in a much better situation than it is in now. For instance, I think that it is absolutely shameful, as the member for Hart has said, that the state government has left the people living in Leigh Creek absolutely bereft of any protection against negligence or criminal acts by the people who employ them.

I equally understand the reason why that was done: it was simply to head off the compensation claims that should and could be properly brought against the state government agency, ETSA, for the kinds of ill health that have been suffered by people who lived in Leigh Creek at the time when it was not well understood that exposure to hydrocarbon gasses was a very serious occupational health and safety hazard. Notwithstanding that, I share the concern, which has been expressed by the opposition, about what the Auditor-General has found. He is no fool. But I must tell members that, and most of the members of the Liberal government here and in the other place know, ERSU was mainly comprised of fools.

The kind of advice they gave the government has got us into this sorry mess and the advice was taken without adequate or proper questioning; indeed, to the extent that one of those members insulted me, as chairman of a parliamentary committee, and, indeed, the parliament in the process of the remarks that she made to the Public Works Committee about her opinion.

Members interjecting:

Mr LEWIS: We all know that we are talking about Alex Kennedy. It is tragic. It is just so tragic that what we could have had we do not have. We have scrambled the egg and it will probably go rotten in our face in the short run. I am most disturbed by what I saw happen during this last summer when bids made for power generated in South Australia were not matched by the retailers here. The power was sold to Victoria through the bus bars in Mingbool at the interconnector when, at the same time, areas in South Australia were being browned and blacked out to meet the shortfall of power that resulted from that during the heatwave. To my mind, that kind of thing is a dereliction of duty.

The Hon. R.B. SUCH (Fisher): The albatross has landed, the red lights are flashing and the people are angry. The people of Fisher have suffered more than most due to inadequate infrastructure. What we have now—and I commend the government for getting the debt monkey largely off our back—is an electricity monkey. What we need is security of supply, reliability of service and reasonable and competitive prices. What we need is to change the NEMMCO rules and fix the electricity system. I am not interested in a political point scoring exercise: I want the homes, farms and businesses in my electorate, and the rest of the state, to have electricity when they need it and at a price they can afford. This censure motion is a warning to the government—

The SPEAKER: Order! The honourable member's time has expired.

The House divided on the motion:

AYES (22)

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

NOES (22)

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.	Ingerson, G. A.
Kerin, R. G.	Kotz, D. C.
Matthew, W. A.	Maywald K. A.
McEwen R. J.	Meier, E. J.
Olsen, J. W. (teller)	Penfold, E. M.
Scalzi, G.	Venning, I. H.
Williams M. R.	Wotton, D. C.

PAIR(S)

Geraghty, R. K.	Hamilton-Smith, M. L.

The SPEAKER: There are 22 Ayes and 22 Noes. There being an equality of votes, I give my casting vote for the Noes.

Motion thus negatived.

GRIEVANCE DEBATE

Ms BEDFORD (Florey): The Minister for Human Services yesterday made an accusation maligning me in his extraordinary answer to a dorothy dixer on the success of the South Australian Housing Trust as contained in the Productivity Commission's report of 2001. It is no secret that the reason why our state's public housing was so much better than any other state's was the visionary policies of the Dunstan and Playford eras, when sometimes more than 1 000 new trust homes were built in a year and when bipartisan support was possible, because of the ideas being generated.

Sadly, the bipartisan support that gave South Australia such an enviable record cannot applied these days, because this government has destroyed that record. And, as South Australia was so much better off because of that legacy and the other states were starting from such an inadequate base, of course we look better. That legacy, as well as the good customer service for which the trust staff are to be wholeheartedly commended, continued rather than innovative policy, has carried this state for many years.

The SPEAKER: Order! In fairness to the member for Florey, I ask members to leave the chamber if they want a conversation, or remain silent.

Ms BEDFORD: Thank you, Mr Speaker. When speaking about the new home owners' grant, I posed the question whether it could be possible to improve and broaden its objectives and end results. My constituents were asking me—and I have passed on the question—whether this is the most appropriate way to stimulate the building industry. It is my role to repeat the concerns of my constituents in this House directly to the government. The government and the minister have lost touch and should be thankful to hear first-hand what I hear in the electorate. They are strangely similar to the remarks of the federal Treasurer. I quote from his letter to the Housing Industry Association of 15 December 2000, as follows:

> To increase the size of the [first home owners scheme] grant for new homes now would be problematic. Firstly, it would be unfair to those people who since August 1998 entered into a contract to build a new home or purchase an existing home based on the government's original policy announcement. Secondly, changing the government's policy at this stage could contribute to uncertainty and instability in the housing construction industry since first home buyers may delay their purchases if they believe that there is a chance that the FHOS may again increase. . . In view of these concerns, the government is not attracted to increasing the FHOS grant. While housing construction is expected to decline in the years 2000-01, following very strong growth over the last three years, as you note, the first home owner's scheme is only one of many measures the government has legislated which will benefit the housing sector.

Perhaps the minister would like to comment on the remarks of the federal Treasurer. Would he attack the Treasurer in the same way he has attacked me, or is the minister already aware of the measures that will have to be implemented to replace the hole the expected funding outlay for the first home owner's scheme will create in the federal budget? For instance, does the minister already know which hospitals or health services he will cut to make up the difference our state budget will suffer from federal shortfalls? This is another backflip of Olympic proportions. No wonder Kym Beazley is now outpolling the Prime Minister and is seen as understanding the major issues better than the Prime Minister and being more trustworthy and capable of handling the economy.

Unlike the minister, who cannot really criticise my constituents' thoughts when his own party's federal Treasurer is publicly on the record as having doubts on the effectiveness of this measure, I can support any opportunity for people to own their own homes by recognising that a better, more evenhanded approach to stimulating the housing industry is possible—even if that notion comes from the Liberal Party—

where many more people are included in the equation, and where the outcome is an answer to more than one problem. That is when we will be happy with the first home owner's scheme.

Mrs MAYWALD (Chaffey): I would like to speak about the matter of electricity supply and quality of supply in my electorate and the problems we have been facing as a region over the last few years. Two and a half years ago, I called a meeting in my electorate of ETSA officials which was attended by a number of people from ETSA. Community members were expressing their grave concern about the quality and quantity of supply of electricity to the Riverland grid. We were seeing an ad hoc approach to augmentation of the system. We were seeing problems with new development such as not being able to get access to power at a reasonable price. The region was expanding at such a rate that electricity demands were not being met. Several developers who were looking to connect into the grid were being charged exorbitant prices of $1 million and more for the privilege of that connection. Since then, we have had problems with power shortages and outages. Over December and January this year, the Riverland experienced an unacceptable number of outages and also an unacceptable reaction time to those outages.

In the Riverland area, at times of extreme temperature, pumps and irrigators found themselves without power for eight hours and more. In one outage, some farmers were without power for over 27 hours, which is, of course, totally unacceptable. I arranged for a meeting of ETSA officials to come back to the region again, along with the Electricity Ombudsman and the Independent Regulator, to speak to our community about any future prospects for a better situation in the Riverland. That meeting was attended by over 70 Riverland business people who were experiencing difficulties with their power supply—not just the reliability but also the quality of the supply.

Many outstanding issues are relevant specifically to the Riverland. This situation has also sounded alarm bells with regard to the national electricity market for the state as a whole. Our problems are twofold in this state. The first problem is that we were ill prepared for the national electricity market. The national electricity market was an idea for which the modelling was done in the early 1990s, prior to this Liberal government's coming into power. However, there has been an abrogation of responsibility to ensure that South Australia was ready to enter that market and was given every opportunity to access the market in a competitive way. South Australia is isolated from the rest of the market. We see ourselves as a market within a market and now, with private ownership of the generators, we see them able to up bid prices at times of peak demand which means that our South Australian consumers are paying a far higher price.

I make no bones about the fact that I was opposed to the sale of ETSA because I did not believe that the government had addressed the future needs of this state. That was one good reason. Another reason was that I did not believe there was going to be the net benefit to the state that was being promoted by the government. I still believe that those two situations remain. I think that what we are seeing is South Australia, as an isolated market within the market, being significantly disadvantaged. I support the Premier's move at last to establish a task force to look at these issues and see what options are available to South Australia to move forward.

Come 1 July, we will experience significant problems in this state. Contestable businesses are facing the prospect of not being able to have security of supply, in that they cannot sign contracts with retailers at this point in time. A number of major irrigation supply companies such as the Central Irrigation Trust are having difficulty negotiating contracts with retailers. They are looking at the prospect of having to pay considerably more for their electricity, and I think we are in for a pretty tough time ahead. The state government needs to take its responsibilities seriously in assisting businesses and South Australians to move forward in the national electricity market. We need to know exactly what the future holds for us.

The task force that has just been proposed by the Premier is well overdue. I believe that this type of planning should have been done some time ago. I raised my concerns at the time of the ETSA sale debate and I am disappointed that it has taken the amount of time it has for the government to respond.

Ms WHITE (Taylor): I rise on this National Education Day to pay tribute to all the very good work that is being done within our education sectors in providing South Australians with the education and skills they need to fully contribute not only to their personal future but also the South Australian economy and our future. It is a pity that the current education minister does not recognise the very good work that particularly those South Australian communities are doing, in particular the work being done by our teachers and lecturers in our schools and TAFE colleges, as well as in our universities. Time and time again in this place we get teacher bashing and the bashing of their representatives, associations and unions, and a lack of recognition that what is at the crux of an excellent education system is the need for excellent teachers and lecturers, and that can only occur if the environment is created in which they are encouraged.

However, it is with a little sadness that we look at this National Education Day and recognise that, over the last three years, this state government has taken away some $180 million from South Australian schools, TAFEs and the education sector. We have a federal government and a state Liberal Government intent on diminishing the portion of the pie that goes into education spending in this nation and in this state in particular. The federal government through its divisive manipulation of federal funding to public and private schools has created the environment of a very divisive debate between public versus private education. It is very divisive enrolment benchmark adjustment policy that was there to take from public schools, and not only give money to the private schools but a lot of that went back into Treasury.

Instead of investing in that great education resource, the approach was to cost cut at both federal and state levels. We have the appalling situation in South Australia that, even though in 1992 over 90 per cent of our students finished high school, in 1999 only 58 per cent of government school students who started in year eight finished high school. Most appallingly, in our country regions, only 46 per cent of males attending rural South Australian schools finished high school. That is less than half. The minister denies the problem, let alone looking for solutions to that appalling ABS statistic.

However, I want to turn my attention to TAFE because, on the very day that we celebrate this National Education Day, the training minister came out and had a dig at TAFE. It is ironic that he is quoted, on this very day, as saying that TAFE is but overgrown, bloated and lazy. This is the minister

who, tomorrow, will be in Canberra arguing for extra funds for our TAFE system. Indeed, prior to the MINCO meeting tomorrow, the South Australian chief executive of the department has written to ministers suggesting a deal. It is, of course, Kemp's deal for not very much funding. It is a bad deal for South Australia. I hope that this minister will argue for many more funds on a federal level because, if we do not get a good deal for South Australia, under the three year ANTA agreement we will not be able to supply the TAFE places that we need in future years to train our young people. This is a crucial time, and today we see this minister, who should be arguing for the State of South Australia, slamming TAFE. What hope do we have in those negotiations, when this minister, clearly, has already done a deal with federal minister Kemp for a shoddy deal for South Australian TAFE funding?

Time expired.

Mr WILLIAMS (MacKillop): First, I wish to declare an interest in the matter that I am about to address. I remind the House that I own a farm in the South-East, and am an irrigator and hold water licences. I want to address the two grievances in the House yesterday by the members for Kaurna and Gordon, both of whom spoke passionately about the water issue in the South-East. Both would have us believe that they are experts on this issue. Unfortunately, both managed to show, at best, their lack of understanding of the complexities of this matter or, at worse, gross hypocrisy.

I start with the contribution of the member for Gordon. He asserted that the problem of double dipping was created as a result of amendments to the Water Resources Act last year. This is a gross misrepresentation of the facts. I am certain that the member understands at least enough about this issue to be fully aware of this misrepresentation. The problems which he, quite rightly, identified were created at the time when water title was separated from land title. Many of us in the South-East identified these flaws in the resource management regime many years ago but were shouted down by the vested interests who saw an opportunity not to drive production but to enrich themselves.

Let me clearly illustrate where the member's assertions are wrong. In virtually all the agricultural land within his electorate, the resource currently available for extraction is fully allocated and was so before the amendments of last year. It is those fully allocated management areas—which were, indeed, fully allocated prior to last year's amendments—where the problems to which he alludes and the flaws in the management regime impact. There is not one water holding licence—the culprit, or the cause, as he asserts—in the intensive irrigation areas in the South-East (the Naracoorte Ranges, the Coonawarra or the region between Penola and Port Macdonnell). Last year's amendments and the pro rata rollout has had no impact in these areas whatsoever, yet the member for Gordon continually pushes this falsehood, although he is fully aware of the truth. Indeed, the purpose of that rollout, as recommended by the select committee of this House, was, in fact, to overcome this very problem.

Yesterday, the member lamented the fact that someone could have a water licence even though the water may not be extractable from beneath his land for irrigation purposes, and on the surface this may seem logical. However, he would be quite happy to have that non-existent or inferior water allocated to someone else down the road and, when that occurred, the first landholder, under the Democrat proposal—which he appears to support—would then be prevented from using the rainfall over his property to grow, say, blue gums or other forest trees. The member apparently considers this to be logical. It is no wonder that wiser heads in the South-East have questioned the approach that the member for Gordon takes on this matter.

The member for Gordon said that, having given legal title to someone, you cannot take it back. This refers to water licences and implies that water licences are legal title to a specific volume of water. They are not, and never have been. The member, like those vested interests to which I earlier referred, has been trying for some time to imply that water licences are more than merely a right to extract a share of the resource.

I refer the member and the member for Kaurna to the state water plan which clearly provides that the Water Resources Act 1997 does not vest ownership of the water itself in any person, including the Crown. It also states how water licences can be reduced for a variety of reasons, including 'if there is insufficient water to meet demand'. Furthermore, it states that no compensation is payable to persons affected in these circumstances. I also refer the member for Gordon to the transcript of his evidence to the select committee on this issue—he might get a few surprises.

The hypocrisy of the member for Gordon was not lost on me when he accused others of putting pragmatism before policy. If he believed in what he said about property rights in relation to water licences and applied that same policy to rights in relation to freehold title to land, he could not in any way sustain the position he appears to have taken on this issue. I call on him to indeed apply the same policy rigour to property rights in land, be it freehold title or perpetual lease.

The member for Kaurna was also scurrilous in his assertion that by allowing farmers to grow rain fed crops in South Australia we could not argue that Queensland cotton growers should be prevented from harvesting water from those rivers in Queensland into dams. I suggest that the member for Kaurna inform himself of the difference between growing a rain fed crop and harvesting water for future irrigation. There is much more I wish to add on the matter raised by those two members yesterday, but, unfortunately, due to time, it will have to wait for another day.

Mr SNELLING (Playford): I rise to welcome Archbishop Phillip Wilson to Adelaide as the new Catholic Coadjutor Archbishop. He will serve as Coadjutor Archbishop with Archbishop Faulkner until the end of the year when Archbishop Faulkner retires. Archbishop Wilson was appointed Bishop of Wollongong in 1996, and I understand there has been some outcry in Wollongong about losing their much loved bishop. At only 51 he is one of the youngest members, if not the youngest, of the Australian Catholic hierarchy. Last month I was pleased to attend, with my family, mass in the Cathedral of St Francis Xavier to welcome the new Archbishop. I congratulate all those involved on a splendid liturgy, especially the world renowned cathedral choir of St Francis Xavier. Archbishop Wilson has now been in Adelaide for two months, and I hope he is making himself at home. I am confident that he will lead the Catholics of Adelaide with distinction over many years to come.

I also put on record my thanks to Archbishop Faulkner for his leadership of the Adelaide archdiocese since 1982, after the tragic sudden death of Archbishop Kennedy. Archbishop Faulkner was born and raised in South Australia. He hails

from Booleroo Centre, if my memory serves me correctly, and grew up in Prospect.

Ms Key interjecting:

Mr SNELLING: The member for Hanson points out that he lives at Netley in the electorate of Hanson. He is much loved by the Catholics of South Australia; in fact, by all South Australians. I hope that in retirement he will remain in Adelaide and continue to serve the people of Adelaide as he has done for almost 20 years.

Mr VENNING (Schubert): I rise to correct a serious misrepresentation of some facts. I refer to an article in the *Advertiser* of 3 March headed, 'Kotz in row over parrot cull order'. As Chairman of the ERD Committee which handed down a report on this issue, I believe the article was a total distortion of the facts. The Hon. Dorothy Kotz did not 'invoke section 51A of the National Parks and Wildlife Act that allows orchardists to kill native birds without permit'. The act was passed in 1972 and it allowed culling of certain species only, with quite clear guidelines and conditions which still exist today. It was not invoked.

In 1999 the Hon. Ms Kotz, only for a 12 month period, lifted the permit system which was largely ineffective as a result of the 1972 act and which allowed culling where the criteria was met. To say that the Hon. Dorothy Kotz moved to allow the culling of birds is quite a scurrilous misrepresentation of the facts. The sanctions to cull have been in the laws of this state since 1972 and the permit removal did not alter the fact that certain people in certain locations under certain circumstances could cull birds. This issue has been ongoing for many years. The permit removal did not initiate this cull, but it did highlight the need for review, which the minister did. The ERD Committee can be partly to blame for this misconception because the committee's report at page five (line 23), under the heading 'Committee Overview', in part, states:

> In May 1999 the National Parks and Wildlife Act was amended to remove the requirement for destruction permits. . .

This is quite incorrect. The report should have read:

> In May 2000 the National Parks and Wildlife Act was amended to remove the requirement of destruction permits for four species of parrot on commercial orchards and vineyards for a period of five years.

This legislation was amended and carried on the motion of the shadow minister, John Hill. One certainly needs to know the facts. The committee did get it wrong and, if one reads it, it is quite incorrect. The year '2000' makes a big difference to the whole concept of this issue. Certainly, it is quite incorrect and I do apologise to the minister. I repeat: this was an amended motion by John Hill, Labor shadow minister for the environment, particularly noting the five-year period in the sunset clause. In May 1999 Minister Kotz made the decision to remove the need for a permit for 12 months only.

She used her power as minister but it was not until 12 months later that the act was amended by another minister, not the Hon. Dorothy Kotz. The motion, supported by the Labor shadow minister and the opposition, was carried unanimously in this House. I will have the committee's report amended. I say again that it is grossly unfair to assert that minister Kotz moved to cull birds when I know that the opposite is the case. I apologise for the committee's mistake. Certainly, it was an oversight. It was in the body of the report. I note that the member for Hanson is present in the House. I do apologise because I did not see that mistake. However, once it was drawn to my attention I readily admitted that it was a mistake. I note that the minister is with us now. It was unfortunate but I do believe that the journalist took a lot of licence in writing that article. I again apologise for the hurt caused to the Hon. Dorothy Kotz.

STATE DISASTER (STATE DISASTER COMMITTEE) AMENDMENT BILL

Received from the Legislative Council and read a first time.

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.

This bill amends the *State Disaster Act 1980* (the Act) to reflect the revised administrative arrangements to support emergency management activities in South Australia.

In 1997, the government considered the report of a review of South Australian emergency management arrangement which was conducted by Mr Barry Grear ('the Grear Report').

Many of the changes to the emergency management procedures recommended in the Grear Report have already been implemented by way of administrative action. Now that those administrative arrangements have had sufficient time to settle down, it is appropriate to make minor legislative amendments to change the membership and functions of the State Disaster Committee to reflect the new arrangements.

The main reforms to date have involved:

- the establishment of the Emergency Management Council and its Standing Committee with the State Disaster Committee reporting to the Council through the Standing Committee;
- the appointment of an independent Chair to the State Disaster Committee;
- a review of Divisional boundaries in conjunction with SAPOL;
- an ongoing assessment of mitigation and prevention measures by way of the State Disaster Committee's Emergency Risk Management Project;
- improved arrangements for non government support in response and recovery operations are being pursued by the State Disaster Committee;
- improved local government participation in disaster planning and response operations;
- a *Police and Emergency Services Joint Agreement for the Response to a Major Incident* has been established as part of the State Disaster Plan.

The State Disaster Committee and its Recovery Committee are established under Part 2 of the Act. The Grear Report made a number of recommendations about the future membership and functions of both committees. These recommendations have been taken into account in formulating the amendments.

Section 6 of the Act sets out the membership of the State Disaster Committee. The bill provides for increased membership as suggested in the Grear report. The Chief Executive of Emergency Services Administrative Unit will be an *ex officio* member of the Committee. This acknowledges the Chief Executive's role in working with leaders of the Country Fire Services South Australian Metropolitan Fire Services and the State Emergency Services to ensure that emergency services are in a position to protect the community.

In addition, the bill allows an increase in the number of Ministerial nominees under section 6(2)*(b)*(i) from three to "*not less than three but not more than six*". This enables the inclusion of the broad level of expertise recommended in the Grear report, while maintaining a flexible approach. The nominations and selections currently set out in section 6(2)*(b)*(ia) to (vi) are retained. The bill further provides for the chair to be appointed by the Governor *on the nomination of the Minister*. The bill also inserts provisions to deal with resignations and retirements of members and the revocation of appointments in designated circumstances. These issues are not currently dealt with in the Act.

In addition, the bill repeals sections 8A and 8B of the Act. These sections deal with the establishment and functions of the Recovery Committee. Clause 5 extends the functions of the State Disaster Committee to "*oversee and evaluate recovery operations during and following a declared state of disaster or emergency*." The bill also

allows the State Disaster Committee to establish such subcommittees as it thinks fit to advise the Committee on any aspects of its functions or to assist with any matters relevant to the performance of its functions. Therefore, the provisions will enable the State Disaster Committee to establish a committee with similar functions to the Recovery Committee which can be constituted more flexibly, if necessary.

The aim of the amendment is to coordinate the efforts and centralise the reporting of emergency related committees through the State Disaster Committee and the Emergency Management Council Standing Committee to the Emergency Management Council.

The bill also seeks to recognise the important role played by local government in disaster planning and response. New section 8(1a) provides that the State Disaster Committee must consult with the Local Government Association in the process of reviewing and amending the State Disaster Plan. In addition, the State Disaster Committee must keep the Association informed of what would be expected of local government in the event of a disaster or major emergency.

In addition, the Grear Report emphasises that committees and individuals need to clearly understand their functions and responsibilities before, during and after disasters and emergencies. New Section 8(6) provides that the State Disaster Committee must, as it thinks fit, prepare and publish guidelines to assist persons, bodies and subcommittees to understand perform and fulfil their functions and responsibilities under the Act and State Disaster Plan

The schedule to the bill makes a number amendments to the penalty provisions in the Act.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal. The measure will commence on a day to be fixed by proclamation.

Clause 3: Amendment of s. 6—State Disaster Committee

Paragraph *(a)* inserts proposed new subsection (2)*(ab)*, which states that the Chief Executive of the Emergency Services Administrative Unit is a member of the Committee.

Paragraphs *(b)* and *(c)* amend subsection (2)*(b)*, allowing the number of appointed members of the Committee to be increased to twelve.

Paragraph *(d)* updates the reference to the State Emergency Service in subsection (2)*(b)*.

Paragraph *(e)* amends subsection (4) to allow the Minister to nominate for appointment the presiding member and deputy presiding member.

Paragraph *(f)* corrects a typing mistake in subsection (5).

Paragraph *(g)* inserts two proposed new subsections.

Proposed new subsection (6) allows the Governor to remove a member from office for failing to carry out his or her duties.

Proposed new subsection (7) specifies the ways in which the office of an appointed member may become vacant.

Clause 4: Amendment of s. 7—Proceedings of Committee

This clause adjusts the number of members that constitute a quorum for a meeting of the Committee.

Clause 5: Amendment of s. 8—Functions of Committee

Paragraph *(a)* inserts proposed new subsection (1)*(g)*, which transfers to the State Disaster Committee the only function of the Recovery Committee that is not currently specified as a function of the State Disaster Committee.

Paragraph *(b)* inserts proposed new subsection (1a), which requires the State Disaster Committee to consult with the Local Government Association and keep them informed of their responsibilities.

Paragraph *(c)* inserts several proposed new subsections.

Proposed new subsection (3) allows the Committee to establish sub-committees to assist it in the performance of its functions.

Proposed new subsections (4) and (5) permit the Committee to delegate any function or power to a sub-committee.

Proposed new subsection (6) requires the Committee to produce guidelines which assist in the understanding of functions and responsibilities that arise under the principal Act.

Clause 6: Repeal of ss. 8A and 8B

This clause repeals sections 8A and 8B of the principal Act, which relate to the constitution and functions of the Recovery Committee.

Clause 7: Amendment of s. 22—Offences by bodies corporate

This clause amends section 22 of the principal Act by stipulating that where a director or manager is guilty of an offence under this section, he or she is liable to pay the penalty applicable to a natural person.

Clause 8: Further Amendments

This clause states that the Schedule sets out further amendments to the principal Act. These amendments change divisional penalties into monetary amounts.

Ms KEY secured the adjournment of the debate.

ESSENTIAL SERVICES (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

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.

This bill amends the *Essential Services Act* by replacing the offence and penalty provisions in sections 4 and 9 with new offences and penalties which draw a distinction between an inadvertent or negligent breach and an intentional or reckless breach. The bill also provides that company directors are guilty of an offence where the company of which they are a director commits an offence. Finally, the bill will provide immunity for civil liability for persons acting in good faith in compliance with a direction.

In South Australia, the procedure for dealing with the prolonged disruption of essential services is set out in *Essential Services Act 1981*, although some industry specific legislation such as the *Gas Act* provide for temporary disruptions to the gas supply. In some States, such as Victoria, the emergency provisions are included in their industry specific legislation.

The *Essential Services Act 1981* (the Act) was enacted in 1981. The Act is aimed at protecting the community against the interruption or dislocation of essential services. An '*essential service*' for the purposes of the Act, means a service (whether provided by a public or private undertaking) without which the safety, health or welfare of the community or a section of the community would be endangered or seriously prejudiced. The Act provides for the use of appropriate emergency powers in situations where essential services are subject to prolonged disruption. The services covered by the Act could include the supply of gas, electricity and water.

Section 3 of the Act allows the Governor to issue a proclamation to declare a period of emergency where, in the opinion of the Governor, circumstances have arisen (or are likely to arise) which have caused or are likely to cause, an interruption or dislocation to essential services of the State. If, during a period of emergency, it is, in the opinion of a Minister, in the public interest to do so, he may give directions in relation to the provision or use of proclaimed essential services. It is an offence under the Act to contravene or fail to comply with such a direction.

Following the gas emergency caused by the explosion and fire at the Longford gas processing plant, the Victorian Government reviewed its emergency legislation and amended the legislation covering the gas and electricity industries to strengthen the enforcement provisions. The amendments were considered necessary in the light of the behaviour of some people and businesses during the gas emergency where an estimated 450 people and businesses ignored orders to refrain from using gas with some going so far as to remove gas meters so that their usage could not be detected.

The Victorian experience has prompted the Government to examine the offence provisions of the *Essential Services Act* . Section 4(5) of the Act makes it an offence to fail to comply with a direction of the Minister in relation to a prescribed essential service. The penalty for failure to comply with a direction is $1 000 for a natural person and $10 000 for a body corporate.

The Government considers that the current penalties in the Act are too low. Of particular concern is the potential use of the *Essential Services Act* in situations of an electrical or gas shortage, where the economic benefit that could be derived from disobeying a direction may be significantly higher than the current penalties for disobeying a direction. While it would be hoped that the majority of persons would obey a direction in an emergency situation, the Victorian experience demonstrates that this cannot be assumed.

In setting the appropriate penalties a balance needs to be struck between the need for sufficient condemnation of the behaviour and

the need for proportionality between the offending and the penalty imposed.

A further issue which arises in this context is how a person is to become aware of a direction. It is arguable that the higher the penalty to be imposed, the greater the burden that should be imposed on the prosecution to establish that the relevant person knew of the order.

The bill therefore creates two offences. The first offence, which will carry a lower penalty, will involve failure to comply with a direction. The penalty for this offence will be $5 000 for a natural person and $20 000 for a body corporate.

The second offence, which carries a higher penalty, will require the prosecution to establish that the failure to comply with the direction was intentional or reckless. The penalty for this offence will be $20 000 for a natural person and $120 000 for a body corporate.

The bill also extends the offence provisions to company directors. This will provide an additional deterrent for company directors who would otherwise be tempted to direct or encourage their company not to comply with a direction. However, a general defence will be available, so that company directors, and indeed any individuals, who have taken reasonable steps to ensure compliance with a direction will not be criminally liable.

Consideration has also been given to an appropriate enforcement mechanism. While the police would ordinarily have sole responsibility for the investigation and prosecution of offences under the Act, it is considered that there is a role for enforcement officers with expertise in particular areas in addition to the role played by the police.

The Victorian Government's review of its emergency rationing powers also resulted in recognition of the need for an effective enforcement mechanism. The Victorian response was to amend the *Gas Industry* and *Electricity Industry Acts* to enable inspectors under the *Gas Safety Act* and enforcement officers under the *Electricity Safety Act* to enforce emergency rationing orders.

While the Government does not consider it necessary for South Australia to adopt a similar approach in terms of separate emergency legislation for each utility, the use of enforcement officers with expertise in relation to a particular utility is considered to be an appropriate method of enforcement. Such an approach would increase the number of officers able to enforce the Act while minimising costs as the staff would already be trained in the particular area of operation.

The bill will therefore enable authorised officers under existing legislation to exercise relevant enforcement powers in relation to the *Essential Services Act.* The relevant existing legislation will be prescribed by regulation and will limit the exercise of the powers to situations where the proclaimed essential service is the service to which the primary Act relates; so, for example, authorised officers under the *Electricity Act* will only be empowered to exercise their powers where the proclaimed essential service is electricity. The bill will not affect the ability of the police to investigate and prosecute offences under the Act.

Finally, the bill provides that information may be sought under the Act relating to the administration of the Act, the *State Disaster Act*, the *State Emergency Service Act* or an assessment of the risks of disruption to the provision or use of the essential service to which the notice relates. Detailed information about the operations of the providers of essential services will be necessary if State Disaster Committee is to properly perform its preventative risk assessment role.

The bill also provides a general immunity from civil or criminal liability for persons acting in compliance with a direction given under the Act. It is appropriate that a person should not incur any civil or criminal liability for acts or omissions which occur as a result of complying with that direction.

The Schedule to the bill makes a number of amendments of a statute law revision nature.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal. The measure will commence on a day to be fixed by proclamation.

Clause 3: Amendment of s. 4—Directions in relation to proclaimed essential services

Paragraph *(a)* strikes out subsections (4) and (5) and inserts proposed new subsections (4), (5), (5a) and (5b). These proposed new subsections differ from subsections (4) and (5) of the principal Act in the following respects:

Proposed new subsection (4) states that a direction given by the Minister during a period of emergency may be given by faxing the direction to the person, or by publishing the direction in a newspaper. Reference to service by telegram or telex has been removed.

Proposed new subsection (5) creates the offence of intentionally or recklessly contravening a direction, and proposed new subsection (5a) establishes the lesser offence of contravening a direction. The penalty provisions are varied.

Proposed new subsection (5b) states that if a court finds a defendant not guilty of an offence under proposed new subsection (5), but is satisfied that the defendant is guilty under proposed new subsection (5a), the defendant may be found guilty of that offence.

Paragraph *(b)* inserts proposed new subsection (8), which states that a person is not liable for an act or omission in compliance with a direction.

Clause 4: Amendment of s. 6—Power to require information

Paragraph *(a)* strikes out and substitutes subsection (3). Proposed new subsection (3) states that information sought by the Minister under subsection (1) must be relevant to the administration of the principal Act, the *State Disaster Act 1980*, or the *State Emergency Services Act 1987*, or relevant to an assessment of the risks of disruption to the provision or use of the service.

Paragraph *(b)* inserts proposed new subsection (6), which states that confidential information acquired by the Minister under subsection (1) can only be disclosed in specified circumstances.

Clause 5: Insertion of s. 7A

Proposed new section 7A(1) states that the regulations may prescribe other Acts under which authorised officers have powers of administration and enforcement, and the authorised officers under the prescribed Acts may, during a period of emergency, administer and enforce the principal Act.

Proposed new subsection (3) clarifies the fact that the powers of the police are not altered by this section.

Clause 6: Amendment of s. 9—Exemptions

This clause strikes out subsection (4) and substitutes proposed new subsections (4), (4a) and (4b).

Proposed new subsection (4) creates the offence of intentionally or recklessly contravening a condition of an exemption granted by the Minister under this section, and proposed new subsection (4a) establishes the lesser offence of contravening a condition. The penalty provisions are varied.

Proposed new subsection (4b) states that if a court finds a defendant not guilty of an offence under proposed new subsection (4), but it is satisfied that the defendant is guilty under proposed new subsection (4a), the defendant may be found guilty of that offence.

Clause 7: Insertion of ss. 10A, 10B and 10C

Proposed new section 10A states that an offence under the principal Act may be a continuing offence.

Proposed new section 10B states that where a body corporate commits an offence, a director is also guilty of an offence.

Proposed new section 10C states that it is a defence to a charge of an offence under the principal Act if it is proved that the offence did not result from a failure by the defendant to take reasonable measures to prevent the offence.

Clause 8: Statute Law Revision Amendments

Clause 8 and the Schedule set out further amendments to the principal Act of a Statute Law Revision nature.

Ms KEY secured the adjournment of the debate.

NETHERBY KINDERGARTEN (VARIATION OF WAITE TRUST)

The Legislative Council agreed to the bill without any amendment.

ALICE SPRINGS TO DARWIN RAILWAY (FINANCIAL COMMITMENT) AMENDMENT BILL

The Hon. J.W. OLSEN (Premier) obtained leave and introduced a bill for an act to amend the Alice Springs to Darwin Railway Act 1997. Read a first time.

The Hon. J.W. OLSEN: I move:

That this bill be now read a second time.

The passage of this legislation will be an important step in the realisation of the construction of a railway link between Alice Springs and Darwin and the facilitation of the operation of train services between Adelaide and Darwin. This bill reflects further effort to achieve the culmination of almost a century of work to bring about the construction of a railway linking Darwin to South Australia and from there to the rest of the Australian rail network. This marks an important moment in Australia's history.

The railway is a strategic infrastructure project that forms an essential part of the state's economic strategy. It will build on the momentum for economic growth that this government has fostered, lift confidence in the state's economic future and will provide opportunities during both the construction and operational phases for South Australian industry.

This parliament has previously considered three other bills related to the railway, dealing with the authorisation of an agreement between the South Australian and Northern Territory governments to facilitate the construction of the railway, the form and commitment of the South Australian financial support for the project, and the last to convert the previous $25 million loan guarantee to either a concessional loan or grant and to provide a general regulation making power.

This latest bill is a logical progression of this work after an extensive and competitive submission process was conducted resulting in three international consortia, all with significant Australian partners, being short-listed to provide detailed proposals. The preferred consortium selected by the AustralAsia Railway Corporation ('AARC') from this process was the Asia Pacific Transport Pty Ltd ('APTC'). APTC comprises: Brown & Root, a major US based multinational engineering and construction company that incorporates SA based project managers Kinhill as bid leader; SA based civil construction company Macmahon Holdings; rail maintenance construction companies Barclay Mowlem and John Holland and the SA based US rail operator Genesee & Wyoming.

As can be seen, this consortium has significant South Australian and Australian consortium members. As a result of the withdrawal of the Hancock Corporation, APTC sought a further government financial contribution to the project of $79.2 million. South Australia made clear that it would not consider the request until it had exhausted all avenues for private sector involvement, in part based on the existing legislative cap on South Australian financial support to the project of $150 million, which had already been met. Following advice from AARC, the state actively sought to fill the gap from the private sector.

Cheung Kong Infrastructure Holdings Ltd indicated that it would consider investing in the project following an earlier approach to CKI by the Asia Pacific Transport Consortium (APTC), which is the preferred consortium for the project. CKI undertook a due diligence process to determine the quantum and nature of any investment in the project. This process has now been completed.

Over the weekend I and senior officers from the state, whom I commend for their diligence and work, travelled to Hong Kong to engage CKI on the level of funding it may wish to invest. It was initially considered possible for CKI to invest all of the funding needed to fill the shortfall, that is, some $79.2 million, but, of course, it would have then been a matter for the Northern Territory and Commonwealth governments as to whether they wished to take up that offer. However, in the course of negotiations this was reduced to an initial $26.5 million, representing SA's share of the funding gap if each of the three governments equally shared in the gap. Accordingly, the final offer from CKI amounted to $26.5 million, made up of the following facilities:

(i) $10 million in mezzanine debt (note A)

(ii) $16.5 million of the $26.5 million a 'commercial loan' (note B)

This offer was made by CKI specifically to take up the additional contributions which had been sought from South Australia. In return, the state, with the Parliament's approval, is prepared to underwrite, under limited circumstances, the CKI investment. These arrangements were formalised in a memorandum of understanding (MOU) signed between the State and CKI on 12 March 2001 in Hong Kong, acknowledging that parliamentary approval would be sought. And, subject to satisfactory—

Mr Lewis: Where are notes A and B?

The Hon. J.W. OLSEN: It designates the two different types of loan making up the $26.5 million, and is a description of the type of loan that is taken up. I will follow up further for the member for Hammond on that point.

Subject to successful commercial negotiations between CKI and the consortium, and recognising that this is a matter where we introduced the parties, it is up to the parties to negotiate the final arrangements. Subject to that, this investment by CKI should clear the last remaining hurdle for the finalisation of the project, provided that the SA Parliament agrees to the proposal, and provided also that CKI's requirements can be met in structuring of the mezzanine debt with APTC.

Given that CKI has reduced its investment from the $79.2 million initially proposed to some $26.5 million, the remainder of the shortfall will still need to be met by the commonwealth and the NT governments. The exact form of each government's investment will now be a matter of negotiation between the two governments. I seek leave to insert the explanation of the clauses in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for the commencement of the measure.

Clause 3: Amendment of s. 6—Extent of financial commitment

This clause will authorise the Minister to enter into arrangements to underwrite or support the provision of loans in connection with the authorised project.

Ms KEY secured the adjournment of the debate.

TRANSPLANTATION AND ANATOMY (PUTATIVE SPOUSES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 October 2000. Page 42.)

The Hon. DEAN BROWN (Minister for Human Services): I move:

That this bill be discharged.

Motion carried.

ADJOURNMENT DEBATE

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

That the House do now adjourn.

Mr VENNING (Schubert): I would like to pay a special tribute this afternoon to the life of Peter Hayes, who we would all know died very tragically in a plane accident on Tuesday. I want to express my sincere condolences to Peter's family and friends. We were all shocked to receive the news of his death late Tuesday night, news that none of us could really believe, particularly considering the recent death of his father, Colin, in 1999.

I well remember talking to Peter outside St Peter's Cathedral, discussing his father's life and being so proud of Lindsay Park and its achievements, and the very strong family ethics that Colin inspired. His driving force and ambition to continually improve were all hallmarks of Colin's life.

Peter was a quiet, reserved person who shared his father's vision, and Lindsay Park over the last 10 years has been under Peter's stewardship, with the operation performing exceptionally well. There was also a lot of harmony, certainly, in those years.

The Barossa community, particularly Angaston, feels the acute sense of loss, because Peter was a very valued member of that community—a local, they are proud to say—and was a regular in the local shops, whether he was buying take-away chicken or a burger, or even buying the bar when Jeune won the Melbourne Cup.

Peter was a very unassuming man. I remember a random group discussion where he was not recognised by some of the others. After the group dispersed, one person asked me, 'Who was that?' When told that it was Peter Hayes, the response was, 'Well, that explains it.' He was a quietly spoken man; he was humble, but he had authority. He was a man whom I would describe as a man with presence. That is a trait that is not as common as it used to be.

I was speaking to my colleague the Hon. Graham Ingerson, who was a friend and racing colleague of Peter's (he certainly had a very wide group of friends, not only in the Barossa and Angaston, but here in South Australia, Australia and, indeed, overseas), and Graham referred to Peter as a perfect gentleman, and we would all certainly agree with that.

South Australia is very proud of its people's achievements, and none more so than those of the Hayes family. I believe that we have lost one of our icons, and Peter's death will certainly leave a void. We give our thanks for his life and offer comfort to all those who are grieving at this time. Be assured that we all share the loss, sir—even those who did not know Peter all that well.

Lindsay Park will remain as a fitting memorial to Peter and his late father, Colin. The family's association with Angaston and the Barossa generally is indeed treasured. I hope that this sad chapter will not see any change in relation to Lindsay Park's future at Angaston.

Again, to the family—Peter's widow, Paula-Jean, and his children, brother David and mother Betty—I extend our deepest sympathy, both personally and as the elected member in this place. It is an honour for me to represent people of his calibre, and he will certainly be missed.

I now wish to raise another matter. My electorate has seen a spate of tragedies in the last few weeks. They include the school bus accident which cost the life of the driver and injured many students, who I believe have made a good recovery. I pay tribute to all those who assisted, particularly the emergency services.

Last weekend we had shocking news of the jumping castle tragedy at the Kapunda trots on Sunday. I arrived at the scene about 30 minutes after the accident happened, and what I saw was a terrible sight. Seeing the children lying on the ground and/or being treated by the emergency services people is something that I will long remember.

I am extremely saddened to hear of the death of Jessica Gorostiaga from injuries that she sustained in that terrible accident. Nothing that we can say or do can explain this, or whether there is any rhyme or reason for it. Our heartfelt condolences go out to Jessica's family and friends.

I would never be hasty to lay blame for an accident such as this. The chances of this happening would be a million to one. An extremely violent whirly-whirly (or willy-willy, depending on which state you live in) about four or five metres wide came cross the road onto the secured area for the amusement park and hit the bouncing castle right in the middle. That was a tragic fluke. Some would call it an act of God, but that is hard to contemplate, given the loss of young Jessica's life—a loving daughter and friend and a very good scholar. A young lass who had everything to live for, who had everything before her and who was revered by family, friends and community alike, has been tragically taken from us.

I spoke to the teacher from her school, Mr Chris Russack, whom I have known for many years (and I think that the minister also would know him), who was officiating as the teacher in charge of the school. He was very deeply shocked and could not believe that this could happen. But we all know that it can, and it does.

I again pay the highest tribute to the emergency services people, who came to the scene in no time. I was there 30 minutes after, and the ambulances were already there, and the two air rescue helicopters arrived a few minutes later. Strategically, it was done extremely well, the local facilities handled the emergency very well. I hope that the local helipad will be completed very shortly—I was concerned about its delay. Certainly, again, our emergency services—most of them volunteers—have done a fantastic job without hitch, and I know that all the people involved are very grateful.

Again, we express to Jessica's mother, Robyn, her father, Carlos, her brothers and sister, Raymond, Luke and Paige, and her extended family, and also the community at St Columba College, our most sincere condolences.

Mr CLARKE (Ross Smith): I rise on the matter of a decision taken by the government. I do not know whether it has the support of the Minister for Human Services and Minister for Disability Services because, unfortunately, a question which was to be put to the Minister for Disability Services in another place today was not able to be put to him, because the opposition got only four questions in the Legislative Council today, because of the filibustering of the government in answering very longwindedly some dorothy dix questions put to those ministers in that place this afternoon. The House may remember that back on 4 May last year I asked the Minister for Human Services about the actions of the Premier's competitive neutrality unit in curtailing the activities of Domiciliary Equipment Services, which is a division of Northern Domiciliary Care and which provides comprehensive and cost effective equipment services available on a low rental to Northern Domiciliary Care and other government agencies providing services to the frail aged and younger disabled.

On 4 May 2000, in response to my question to him about the concerns of the competitive neutrality unit effectively gutting Domiciliary Equipment Services, the Minister for

Human Services said that both he and the Minister for Disability Services shared my concerns. Then he said that 'people who need equipment can get it at a very low price'.

As far as I am aware, the Premier's competitive neutrality unit has been gunning for DES for the last two years. Why? Because of the belly-aching from the private providers in this industry who cannot take competition. It is not that DES operates at a cut price or below the cost of providing the service: it observes the government's competitive neutrality policy, but it is being hounded by the Director of the Small Business Advocate, Fij Miller. Now, as a result of that whingeing, complaining of that government agency about another government agency and in support of private enterprise to rip off the frail and infirm, an instruction is being given to DES that they cannot tender for a Department of Veterans' Affairs contract which is coming up for tender, which they already have but which is open to resubmission in a few weeks' time. They are not allowed to do it.

That is 46 per cent of the business of Domiciliary Equipment Services and, if they cannot tender, they will lose 12 jobs plus 46 per cent of their business. I might add that, according to a report from the Director of Northern Domiciliary Care that has been sent to the Department of Human Services, their losing the DVA contract will result in a 10 per cent increase to other government agencies. I quote from the second page of this report, as follows:

> With the reduction in scale of operations (the DVA contract is 46 per cent of DES business), the cost of equipment to Northern Domiciliary Care and the many other government agencies using DES will increase by at least 10 per cent.

That flies in the face of what the Minister for Human Services told me in this House on 4 May 2000, when he said that it was his intention and that of the Minister for Disability Services to ensure that people who need this equipment get it at as low a price as possible.

DES has missed out not only on the opportunity to tender for the Department of Veterans' Affairs contract but also Housing Trust home modification contracts. That has escalated the number of lost jobs to 26 out of a unit of 32 people. Why has the government done this? It defies imagination. DES did not operate on a cost advantage against private enterprise just because it was a government business. They commissioned a report from Norman Waterhouse, who got a report from Ernst and Young. In a letter dated 17 January this year to DES reviewing the competitive neutrality principles and comparing the reports of Ernst and Young and the cost basis of the operation of DES, Norman Waterhouse came to this conclusion at page 4:

> In my opinion DES, as a self funded entity, is compliant with the principles of competitive neutrality and has implemented cost reflective pricing in all of its operations. Its ability to operate with the pricing structure lower than its private sector counterparts is not based on its government ownership but on its overall objectives and ability to bulk purchase. This is supported by the independent audit undertaken by Ernst and Young.

But this government still goes ahead and guts DES to support private enterprise, which in turn will only charge the Department of Veterans' Affairs and other government agencies using their equipment at a higher price. This is at a time when we were told that health budgets are under tremendous strain. This is a fully self funded government unit costing its articles and rental prices as if it were a private business, inclusive of all the costs that a private business would have to take into account but, because of better management and because it is able to buy in bulk, it is able to produce a better service at a lower cost to government agencies, both state and federal. But, in this blind pursuit of placating Fij Miller and the Office of the Small Business Advocate and these whingeing, whining private competitors, the consumers of DES—that is, in the main, other government agencies in support of its client base—will have to pay considerably more for the same service. I pose the questions that I wanted to have asked of the Minister for Disability Services today in another place:

1. Why do the Minister and the Minister for Human Services now deny DES the opportunity to tender for the Department of Veterans' Affairs contracts and Housing Trust home modifications contracts?

2. Why was the Department of Veterans' Affairs not consulted by the department before it decided to gut DES?

3. If DES is forced to close, what effect will this have on the supply and cost of equipment to other agencies supplying equipment to the frail aged and disabled in our community?

4. How much do those people have to pay for the personal friendships of the CEO of the Department of Human Services and the Manager of the Small Business Advocate, Fij Miller?

5. Why is the Premier's competitive neutrality unit hell-bent on gutting DES in support of the private sector, notwithstanding the increased cost pressures on the Department of Human Services, other government agencies and the Department of Veterans' Affairs?

Why should the Department of Veterans' Affairs have to pay more to placate the whims of Fij Miller and the Office of the Small Business Advocate? Why has a very efficient, cost effective operation such as DES been sacrificed because of what I have been told has more to do with friendships between the CEO of Human Services and the Office of the Small Business Advocate? Twenty-six people lost their job because of that friendship. There is no logical reason to do it otherwise. It is an absolute disgrace on the part of this government and this minister.

Motion carried.

At 4.15 p.m. the House adjourned until Tuesday 27 March at 2 p.m.

HOUSE OF ASSEMBLY

Thursday 15 March 2001

The SPEAKER (Hon. J.K.G. Oswald) took the chair at 10.30 a.m. and read prayers.

FREEDOM OF INFORMATION (MISCELLANEOUS) AMENDMENT BILL

The Hon. R.B. SUCH (Fisher) obtained leave and introduced a bill for an act to amend the Freedom of Information Act 1991. Read a first time.

The Hon. R.B. SUCH: I move:

That this bill be now read a second time.

This is a very important measure because no democracy can function without information. I accept that some information held by governments is not appropriate to release, but I believe that is in the minority in terms of the amount of information. I accept that no government wants to be under detailed scrutiny. I was intrigued to hear recently the Deputy Leader of the Opposition saying that the current act was not being supported in spirit, which did concern me, because you either abide by the act or you do not. I believe that secrecy has become somewhat of a disease not only in this state but throughout Australia. It certainly would not be tolerated in other democracies: for all their faults, the people of the United States would not accept the level of secrecy that we have and, in particular, the greatest abuse of all, covered by that famous phrase 'commercial in confidence'.

We have had an excellent report prepared by the Legislative Review Committee on the Freedom of Information Act 1991, which was chaired by the Hon. Angus Redford. I draw members' attention to it, if they have not read it, because in the executive summary it points out that the 1991 act has been in operation for nearly a decade—I guess that follows mathematically—and they indicate that the review is timely. Part of the summary, on page 1, states:

> In the most recent year for which figures are available (1998-99), there were a total of 6 781 requests pursuant to the act, a steep rise from the 4 070 requests recorded in 1995-96. Of these requests 87 per cent were granted in full, 8 per cent granted in part and 5 per cent refused.

The report continues:

> Based on these figures, it may be said that the act is working well. However, a closer inspection of the figures puts a different perspective on these raw figures. Evidence from the public, media outlets, members of parliament, highly respected academics and other studies and reviews suggests that the operation of the act has not met the lofty aspirations contained in the original objectives of the act. The very clear evidence available to the committee is that applications for access to personal information held by agencies work well and the process is relatively straightforward. However, access to 'non-personal' information such as policy documents has not been anywhere near as effective.

So, the report distinguishes between requests for personal information and non-personal information. That is part of the thrust of the bill that I am introducing today.

The committee identified three basic concerns with the act. They relate, first, to the uncertainty of the act itself; secondly, the culture within the public sector; and, thirdly, procedures associated with applications. The report goes into considerable detail about those. There is not much point in canvassing all of them because members can read the report in full. However, further into the report, it states:

> The overwhelming impact of the evidence and examination by the committee of all Australian and many international models of the operation of freedom of information legislation reveals that the act is not working and stands in need of a complete overhaul.

The committee made several recommendations. It looked at the New Zealand Official Information Act and other options and came forward with a draft bill and various associated recommendations. So, the bipartisan Legislative Review Committee has indicated that the current act is not working.

I will seek leave at the end of my speech to have the clauses inserted in *Hansard* to explain the key elements of the bill, but there are three aspects with which I am concerned and which this bill seeks to address. The first one is the current time constraint or limit in relation to agencies processing a request. At the moment, it is 45 working days. This bill seeks to reduce the time within which an application for access to an agency's documents must be dealt with from 45 days to 20. I think members would accept that 20 working days is a reasonable time within which an agency can or should be required to respond.

The other major element—and I do not intend to list all of these because there are quite a few—is to narrow down the exemptions, because what we have at the moment is not a freedom of information act; it is a freedom from information act. So, my bill seeks to narrow down dramatically the number of exemptions which can be used to prevent people making bona fide claims in terms of access to information.

Mr Lewis: I think you mean ministers or senior public servants, don't you?

The Hon. R.B. SUCH: The member for Hammond interjects regarding who these people are who are withholding information. Obviously, it is government officials and ministers. The number of exemptions under my proposal, as I indicated, will be significantly reduced and stop some of the abuses which go on now, including: walking documents into the cabinet room and getting cabinet protection, signing certificates of exemptions when they are not really warranted, and a whole range of other tactics which are designed to thwart the thrust of the present legislation.

The other element is to give a greater role to the Ombudsman to act as a referee in relation to disputes over material that should be provided. In having this drawn up, parliamentary counsel not only took into account the excellent work done by the Legislative Review Committee but looked at the New Zealand model and other examples and came up with something that is simple, workable and will facilitate freedom of information in a genuine, open manner but without prejudicing where information should be kept confidential.

I do not need to speak at great length. I commend the bill to members. When you are in opposition you like freedom of information legislation more than when you are in government, but we all know that the wheel turns and that those in opposition may become government and vice versa.

Mr Lewis: Anyway, it is in the public interest, isn't it?

The Hon. R.B. SUCH: The member for Hammond, my conscience on my right, says that it is in the public interest. We all need to remember that we are here to serve the public interest not our own short-term goals and ends. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement of the measure one month after assent.

Clause 3: Amendment of s. 3—Objects

This clause is consequential to the inclusion of local government in the definition of 'agency'.

Clause 4: Amendment of s. 4—Interpretation

This clause amends the definition of 'agency' to include councils and removes councils from the definition of 'exempt agency'. A definition of 'exempt document' is also inserted.

Clause 5: Insertion of s. 6A

This clause inserts a provision specifying that the principal Act does not apply to the Parliament, an officer of the Parliament or a parliamentary committee.

Clause 6: Amendment of s. 10—Availability of certain documents

This clause is consequential to the substitution of Schedule 1.

Clause 7: Amendment of s. 14—Persons by whom applications to be dealt with, etc.

This clause reduces the time within which an application for access to an agency's documents must be dealt with from 45 days to 20 days.

Clause 8: Amendment of s. 17—Agencies may require advance deposits

Clause 9: Amendment of s. 19—Determination of applications

These clauses are consequential to clause 7.

Clause 10: Amendment of s. 25—Documents affecting inter-governmental or local governmental relations

This clause makes a number of amendments consequential to the inclusion of councils in the definition of 'agency' and to the substitution of Schedule 1.

Clause 11: Amendment of s. 26—Documents affecting personal affairs

Clause 12: Amendment of s. 27—Documents affecting business affairs

Clause 13: Repeal of s. 28

These clauses are consequential to the substitution of Schedule 1.

Clause 14: Repeal of Division

This clause repeals the internal review provisions in Part 3 of the principal Act.

Clause 15: Amendment of s. 32—Persons by whom applications to be dealt with, etc.

This clause reduces the time within which an application for amendment of an agency's records must be dealt with from 45 days to 20 days.

Clause 16: Amendment of s. 34—Determination of applications

This clause is consequential to clause 15.

Clause 17: Repeal of Division

This clause repeals the internal review provisions in Part 4 of the principal Act.

Clause 18: Substitution of heading

This clause substitutes a new heading to Part 5, reflecting the proposed repeal of the internal review provisions.

Clause 19: Amendment of heading

This clause amends the heading to Division 1 of Part 5 of the principal Act to remove the reference to the Police Complaints Authority.

Clause 20: Substitution of s. 39

This clause repeals section 39 of the principal Act and substitutes new clauses as follows:

39. Review by Ombudsman

This clause provides for review of determinations under the Act by the Ombudsman. The clause also provides that a person who is dissatisfied with a determination under the Act (other than one relating to a document the subject of a Ministerial certificate) must not commence Court proceedings in relation to the determination unless the determination has been reviewed by the Ombudsman in accordance with the Division.

39A. Requirements of Ombudsman to be complied with within certain period

This clause provides that an agency must comply with a requirement of the Ombudsman (made during the course of an investigation under the Division) as soon as reasonably practicable and in any case no later than 20 working days after the day on which the requirement is received by that agency. This time limit may be extended by the principal officer of the agency in certain specified circumstances but any extension must be for a reasonable period of time having regard to the circumstances.

39B. Procedure after investigation

This clause specifies the procedure to be followed by the Ombudsman if, after making an investigation under the Division, the Ombudsman is of the opinion that the determination the subject of the investigation is unreasonable or wrong or is otherwise an action or decision to which section 25(1) of the *Ombudsman Act 1972* applies.

The clause also imposes a public duty on agencies to observe recommendations of the Ombudsman made under the clause.

Clause 21: Substitution of s. 40

This clause substitutes a new section 40 in the principal Act providing for an appeal to the District Court where a person remains dissatisfied with a determination following review by the Ombudsman, or where a person is dissatisfied with a determination relating to a document the subject of a Ministerial certificate.

Clause 22: Amendment of s. 41—Time within which appeals must be commenced

Clause 23: Amendment of s. 42—Procedure for hearing appeals

These clauses make consequential amendments.

Clause 24: Insertion of s. 54A

This clause inserts a new provision requiring the Minister, within the period of 12 months after the commencement of the provision, to develop, in consultation with the Ombudsman, appropriate training programs to assist agencies in complying with the principal Act.

Clause 25: Substitution of Sched. 1

This clause substitutes a new Schedule 1 in the principal Act, specifying the documents that are exempt documents for the purposes of the measure.

Clause 26: Amendment of Sched. 2

This clause reduces the number of exempt agencies listed in Schedule 2.

Clause 27: Transitional Provision

This clause provides that the proposed amendments do not apply in relation to an application for access to an agency's documents made before the commencement of the measure.

Mr De LAINE secured the adjournment of the debate.

STATUTES AMENDMENT (AGE OF YOUNG OFFENDERS) BILL

The Hon. R.B. SUCH (Fisher) obtained leave and introduced a bill for an act to amend the Bail Act 1985, the Controlled Substances Act 1984, the Criminal Injuries Compensation Act 1978, the Criminal Law Consolidation Act 1935, the Criminal Law (Forensic Procedures) Act 1998, the Criminal Law (Sentencing) Act 1988, the Expiation of Offences Act 1996, the Summary Procedure Act 1921, the Whistleblowers Protection Act 1993 and the Young Offenders Act 1993. Read a first time.

The Hon. R.B. SUCH: I move:

That this bill be now read a second time.

In some ways this bill is a difficult one for me because I am very passionate in my support of young people; I always have been and I always intend to be. What we have at the moment in our society is a situation where I would not say crime is out of control—I think that is an exaggeration—but there are elements of our justice system that are not working. This bill seeks to make young people accountable for their actions by the lowering the age at which young people are treated as adults to 17.

I note that in today's media there is a report that the Hon. Terry Cameron is moving to lower the age for voting to 17. I have considered that, but I did not wish to see it as an automatic trade-off. However, I think it is an important aspect that needs to be considered. I have spoken with many people in my electorate, both old and young. The young people tell me that, at the moment, when they reach 18 they take the law seriously. They are not going to run the risk of adult punishment. They know the law and they know the consequences, but they muck around until they are 18 and then generally they behave themselves.

Some people have said that this is a very radical measure. In one sense, it may be, but it is already the law (and has been

for 10 years) in Victoria and Queensland. So, we have a situation where two states already have this provision. What I am talking about here are not trivial offences. We are not talking about someone walking down the street and using a couple of four letter words.

If members look at recent reports of the Youth Court, they will see that over a 12 month period more than 1 000 court appearances involving major crime were finalised. What am I talking about? I am talking about serious assaults and robbery with violence—that level of offence. If any member wants to argue that they are kiddies' offences or children's offences, then I just do not accept that argument. If you are 17 and you are engaging in armed robbery or the bashing of little old ladies with iron bars, then you do not deserve to be treated as a child. I do not believe anyone can say that that behaviour is the behaviour of a child. It is not: it is adult behaviour. Unfortunately, it is still too common. It is adult behaviour and it should be treated in that way.

We know the Youth Court can refer on some serious matters. The most common application is in relation to murder, but most other offences never get referred on to a higher court. At the moment there is a range of penalties, the most serious being detention, but for most people appearing in the Youth Court they do not suffer a serious penalty, in my view. I believe we need to send a clear message as a deterrent that if you behave in that unacceptable way I was talking about, commit major offences, then you will suffer adult consequences.

I do not want to reflect on the Youth Court. It is easy to attack magistrates and judges but it is, in effect, a place of secrecy. That is not legally the case. The media can attend and report without publishing names. Very few do because they never know what case is coming up. In effect, we get no public scrutiny of what is happening in the Youth Court. We do not hear any detail of the crime of a person charged with serious offences as a 17 year old; and we do not hear any detail of the penalty or any aspects of a particular case.

Some people say, 'Well, we do not want young people being put in an adult gaol.' I would hope that even an 18 year old or 19 year old person, if they ended up in prison, would not be put in with people who are likely to engage in rape or other unpleasant activities, which we know can occur in prison. The point that needs to be understood is that we do not want to live in a jungle, but we run the risk of going down that path. I know the Attorney-General will say that there has been an increase in crime in certain respects only—I accept that—for example, home invasions and the illegal use of motor vehicles, which is a lovely euphemism for stealing. I accept that it is not across the board. I commend the Attorney-General for not getting into an auction in terms of penalties. In the end I think that that is counterproductive.

What we want is effective, firm policing and effective, appropriate penalties that match the seriousness of the crime. We do not have to cut off people's hands or impose mandatory sentencing. We want vigorous policing so that people who engage in antisocial behaviour are apprehended and, when they appear before the court, they get the penalty that is appropriate. If we do that, then the public will not be clamouring for mandatory sentencing and the cutting off of people's hands and other severe punishment. I refer to the cutting off of people's hands with slight tongue in cheek, but members would understand the thrust of what I am saying.

I have discussed this matter with people involved in the Youth Affairs Council, and their position will no doubt remain different from mine, but I have thought about this and, as I said earlier, discussed it with young people and older people in my area. The feeling is that at 17 you know right from wrong, particularly in relation to major crimes. The Attorney-General has said, 'Let us have consistency. If you treat them as adults at 17, we should have consistency in all respects of legal entitlement.' I do not believe you will ever get absolute consistency. At the moment, if you are 15 years old, government agencies say that you are independent of your parents in respect of your behaviour and control. You are not independent in respect of parental obligation to sustain you. You can get a licence from the age of 16, and the age of consent for sexual activity is 17, although it is one year higher if it involves a teacher or a person in a place of special responsibility. You can enter the armed forces from 16 in apprenticeships and some of the general areas in the navy, certainly at the age of 17. I do not believe we are ever going to get absolute consistency in terms of when you can do various things.

I do not know whether members have seen the 50 page booklet put out by the Children's Interest Bureau which says, 'When can I?' and which outlines all the variations of entitlement when a young person can do various things. I do not accept the Attorney-General's argument that everything must be consistent. In the United States, alcohol consumption is prohibited until you are 21 yet they vote, obviously, at 18 and go into the army at 18. In a perfect world everything would be consistent. In a perfect world we would not be here. We would not be needed.

In summary, I am not against young people. I am still passionate about them. I am not saying that this is the only thing to do. I am not saying it is the answer to the problems that are emerging in some aspects of our justice system, but it is one part of a total package. I am very supportive of things such as early intervention, helping people with literary and numeracy, parental support, and guidance counselling for people with psychiatric and psychological problems. We have to do that as well. What I am talking about here is the small number—even though 1 000 plus is significant—of teenagers who do things which are way over the top. I will not comment on current cases before the court, but I think members know what is happening in relation to the use of weapons in our society by people who are of the age group about which I am talking.

We know that many young people are falling through the gaps. I communicated with the Premier about this issue in the middle of last year. I have many of them in my shopping centre, that is, young people who left school early and who basically do not have a future. I was pleased to hear the CEO of the Department for Education, Training and Employment indicating that he saw it as a responsibility of his department, along with other agencies, to try to tackle the serious issue of young people falling through the gaps of our current agencies and systems—young people who basically have no future in employment.

Many of them to whom I talk hang around the shopping centre at The Hub and they tell me that they cannot get a job; that the school did not want them; and no-one seems to want them. I am sympathetic to the situation of those young people. We need to address this issue; in fact, we should have addressed it a long time ago. That does not mean that we ignore this aspect. As I reiterate, I am not arguing that this will solve all the problems. For those who say that it is not needed or it does not work, I invite them to look at the situation in Victoria and Queensland where this has been in operation for 10 years or more.

To conclude, I ask members to look at the statistics produced by the Attorney-General's Department and the Office of Crime Statistics. I will not go through all the points (it is a thick volume), but 65.6 per cent of juveniles appearing before the Youth Court were 16 and over. Most of those who are committing the serious offences are not young teenagers; it is the older teenagers who are disregarding the law, taking it lightly, and not getting the penalty that is appropriate. The message is not getting across to others of a similar age.

I know this will be a difficult issue for many members. As I indicated earlier, the proposal by the Hon. Terry Cameron—and I have not had a chance to discuss his proposal—would further reinforce my approach. If he is successful and the voting age is lowered to 17—something I support, provided it is voluntary and optional—I think that would add greater weight to what I am seeking to do. I commend the bill to the House and I ask members to give it the serious attention that it deserves.

Mr De LAINE secured the adjournment of the debate.

SUMMARY OFFENCES (PIERCING OF CHILDREN) AMENDMENT BILL

The Hon. R.B. SUCH (Fisher) obtained leave and introduced a bill for an act to amend the Summary Offences Act 1953. Read a first time.

The Hon. R.B. SUCH: I move:

That this bill be now read a second time.

I indicate that two bills have the same title at this stage, one dealing with body piercing and the other with the securing of spray paint. This bill relates to body piercing.

Earlier this year I was approached by a constituent of mine who was most concerned that her 12 year old daughter was supposedly going to have an earring fitted. Her mother was horrified to discover that she did not have an earring fitted, as was understood, but that she had other parts of her body pierced with other attachments. The people who did the body piercing said, 'Well, there is no control; we can pierce any part of a child's body without reference to the parent even knowing, let alone approving.'

On making some further inquiries, I spoke to a local youth worker, who said that a 10 year old in the southern area had three body piercings to three different parts of the body. It is ironical that a medical practitioner is not permitted to do what is being done to these young people, who are mainly young females. I think it is something in the genetics that females prefer adornments more than do males, although it is not exclusive.

Ms White interjecting:

The Hon. R.B. SUCH: I have to be careful—

An honourable member interjecting:

The Hon. R.B. SUCH: Well, a bit of both. I do not know whether members realise that if a medical practitioner did what this body piercer did to someone under 16 years they would be liable to be taken to the Medical Board and, indeed, to be prosecuted. They are not allowed to carry out a surgical procedure on someone under 16 years without parental permission unless it is an emergency or there is another doctor who also signs off.

However, a young child can have any part of his or her body pierced. The Attorney-General wrote to me recently saying that he did not believe that is the case and that the police could be involved. If the police are being involved and it is working, why are parents coming to me and other members, and saying that their youngsters are having their bodies pierced?

With this bill I am seeking not to stop body piercing of children but that the parents or guardian should give written consent and accompany the young person when that consent form is handed over. The reason is obvious: knowing the ability of young people, it would not be hard to forge the signature of a parent. So, it would require that the parent or guardian accompany the youngster to the salon. I think that is wise, anyway, because the law is lacking in respect of the health care provisions. I have spoken to the Minister for Human Services and he shares my concern.

I am not saying that most body piercing salons do not maintain hygiene and keep instruments clean. I am not in a position to know, and I am not qualified to make that assessment. I am concerned that (and I believe members will have this confirmed by the AMA) there is a risk of Hepatitis C, which is probably the greatest risk in respect of body piercing, and AIDS, which is a lesser risk unless the tongue or part of the mouth is pierced.

One potentially dangerous risk is piercing around the eyes. I was talking to a health professional this morning who said that the risk of nerve damage is quite real in that respect. Another aspect of which I was not aware until a dentist pointed it out is the risk of nickel allergy—something of which I have never heard—with a lot of cheap jewellery. I know members' jewellery is fairly expensive, but for children the jewellery has a high nickel content. The dentist said that often the nickel produces a nickel reaction and, when dental treatment is required later in life, a lot of procedures or applications are rendered useless or inappropriate because of the clash between that nickel allergy and what dentists and dental technicians use. This is something that I was unaware of until I had the pleasure of the company of the dentist this morning in his chair.

Mr Atkinson: What was he doing?

The Hon. R.B. SUCH: On me? He was just checking to see if I was semi normal. So, that was an aspect that I had not thought of, but I have heard of horrifying stories of bits of flesh dropping off, but I do not want to over-dramatise this. The main issue is that if a young person, under the age of 16, wants body piercing, he or she must get permission from their parent or guardian who then accompanies them when the form is handed over. I should point out to members that tattooing of minors is illegal, so we have had this anomaly for a while. I suppose that it has come to the surface only because, as members would know, particularly with young girls, body piercing is very fashionable at the moment, especially piercing the navel with rings, and so on. I think it is appropriate that we take action.

I am not one for having legislation for the sake of it, but I believe that we do owe a duty of care to young people. I would not like to see us sitting idle if some young person lost the sight of an eye or contracted hepatitis C or AIDS as a result of what I think is an inadequate system at the moment. I commend this bill to the House and I trust that members will be supportive of it. I do not say that this is the biggest issue facing either us or the world, but I believe that it is one that warrants attention.

Mr ATKINSON secured the adjournment of the debate.

SUMMARY OFFENCES (SALE OF SPRAY PAINT) AMENDMENT BILL

The Hon. R.B. SUCH (Fisher) obtained leave and introduced a bill for an act to amend the Summary Offences Act 1953. Read a first time.

The Hon. R.B. SUCH: I move:

That this bill be now read a second time.

This bill relates to the sale of spray paint. It has concerned me for quite a while that we have a voluntary code, the only problem with it being that it does not work. I have raised this matter with the Attorney on many occasions and he says that he prefers the voluntary option. Sadly, one of the biggest retailers in Australia, and I will not name it, will not support the voluntary code at all; so that you have immediately lost a major portion of the shopping arena that will not support it. Many retailers are responsible and do support the current code, but some of these recently arrived, so-called discount stores will not abide by the code either.

The issue, I believe, is quite simple: if the retailer is required to secure the cans and if young people, minors, seek to purchase a can, many currently avoid purchase by means of 'self-serve', and they are required to produce ID, giving their name and specifying the quantity of paint, and so on, I believe it will go a long way in helping to reduce the incidence of spray can graffiti. The Australian Retailers Association, in response to my letter informing it of my intention to introduce this bill, obviously does not support the measure. The association is saying that adults are mostly responsible for graffiti and buy the cans; that is the general tone of its letter. However, I do not accept that.

I do not believe that most of the graffiti is the work of adults, and I do not believe that most people buy the cans: I think that many of the cans, if not most of them, are stolen. I do not believe that this is an onerous provision. I understand that it operates in other countries. Scotland, I believe, requires a person to produce ID. The provision does not require the young person to give their address in a way that would enable them to be subject to any inappropriate identification of their address, but the police could easily speak to the retailers to ascertain a name to locate a person who seemed to have a desire for huge quantities of cans.

But, I suspect, if people are buying the cans they are more likely to be responsible anyhow; and those people who are engaging in widespread vandalism at the moment are not purchasing the cans but stealing them. I know that people say that graffiti is art but I do not accept that. There can be spray can art, I accept that, but not what we see on our buildings in 99.9 per cent of cases—it is straight out vandalism. I have never understood the argument that if you vandalise someone's property, or public property, with a spray can, it is somehow less serious than if you do other damage to people or their property. I just cannot see the logic.

I cannot see the difference between someone spending $1 000 to fix up their stone fence because it has been coated in spray paint and someone else spending money on a fence that has been deliberately smashed up; the logic of that defies me. To the people who say, 'It's great and it's free expression', I invite them to put up a sign in front of their property inviting the graffiti vandals to come along and give their place the once over. If it is so good, invite them along, put up a sign that reads, 'Spray can vandals welcome here. Please feel free to vandalise my property.' It is not a minor issue. I know that some people say that it is not as bad as bank robbery and that kids must do certain things, but I think that is a nonsense.

The city of Onkaparinga, in my electorate, is currently spending $180 000 a year just on removing graffiti, and that is with the help of volunteers. That council has a fairly effective program in that it sues the graffiti vandal. It sues the child, not the parent. The parent did not do it, the child did it. The council sues the child if the child does not remove the graffiti or pay to have it removed, and that method has been fairly effective in about 80 per cent of cases. I think that the policy of one or two councils in the north-east has been effective, too, but this problem is costing the community a fortune.

It makes me very concerned because in areas such as Happy Valley, where we desperately want youth facilities, that $180 000 a year would help provide swimming pools, skateboard parks and all sorts of things, yet a small number of people, acting illegally, are spraying paint on public and private property. I just do not accept the argument that it is free expression and that these are harmless little butterflies getting around with a can of paint, daubing it everywhere. It is not art. True spray can art is done under properly approved circumstances. I need not say any more on this bill. I do not accept the Attorney's argument.

I have tried for many years to convince the Attorney that the voluntary code is not working. If it was working why do we have the problem that we have today? Let us make it harder for those who want to engage in illegal activities to get hold of the spray cans. It is not a big imposition to secure the cans. Those stores that really want to sell them will do that. Many good, reputable hardware stores already do it. Cheap as Chips does it; why can the other retailers not do it? It is no great burden and I think that, for the big retailer that currently snubs the voluntary code, it is time that it was brought into line under a compulsory code that requires the securing of cans and ID from young people who wish to access cans by legitimate purchase.

I commend the bill to the House and I hope that members will see the merit of abolishing this blight on our community and put the money saved into areas that are more productive and constructive for young people and others.

Mr De LAINE secured the adjournment of the debate.

CONSTITUTION (PARLIAMENTARY TERMS) AMENDMENT BILL

Mr HANNA (Mitchell) obtained leave and introduced a bill for an act to amend the Constitution Act 1934. Read a first time.

Mr HANNA: I move:

That this bill be now read a second time.

I will be brief today, because I have already canvassed the reasons for this reform in 1999, when I gave a second reading speech with respect to an identical bill. For ease of reference, I refer to *Hansard* of 1999-2000 at page 423. Members will find there that, on 11 November 1999, I canvassed the reasons why we should have fixed dates for state elections. In essence, it is a matter of certainty, so that the Electoral Commission, the public and business know exactly when the election will be—subject, of course, to those exceptional situations such as a successful no confidence motion, and so on. This measure takes the political expediency out of the equation. There has been discussion about what the best date for fixed terms would be. After consideration and consulta-

tion, I maintain that the third Saturday in October is the best date to stick to.

That brings us to the question of when this bill should come into effect. I am still of the view that it would be appropriate to apply the bill from October this year onwards. However, I am quite happy to entertain—and I am sure that the opposition is happy to entertain—consideration of alternatives. My intention today is simply to introduce the bill and, in this way, give members an opportunity for further comment on the proposal. I expect that the government will oppose it on purely political grounds. However, with the support of the crossbenches, I am hoping that we can at least pass the second reading of this bill the next time that we deal with private members' business and then go into committee, where we can look at the critical question of whether amendments are appropriate. I commend the bill to the House, and especially to the members on the crossbenches. There is no need for explanation of clauses, because that was canvassed before, when I introduced an identical bill back in 1999.

Mr LEWIS (Hammond): In principle—

The SPEAKER: Order! The member can only adjourn the debate. We are dealing with a bill, not a motion. Motions can continue to be debated, but bills must be adjourned to another date of sitting.

Mr LEWIS secured the adjournment of the debate.

DIGNITY IN DYING BILL

The Hon. R.B. SUCH (Fisher) obtained leave and introduced a bill for an act to provide for the administration of medical procedures to assist the death of patients who are hopelessly ill, and who have expressed a desire for such procedures, subject to appropriate safeguards. Read a first time.

The Hon. R.B. SUCH: I move:

That this bill be now read a second time.

This is a very sensitive issue, and it is not something that is taken lightly. I was a member of the Social Development Committee, which looked at this issue. I was in the minority, in terms of the report, along with Sandra Kanck. The committee received over 3 000 submissions from people who expressed an interest and concern about the current law. I know members will say that this is a difficult time to introduce the bill because an election is coming up. It is not, as I said, an easy issue for members, but I think they need to understand that this issue will not go away. The public opinion polls and all the other surveying indicates that nearly 80 per cent support this as an option for people.

The important point is that this is a voluntary thing. No-one is being compelled to be involved in any way, shape or form with this procedure, either professionally or as an institution, and certainly not as the patient, if it is against their conscience or religious belief. We know that, within certain religious faiths, there is opposition to the notion of voluntary euthanasia, and I have great respect for the people of those faiths—the Catholic Church and, in particular, the Lutheran Church. But it has to be pointed out that within many other churches there is support for this proposition. At the end of the day, what we are deciding, or, if this bill goes through, what we are allowing legally, is for people, according to their own conscience and their own religious beliefs, to decide whether or not they wish to end their life in a particular way under the supervision of a medical practitioner.

The reality is that at the moment we have voluntary euthanasia, anyhow. It is done behind closed doors and in a way that I do not believe is in the best interests of anyone. This bill would legalise and regulate a practice that is occurring now. That in itself is not a justification for doing it, but it is a very strong argument for doing it. Even people who are opposed to voluntary euthanasia will admit that they do not mind what happens at the moment, where a doctor administers a high dose of pain-killer and the person dies; they ask whether the doctor intended to do it.

The question of intent is a fine line. The medicos know that if you increase the dosage to a high level it will result in the death of the patient. So, at the moment we have this pretence that there is no deliberate intention to take the life, but the reality is that that is so, because that is what the relatives and the person want, in many cases.

So, let us not pretend that somehow it is not happening: it is happening. It puts great stress on people at an awful time. I am sure members in here have seen loved ones die. A year or so ago I had the irony of seeing a young nephew die at the age of 26. The irony was that he was a palliative care nurse, working in a hospice, and in the end he was nursed by his colleagues at Daw Park. I saw my mother die over a lengthy period of time, and other members would have experienced similar situations. It is very stressful for people.

We are talking about only a very small number of people who would ever want to access this, thankfully. It is very stressful for them to be contemplating something which they know at the moment is not clearly covered by the law. So, at the moment the doctor and patient are put under further stress when they are at the last, short period of their life. I do not believe that is a caring or an appropriate attitude. I believe that, with the appropriate safeguards, this bill will make quite clear what is allowed and what is not allowed.

At the end of the day, this is about freedom of choice. It would be outrageous of me or anyone to propose that we would not allow certain people in our community to practise their religious beliefs, yet at the moment what we are saying by not having legislation like this is that people, many of whom are in the Uniting Church and other churches, are not allowed to practise their religious beliefs or conscience; they are not allowed to proceed in the context of their relationship with their God, because we will not allow it or change the law relating to the way in which people are allowed to die.

What do I say to those who do not believe in this? I would put to them, 'How would you feel if someone wanted to impose upon you a restriction or prohibition on your religious beliefs or practice of your religion or your conscience?'

It seems strange to me that anyone who comes from a liberal tradition could oppose a measure such as this. Ultimately, this is about freedom of choice; acting according to your conscience, based on your religious or spiritual beliefs; and doing what you believe is right according to your conscience and those beliefs. Likewise, I do not see how anyone from the social democratic tradition could oppose something like this that allows freedom of choice and freedom of conscience.

If one looks at the social democratic tradition, one will see strong opposition to conscription, for example. In a way, the current situation is reverse conscription—that is, a denial of the opportunity to avail oneself legally and clearly of the right to die with dignity.

As I said earlier, the Social Development Committee took a lot of evidence on this, and at the end of the day the members made recommendations. I would not want to reflect

on the membership of this committee; obviously, they can speak for themselves on whether or not their vote or recommendation was based on personal or religious beliefs, their conscience or other issues. That is for them to explain and elaborate on.

What was clear in the evidence given to that committee was that, contrary to popular belief, no total pain relief is available. This applies to people with some bone cancers, and there are some diseases where the skin and flesh literally decay away. We heard submissions from people who were looking after loved ones who were in absolute discomfort and agony, saying, 'End this misery. I am incontinent.' I ask people how many would like to be in that situation, surrounded by loved ones, in absolute agony, with no control over their bowels or bladder? It is absolutely horrendous. Even those medicos who do not personally support voluntary euthanasia will admit that there is no such thing as total pain relief—admittedly, for a small percentage of the population.

Some people have said to me that pain is a good thing in life. It is a bit like Daniel going through the fiery furnace or in the den of lions. What I find strange about that argument is that the pain is usually for someone else. I do not believe that as parliamentarians we have the right to deny this opportunity to people who want it; they are not seeking to impose it on people who do not want it.

The bill quite clearly provides that if people object on religious or conscience grounds they cannot be required to be involved and that if an institution does not want to be involved—for example, a church hospice—there is no way that they can be required to be involved.

The safeguards involved require certification and the involvement of two doctors and two other witnesses. A register must be kept by the Minister for Human Services; there must be a monitoring committee, involving the Council of Churches and others; and, obviously, at the end of the day, the involvement of the Coroner through reporting to him or her.

We can canvass all sorts of arguments for and against, but I plead with members not to automatically say, 'This is too hard,' or 'We're close to an election,' because people will be held accountable. The minority who do not support this measure will always be more vocal than the majority who do. That is always a risk for members of parliament. There is always a danger; someone comes through the door of your office and you immediately think the whole electorate feels the same way. Members must be careful in assessing what the majority of people in their electorate want and how they feel, and should not consider just the view of the noisy minority who are well organised and well resourced in challenging what they personally do not agree with.

I believe that the challenge for all of us, whether we are from a liberal or social democratic tradition, is to think about whether we will be prepared to allow those for whom it fits their conscience and religious beliefs to die in a medically assisted way when they are hopelessly ill, there is no chance of recovery, they are suffering greatly and they wish to end their life in dignity. I accordingly reinforce my plea to members really to think about this and give it their total consideration, not a quick, knee-jerk reaction which, at the end of the day, will not stop this issue reappearing.

This issue will persist, because people want it. Like other issues, whether they be slavery, the emancipation of women or other conscience issues, at the end of the day, right will triumph, because that is what most people want. To deny them that right is the denial of a basic democratic freedom: freedom of conscience and freedom to act according to their religious beliefs and how they perceive themselves as part of the total picture of life and death.

So, I commend the bill to the House and ask members to consider it with all seriousness. If people have constructive amendments and can see ways of improving the bill, I, along with other members, am more than happy to consider those amendments. I do not believe we should go down the path we took several years ago of simply trying to defeat something, when most people in the community want it. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides that the measure will commence 6 months after the date of assent or on an earlier date fixed by proclamation.

Clause 3: Objects

This clause sets out the objects of the measure.

Clause 4: Definitions

This clause defines certain terms used in the measure. In particular—

- a person is 'hopelessly ill', within the meaning of the measure, if the person has an injury or illness that will result, or has resulted, in serious mental impairment or permanent deprivation of consciousness or that seriously and irreversibly impairs the person's quality of life so that life has become intolerable to that person;
- 'voluntary euthanasia' is defined as the administration of medical procedures, in accordance with the measure, to assist the death of a hopelessly ill person in a humane way.

Clause 5: Who may request voluntary euthanasia

This clause provides that an adult person of sound mind may make a formal request under the measure for voluntary euthanasia.

Clause 6: Kinds of request

This clause provides for two kinds of request as follows:

- a 'current request' by a hopelessly ill person that is intended to be effective without further deterioration of the person's condition; and
- an 'advance request' by a person who is not hopelessly ill that is intended to take effect when the person becomes hopelessly ill or after the person becomes hopelessly ill and the person's condition deteriorates to a point described in the request.

The clause also provides for later requests to override earlier requests.

Clause 7: Information to be given before formal request is made

This clause sets out certain information that must be provided by a medical practitioner to a person making a request.

If the person making the request is hopelessly ill or suffering from an illness that may develop into a hopeless illness, the person must be informed of the diagnosis and prognosis of the person's illness, of the forms of treatment that may be available and their respective risks, side effects and likely outcomes and of the extent to which the effects of the illness could be mitigated by appropriate palliative care.

If the proposed request is a current request (ie. the person is hopelessly ill) the person must also receive information about the proposed voluntary euthanasia procedure, risks associated with the procedure and feasible alternatives to the procedure (including the possibility of providing appropriate palliative care until death ensues without administration of voluntary euthanasia).

In the case of an advance request, the person making the request must be informed about feasible voluntary euthanasia procedures and the risks associated with each of them.

The clause also provides that if the medical practitioner providing information about palliative care to a hopelessly ill person, or a person with an illness that may develop into a hopeless illness, is not a palliative care specialist, the medical practitioner must, if reasonably practicable, consult a palliative care specialist about the person's illness and the extent to which its effects would be mitigated by appropriate palliative care before giving the person the information.

Clause 8: Form of request for voluntary euthanasia

This clause provides for the forms set out in Schedules 1 and 2 of the measure to be used for the purpose of making a formal request for voluntary euthanasia.

However, if the person making the request is unable to write, the clause provides that the person may make the request orally in which case the appropriate form must be completed by the witnesses on behalf of the person in accordance with the person's expressed wishes and must, instead of the person's signature, bear an endorsement signed by each witness to the effect that the form has been completed by the witnesses in accordance with the person's expressed wishes. The clause provides that, if practicable, an oral request for voluntary euthanasia must be recorded on videotape.

Clause 9: Procedures to be observed in the making and witnessing of requests

This clause provides for the witnessing of a request by three people (one of whom must be a medical practitioner) and specifies that the witnesses must certify that the person making the request—

- appeared to be of sound mind; and
- appeared to understand the nature and implications of the request; and
- did not appear to be acting under duress.

The medical practitioner must also certify—

- that the medical practitioner has given the person making the request the information required under clause 7; and
- in the case of a current request—that the medical practitioner, after examining the person for symptoms of depression, has no reason to suppose that the person is suffering from treatable clinical depression or, if the person does exhibit symptoms of depression, the medical practitioner is of the opinion that treatment for depression, or further treatment for depression, is unlikely to influence the person's decision to request voluntary euthanasia.

Clause 10: Appointment of trustees

An advance request for voluntary euthanasia may appoint one or more adults as trustees of the request (although persons cannot be appointed to act jointly). The functions of such a trustee are to satisfy herself or himself that the preconditions for administration of voluntary euthanasia have been satisfied and to make any necessary arrangements to ensure, as far as practicable, that voluntary euthanasia is administered in accordance with the wishes of the person who requested it.

Clause 11: Revocation of request

This clause provides that a person may revoke a request for voluntary euthanasia at any time and that a written, oral, or other indication of withdrawal of consent to voluntary euthanasia is sufficient to revoke the request even though the person may not be mentally competent when the indication is given.

A person who, knowing of the revocation of a request for voluntary euthanasia, deliberately or recklessly fails to communicate that knowledge to the Registrar is guilty of an offence punishable by a maximum penalty of imprisonment for 10 years.

Clause 12: Register of requests for voluntary euthanasia

This clause provides for maintenance of a register in which both requests and revocations may be registered. The clause also obliges the Registrar to provide certain information to medical practitioners attending hopelessly ill patients. No fee may be charged for registration of a request, registration of the revocation of a request or for the provision of information to a medical practitioner in accordance with the clause.

Provision is also made for the regulations to prescribe conditions for access to the Register.

Clause 13: Registrar's powers of inquiry

This clause gives the Registrar certain powers of inquiry to ensure the integrity of the Register is maintained.

Clause 14: Administration of voluntary euthanasia

This clause sets out the preconditions for the administration of voluntary euthanasia. Under the provision a medical practitioner may administer voluntary euthanasia to a patient if—

- the patient is hopelessly ill; and
- the patient has made a request for voluntary euthanasia under the measure and there is no reason to believe that the request has been revoked; and
- the patient has not expressed a desire to postpone the administration of voluntary euthanasia; and
- the medical practitioner, after examining the patient, has no reason to suppose that the patient is suffering from treatable clinical depression or, if the patient does exhibit symptoms of depression, is of the opinion that treatment for depression or further treatment for depression is unlikely to influence the patient's decision to request voluntary euthanasia; and
- if the patient is mentally incompetent but has appointed a trustee of the request for voluntary euthanasia, the trustee is satisfied that the preconditions for administration of voluntary euthanasia have been satisfied; and
- at some time after the making of the patient's request, another medical practitioner who is not involved in the day to day treatment or care of the patient has personally examined the patient and has given a 'certificate of confirmation' (in the form prescribed in Schedule 3); and
- at least 48 hours have elapsed since the time of the examination conducted for the purpose of the certificate of confirmation.

The clause also provides that a medical practitioner may only administer voluntary euthanasia—

- by administering drugs in appropriate concentrations to end life painlessly and humanely; or
- by prescribing drugs for self administration by a patient to allow the patient to die painlessly and humanely; or
- by withholding or withdrawing medical treatment in circumstances that will result in a painless and humane end to life.

In administering voluntary euthanasia, a medical practitioner must give effect, as far as practicable, to the expressed wishes of the patient or, if the patient is mentally incompetent but has appointed a trustee of the request who is available to be consulted, the expressed wishes of the trustee (so far as they are consistent with the patient's expressed wishes).

Clause 15: Person may decline to administer or assist the administration of voluntary euthanasia

This clause provides that a medical practitioner may decline to carry out a request for the administration of voluntary euthanasia on any grounds. However, if the medical practitioner who has the care of a patient does decline to carry out the patient's request, the medical practitioner must inform the patient, or the trustee of the patient's request, that another medical practitioner may be prepared to consider the request.

In addition, a person may decline to assist a medical practitioner to administer voluntary euthanasia on any grounds (without prejudice to their employment or other forms of adverse discrimination) and the administering authority of a hospital, hospice, nursing home or other institution for the care of the sick or infirm may refuse to permit voluntary euthanasia within the institution (but, if so, it must take reasonable steps to ensure that the refusal is brought to the attention of patients entering the institution).

Clause 16: Protection from liability

This clause provides protection from civil or criminal liability for medical practitioners administering voluntary euthanasia in accordance with the measure and persons who assist such medical practitioners.

Clause 17: Restriction on publication

This clause makes it an offence (punishable by a maximum penalty of $5 000) for a person to publish by newspaper, radio, television or in any other way, a report tending to identify a person as being involved in the administration of voluntary euthanasia under the measure, unless that person consents or has been charged with an offence in relation to the administration or alleged administration of voluntary euthanasia.

Clause 18: Report to coroner

A medical practitioner who administers voluntary euthanasia must make a report (in the form prescribed by Schedule 4) to the State Coroner within 48 hours after doing so. Failure to so report is an offence punishable by a maximum penalty of $5 000. The State Coroner must forward copies of such reports to the Minister.

Clause 19: Cause of death

This clause provides that death resulting from the administration of voluntary euthanasia in accordance with the measure is not suicide or homicide but is taken to have been caused by the patient's illness.

Clause 20: Insurance

Under this clause an insurer is not entitled to refuse to make a payment that is payable under a life insurance policy on death of the insured on the ground that the death resulted from the administration of voluntary euthanasia in accordance with the measure.

The clause also makes it an offence (punishable by a maximum penalty of $10 000) for an insurer to ask a person to disclose whether the person has made an advance request for voluntary euthanasia.

This clause applies notwithstanding an agreement between a person and an insurer to the contrary.

Clause 21: Offences

This clause provides that—

- a person who makes a false or misleading representation in a formal request for voluntary euthanasia or other document under the measure, knowing it to be false or misleading, is guilty of an offence; and
- a person who, by dishonesty or undue influence, induces another to make a formal request for voluntary euthanasia is guilty of an offence.

Both offences are punishable by a maximum penalty of imprisonment for 10 years.

In addition, a person convicted or found guilty of an offence against this clause forfeits any interest that the person might otherwise have had in the estate of the person who has made the request for voluntary euthanasia.

Clause 22: Dignity in Dying Act Monitoring Committee

This clause obliges the Minister to establish the Dignity in Dying Act Monitoring Committee, consisting of a maximum of eight members appointed by the Minister. The Committee must include persons nominated by the South Australian Branch of the Australian Medical Association Inc., The Law Society of South Australia, the Palliative Care Council of South Australia Inc., the South Australian Voluntary Euthanasia Society Inc. and the South Australian Council of Churches Inc..

The Committees functions are to monitor and keep under constant review the operation and administration of the measure, to report to the Minister (on its own initiative or at the request of the Minister) on any matter relating to the operation or administration of the measure and to make recommendations to the Minister regarding possible amendments to the measure or improvements to the administration of the measure which, in the opinion of the Committee, would further the objects of the measure.

Clause 23: Annual report to Parliament

This clause provides for the making of an annual report to Parliament on the measure.

Clause 24: Regulations

This clause provides a power to make regulations.

SCHEDULE 1

Current Request for Voluntary Euthanasia

This schedule sets out the form to be used for a current request.

SCHEDULE 2

Advance Request for Voluntary Euthanasia

This schedule sets out the form to be used for an advance request.

SCHEDULE 3

Certificate of Confirmation

This schedule sets out the form for the certificate of confirmation by a second medical practitioner.

SCHEDULE 4

Report to State Coroner

This schedule sets out the form for the report to the State Coroner.

Mr De LAINE secured the adjournment of the debate.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE (AMUSEMENT STRUCTURES) AMENDMENT BILL

Mr WRIGHT (Lee) obtained leave and introduced a bill for an act to amend the Occupational Health, Safety and Welfare Act 1986. Read a first time.

Mr WRIGHT: I move:

That this bill be now read a second time.

In moving this bill, I need to speak only for a short period, because it is a very simple bill, only one or two pages in length, but it is an important bill. Most members in this House would agree that the Occupational Health, Safety and Welfare Act is one of the more critical and important acts with which we have to deal. Members would all agree that workplace safety is obviously critical and essential to having a healthy workplace. Of course, although workers' compensation is a very important arm of this legislation, it is far better for us to avoid accidents than for workers having to use the workers' compensation system. That system is an important part of and critical to any of the good workplace acts with which we have to deal in this parliament on an ongoing basis.

As I said in my introduction, this is a simple bill seeking to amend the Occupational Health, Safety and Welfare Act, whereby the Australian standard for amusements rides (AS3533) would become an approved code of practice. In the past, it has had this classification. In fact, up until 1995 the Australian standard for this area—amusement rides—stood as an enforceable standard. However, at that time it was scrapped as part of a national agenda. The current government again failed to make amusement rides standard law in this state as a consolidation of the work safety regulations in 1999. Some Australian standards have been gazetted as approved codes of practice, and some have not. There may well be good reason for that. During the Christmas/New Year period, the opposition did some research into that area and will continue to do so, but suffice to say that we think it is important—and this is naturally a sensitive area—that we highlight to the parliament and to the community that this code of practice needs urgent attention.

After a long period and much investigation, which has been taking place since that very unfortunate accident last year at the royal show, it has been noted that the minister has finally come forward and made some comment about tightening the regulations. Indeed, in its editorial today the *Advertiser* brings the minister to book on this very issue. We see this as fundamental. I would hope that this bill would have bipartisan support across the chamber. If this bill became a part of the act and was passed and the Australian standard for amusement rides (AS3533) became an approved code of practice, it would mean that the Occupational Health, Safety and Welfare Act would cover amusement rides. That is currently not the situation, and this is simply not good enough. We would see it as a great priority for this Australian standard to be covered by the Occupational Health, Safety and Welfare Act. We would see it as being critical and something that should have been done some time ago with some urgency by the government.

The opposition really should not have had to bring this bill to parliament. The government should have acted before Christmas to tidy up this matter. I do not think that any of us would disagree that the safety of our children is paramount and critical. It is one issue for which there would be bipartisan support in this chamber. We have raised questions in the parliament about the amusement rides situation. I wrote to the minister before Christmas about some issues that exist here, and it is something about which we all feel very strongly. This is a simple bill, which merely makes the Australian standard that covers amusement rides an approved code of practice. Some might be asking, 'What does that mean?' All it means is that the current act with which we work for occupational health, safety and welfare would cover this Australian standard. I refer members to section 63A, headed 'Use of codes of practice in proceedings', which provides:

> Where in proceedings for an offence against this act it is proved that the defendant failed to observe a provision of an approved code of practice dealing with the matter in respect of which the offence is alleged to have been committed, the defendant is, in the absence of proof to the contrary, to be taken to have failed to exercise the standard of care required by this act.

Surely none of us would want to ignore the critical importance of this Australian standard being covered by that part of the act. I would have thought that everyone in this chamber would see the relevance, importance and significance of an Australian standard covering amusement rides to be covered by a section of the act, which is such an important measure in our statute books.

This elevates the Australian standard to a new level. If the Australian standard is covered by an approved code of practice, it is covered by the act. It raises it to a new level, and it does a number of things. It can be used in prosecution. It puts the onus on the employer or the appropriate body in a situation where a prosecution may well follow. So, it assists in that. It increases the likelihood of a prosecution being laid. It does not mean—and I have said this on radio previously—that, if an Australian standard is not an approved code of practice, there cannot be a prosecution. It does not mean that, and I want to highlight that. In a situation such as that which occurred last year at the royal show, where we do not have an Australian standard 3533 covering amusement rides not being an approved code of practice, it does not mean that a prosecution will not occur.

However, we can say with great confidence, whether it involves that unfortunate incident or any other, that if this Australian standard was covered as an approved code of practice it elevates it to a new level and increases the chances that a prosecution may be laid, because it is covered by the act. It is as simple as that. It is all about good fundamental government. This government should have acted more quickly. The editorial in today's *Advertiser* is spot on. The minister has been lax and slow; he should have dealt with this issue much sooner than he has. This is a simple bill that should receive bipartisan support. People only have to refer to the current act, which is a critical measure. We should all be supporting this legislation; we should all be vigilant when it comes to workplace safety. This increases the role, importance and significance of an important act of parliament.

Although I am not overly confident, I would hope that with a simple bill and a bill of this importance, there would be bipartisan support, unlike other occasions when I and some of my colleagues on this side of the House—and I see the member for Torrens—have brought good, sensible, private members' bills into this chamber which should have received bipartisan support but which have been shunted to the backburner for pure crass political reasons.

I encourage all members to look at the act, to read the editorial in today's *Advertiser* and to think very seriously about this bill that the opposition brings to this parliament. I intend to say a little more as we go through the explanation of the clauses, although they are very straightforward and there are only a couple of them. This is a very simple bill which deserves the full support of this chamber and I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 63—Codes of practice

Section 63 of the Act is proposed to be amended so that Australian Standard AS 3533, relating to amusement structures, as in force at the commencement of this section, is declared to be an approved code of practice for the purposes of the Act.

The Minister will be able to vary the code pursuant to the scheme set out in the Act.

Mr MEIER secured the adjournment of the debate.

AUSTRALIAN ROAD RULES (SPEED LIMITS IN BUILT-UP AREAS) VARIATION BILL

Adjourned debate on second reading.

(Continued from 1 March. Page 982.)

Mr MEIER (Goyder): I notice that this is one of two bills before us in relation to this topic but, from speaking with the mover, I believe that the second bill will be withdrawn. This bill, in simple terms, seeks to lower the residential speed limit to 50 km/h. I personally have problems with that. I think we see it as a simple solution to lower speed limits to 50, or in fact I believe this bill could be read to mean that you could lower it to 40, if you wanted to, or any other limit below 60 as a council sees fit. In my assessment there is no doubt at all that some streets require a lower speed limit—I would not argue with that for one moment—but, at the same time, if we want to jam up our streets with traffic in certain areas, then going down this track will help ensure that that occurs.

I believe that there are ways around lowering the speed limit rather than simply having a piece of legislation to allow that automatically to come in, by and large. The use of restricted roadways is one way to go; the use of speed humps is another way to go; and the use of spoon drains is a further way to go. All those have a significant effect on lowering the speed limit in built-up areas. I am particularly thinking of through roads that would be subject to a 50 km/h speed limit (or lower), which, at present, are probably quite safe at 60 km/h without any shadow of a doubt.

The Hon. R.B. Such interjecting:

Mr MEIER: The honourable member who introduced this legislation interjects and says, 'It would not apply to them.' I am not talking about through roads such as Anzac Highway, Marion Road or Morphett Road, I am talking about minor streets—

The Hon. R.B. Such: Collector roads—

Mr MEIER: Yes, they would have to be signposted clearly to ensure that you knew that the speed limit was 60 km/h. In fact, the honourable member has said to me that it is 50 km/h only if no other speed sign is in place. As I said earlier, it could be less than 50 if they wanted. The thing is that, if you are to have a range of speed zones in a metropolitan council area, then, I believe, people will concentrate more on the signs than on the road and that can lead to an unsafe situation. Personally I am one who tends to watch speed signs once I am in the outer areas of the metropolitan area, particularly as I am heading towards my electorate.

I use Highway 1 when travelling north and, over the years, they have changed the speed zones and have had speed zones of 70, 80, 90, 100 and 110. There are still times now when I am travelling when I think, 'Golly, am I in an 80 or 90 speed zone?' Therefore, I concentrate on the signs rather than on what is happening on the road, and that has the potential to cause a dangerous situation as well. This could mean that you have two lots of roads in council areas, or shall we say three. For instance, you have the normal through roads such as South Road, Marion Road, Morphett Road and so on—and I understand they will remain at 60—and then other roads which are perhaps designated as feeder roads and which also, according to the mover of this bill, could be 60, but will have to be separately signposted. But what happens when you get on to a road which is not a feeder road, but nevertheless is a reasonably wide road and which one would imagine could be a feeder road?

I know what will happen. You will have a situation where speed cameras will be placed so that they can catch motorists without any trouble at all for doing 60 in a 50 zone. We already have that situation applying in the Unley council area and I know that the member for Waite, who represents part of that area, has indicated to me that he has had many constituents complain to him about the lowered speed limits

in those streets. They believe that it has been a government conspiracy to seek to raise revenue. Mr Speaker, you and all members would know only too well that the lowering of the speed limit has nothing to do with the state government: it is a council matter. It is an issue that the council has to pursue, and the council has to convince the residents (and other any others) that they want to lower it. That has happened in the Unley council area and maybe some others as well, but I do not believe it is having the desired effect.

I know that in my own area of Goyder, which includes Yorke Peninsula, two towns have sought to reduce the speed limit. Again I have sympathy for both of the particular examples that come to mind, but I personally believe that the use of speed humps, or a variation to the road design, would achieve the same aim. Certainly, the safety of all pedestrians has to be looked after and dealt with to the best of our ability, and there is no doubt that excessive speed has a very negative effect in that particular respect. However, to have a bill such as this where basically you will see councils going towards the 50 throughout, I think is not appropriate at this stage.

The member has assured me that it will not apply to country areas. In fact, I can see that in the bill quite clearly because it refers to 'metropolitan Adelaide', which has the same meaning as in the Development Act 1993, which basically means the greater metropolitan area. I experience it more as a country member. I usually sit on the 110 kilometres an hour speed limit. When I come into the city area quite a change of attitude has to occur when one reduces speed to 60 km/h. In some cases, particularly if I have cut through somewhere and I have to come down to 50 km/h, it will cause more problems than it will solve.

With those comments, I personally have great problems in supporting this bill. I will be interested to hear other members' comments. I dare say that it will lead to a debate. The way around it is still to allow councils to make decisions for themselves and not to bring in a sweeping change such as this which will cause more problems than it fixes.

Mr De LAINE secured the adjournment of the debate.

ROAD TRAFFIC (SPEED LIMITS IN BUILT-UP AREAS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 December. Page 794.)

The Hon. R.B. SUCH (Fisher): This bill becomes redundant, given that the other bill has been introduced. I move:

That this bill be discharged.

Motion carried.

CONTROLLED SUBSTANCES (CULTIVATION OF CANNABIS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 December. Page 796.)

Mr De LAINE (Price): I rise to support this bill which was introduced by the member for Hammond. I agree with most of what the member for Hammond said in his second reading speech, in particular, regarding the effects of cannabis on the physical and mental health of users. I also agree with most of what the member for Schubert said, in particular, in relation to the petty crime which cannabis use causes and, even worse, the organised crime that results from the sale of this insidious drug by dealers, both small and big time. I agree also with the member for Schubert that the bill in its present form is fairly soft, but it can be amended and, in any event, it will improve to some extent the current situation.

Police tell me that Adelaide has become the cannabis capital of Australia, and that situation, I believe, is as a direct result of decriminalisation of marijuana, the legislation regarding which passed this parliament in 1986. At that time, the bill to decriminalise the substance was introduced by the then Minister for Health, the Hon. John Cornwall. I was one of three Labor Party members who crossed the floor to oppose the bill. A number of Liberal Party members voted with the then Labor government because it was a conscience issue for both parties. Unfortunately, the bill narrowly passed, so marijuana was decriminalised in this state.

The passing of that bill was probably not the entire reason for the problems being experienced today, but it has certainly assisted in the increase of drugs use from then until now. It has also contributed substantially to the escalating use of heroin and other drugs which tend to follow on from the use of cannabis.

Under the current legislation, 10 plants is far too many for personal use. In my view, three plants is far too many. Because of modern technology and techniques, hydroponics in particular, plants grow very large and produce heads up to three times per year. Growers can crop the plant up to three times per year, so I am informed by the police.

It is ludicrous that a total of three plants, even if they are two metres high and can be cropped three times a year, is okay but if someone has 15 plants only 200 millimetres high they are breaking the law. The law needs to be changed from this ludicrous situation.

There has been argument of late about whether the allowable number of plants should be 10 plants or three plants. My preferred option is no plants. There is no question that the vast majority of crimes committed these days are drug related. The police are at their wit's end trying to cope with an ever increasing wave of drug-related crime and desperately need this parliament's help.

The government employs police officers to protect society, and at the same time we tie one hand behind their back. We members of parliament must act responsibly and give the police the powers they need to protect the community not only in the area of drugs but also in other areas of crime. I feel sorry for the police. They do their job. They work hard to lay charges and get convictions, yet the courts let the offenders off.

Recently, in my electorate, I had a lot of complaints from neighbours about a drug dealer dealing in cannabis. People were going to this place day and night, week after week. I reported the matter to the police. They spent several months observing and getting evidence to enable them finally to bust this dealer. The case went to court and the offender was found guilty and sentenced to a gaol term of three years; then the judge said 'I will reduce that to a $300 bond.' He was back trading the very next day. Both the neighbours and the police were absolutely furious that the court had let the offender off so lightly.

It is high time that judges and courts do the job they are paid to do by the community at large and act responsibly by handing down realistic penalties. If they fail to do this, then this parliament must frame legislation to force them to do their job. I support the bill.

Mr MEIER secured the adjournment of the debate.

WALLAROO-BUTE RAILWAY

Mr MEIER (Goyder): It is with great pleasure that I move:

That this House congratulates the Yorke Peninsula Rail Preservation Society on reopening the railway from Wallaroo to Bute and thanks the Minister for Transport for her assistance in granting the lease of the rail track.

The official opening of the railway line from Wallaroo to Bute on 11 February this year was a major step forward in bringing rail transport back to Yorke Peninsula. I know that many rural members have had a fight on their hand for countless years in trying to stop rail's being closed. At long last we are seeing an example of where rail is being extended.

Members should appreciate that the opening of this railway track did not occur overnight. In fact, it has taken many years of hard work. The first item of correspondence that came to my attention was back in 1992. In fact, the preliminary inquiries were made through the then Minister for Transport, the Hon. Frank Blevins, on 3 September 1992 from the Yorke Peninsula Rail Preservation Society, mainly from Paul Thomas, the then chairman. That same Paul Thomas is now Mayor of the Copper Coast, which includes the towns of Kadina and Wallaroo.

At that stage Mr Thomas and a group of volunteers could see the need to preserve the railway line that was still in place and to ensure that, when Australian National was no longer going to use it, the line was not pulled up. So many rail lines throughout country South Australia have been pulled up. It is only in recent years that many of them could have been re-opened, possibly as tourist railways or commercial enterprises.

At this stage, the Kadina to Snowtown line extension through to Bute is there principally for tourists. However, it also has the capability for use as a commercial line because the next move will be to seek to take that railway line through to Snowtown, where, as many members would be aware, a major bulk handling storage facility is now located adjacent to the railway line. It does not take much to realise that the railway could run from that Snowtown depot to the Wallaroo silos or vice versa.

Certain other activities are also in the pipeline for Northern Yorke Peninsula and, again, the railway line may well be used as a commercial line in future years. It comes about at a time when the railways of Australia are principally in the hands of private enterprise—and what a change we have seen since the railways have been operated by private companies. They are being re-established and invigorated in a way that has been lacking for so many years. I do not think anyone would not want to acknowledge that railways are again starting to become a major force in Australia.

At the present time we are seeing the final stages, hopefully, prior to the commencement of construction on a major new line from Alice Springs to Darwin. Again, in future years a feeder such as that from Wallaroo to Snowtown could tap into that market through to Darwin.

I particularly want to say a very big thank you to all the volunteers who have been associated with the extension of the line from Wallaroo to Bute. The current president, Kevin Masters, has worked tirelessly to ensure that the rail line progressed as we wanted it to. I believe that over the years up to 40 volunteers have been involved in this project. It was a wonderful occasion to have Diana Laidlaw formally open it. I want to pay tribute to the honourable minister because, whilst we had negotiations back in 1992 and 1993 with Frank Blevins—and subsequently Barbara Wiese was also involved—really it was from the time that Diana Laidlaw took over as Minister for Transport that things started to proceed and major steps forward occurred.

However, no matter how supportive of a project a minister for transport might be, there are always obstacles to be overcome. From time to time over the last year and a half to two years I have become frustrated when it appeared that it might not be possible to get a lease which contained terms that would be acceptable to the Yorke Peninsula Rail Preservation Society. A lot of hard work was done behind the scenes, and I acknowledge the work of the minister in helping to overcome those problems. I would also like to thank some of her Department of Transport officers who also sought to overcome the problems that arose, possibly due to legislative aspects or, in most cases, concern that never before had a line of this type been leased to a private company. It is a line that has the potential to service the Wallaroo silos, which probably hold more grain than any other silo in South Australia.

I guess, if a line is handed over to a tourist operator, there is always a concern about getting the commercial operators back in. I think the lease has catered for that very well and there is no question that Wallaroo will always have the opportunity to have commercial trains running in future years. So, to all the people behind the scenes I say a very sincere thank you. It is quite remarkable that this line, which is a broad gauge line, has been able to accommodate the carriages and the locomotives, because they could not be brought up on the existing standard gauge line to Snowtown. The broad gauge, therefore, had to be brought up on semi trailers. The first item that came up was the locomotive (which came from Victoria) and that has proved to be a very satisfactory locomotive. I believe that the price paid for it then was almost insignificant compared with the price that would be paid today. So, it shows how trains have come back into their own.

Likewise, the carriages used on the train are turn-of-the-century carriages, and I would say to anyone interested in going on a train trip that takes you back in time that the Wallaroo to Bute run provides an excellent opportunity. They now also have a Red Hen they are seeking to do up and run on the occasions when fewer people are using the tourist train, for whatever reason.

There is also a dining car, which, I believe, may already be operating, but if it is not it is certainly well on the way because the first of the dining runs has started. Interestingly, recently one young couple decided to use the train for their wedding—again, another first. They hired but did not actually marry on the train. The bride and groom were kept in separate carriages so that they did not see each other before the wedding. They married at Bute. I also pay compliments to the two district councils, namely, the District Councils of the Copper Coast and the District Council of Barunga West.

Both councils were exceptionally supportive of the re-introduction of the railway in the earlier years, particularly the District Councils of the Copper Coast. In fact, it was before even the Northern Yorke Peninsula Council. More recently, Barunga West Council has helped in many ways to ensure that the extension of the train to Bute would work well. The council, volunteers and the Lion's service club in Bute have constructed a Gunner Bill's Gallery in the old police station. Gunner Bill's was named after a former old-

timer in the area. That gallery now provides a great attraction for tourists and a wide range of art and craft items can be purchased.

Work is also being carried out on the police cells located in the back of the gallery. Once that is completed it will be possible for people to see how police cells operated in earlier times. In fact, the creation of Gunner Bill's Gallery at Bute has involved some 30 people and they have clocked up approximately 800 voluntary hours. The gallery is a craft and historical centre, it is a project of the Bute Lion's club and it will house quality craft sold on consignment. The gallery also contains a significant amount of local history and, in time, there will be a Centenary of Federation display. Afternoon tea will also be offered to people travelling on the tourist trains.

It really has been a community project of the first order, and it is wonderful to see how this has progressed. The Rail Preservation Society has been thrilled to bits with the response over this last Christmas/January/February period. In fact, it has taken considerably more money than anticipated. That reflects well from the point of view that we have just had the hottest summer since the turn of the century. If we managed to have such a good season this year, when the summers in future years are a little cooler it will probably ensure that even more people take advantage of this great tourist train.

I would like to highlight something that occurred on the inaugural trip in which my wife and I participated. The train travels through some bush country and we would have seen of the order of 20 to 30 kangaroos whilst travelling to Bute. On the way back we again saw a few kangaroos. One kangaroo decided to hop along with the train. After a while, I said to my wife, 'Look, it has gone for quite some metres; you watch, it will turn off in a moment', but it did not. In fact, for kilometre after kilometre, the kangaroo kept hopping along with the train. We then came to—

The Hon. D.C. Wotton: Probably missed it, that's all.

Mr MEIER: My colleague says that the kangaroo probably missed the train. I had not thought of that; I do not think that was the case. We then came to an area where there was a fence and a line of trees with that fence. I said, 'You watch, it will turn off here.' But no, the kangaroo went straight through the trees and, bang, straight over the fence. It then went through a paddock that was stubble at that stage. Further on a harvester was harvesting a crop. I said, 'If that kangaroo does not change direction shortly it will run slap bang into the harvester.' Thankfully, the kangaroo saw the harvester and, instead of going to the farther side of the harvester, the kangaroo actually came between the harvester and the train so that it was closer to the train still.

The kangaroo would have probably stayed with us for the better part of four kilometres. I spoke to a few of the tourists who were all thrilled to bits. One tourist was from Britain and another from Holland. I said, 'What did you think of that?' They said, 'We have been all around the world and we have never had a better attraction than this train ride in our lives.' I said, 'That is great to hear.'

The Hon. D.C. Wotton: Did they appreciate your organising it?

Mr MEIER: They wondered whether I had especially organised the kangaroo to hop along beside the train. I would say that this train run has highlights that would not be found anywhere in Australia. I pay my full compliments to everyone who has been involved, from every volunteer through to the minister. I am sure that it will continue to be a great attraction for many years to come.

Mr De LAINE (Price): It gives me great pleasure to join with the Government Whip, the member for Goyder, in congratulating the Yorke Peninsula Rail Preservation Society on the reopening of the railway line from Wallaroo to Bute. It is a wonderful feature for tourism in that particular area. With respect to the experience just outlined by the honourable member, it would be great if that could be repeated every time the train runs on that track. I would also like to pay tribute, as has the honourable member, to the efforts of the volunteers of that organisation. This applies also to volunteers right throughout our society, in any area, who give enormous amounts of time for the benefit of the community at large.

These people, particularly those involved in the Railway Preservation Society, do work very hard. It is a labour of love. I know some of them and they work very hard. They are very dedicated people and put in enormous amounts of work. Some volunteers are still working and give up their free time. Others are retired people and give enormous amounts of time to this very worthwhile cause. I believe that it is very important to preserve our history, not only for people of the current generation but, more importantly, for future generations so that they can know and see first-hand and enjoy the history of our great state.

The preservation of the railways infrastructure is particularly valuable because of its extreme importance to the state's history and to this particular area mentioned by the member for Goyder in terms of the important use of the railway when it serviced the then rich copper mining industry. I support the motion as moved by the member for Goyder.

Mr VENNING (Schubert): I support and congratulate the member for Goyder on this motion, and certainly congratulate the Yorke Peninsula Rail Preservation Society. When I first became a member of this place I did have the honour of representing part of this area, namely, Bute. Also, until a couple of years ago we had a farm that was located alongside the rail track. I have watched with great interest the progress of this society. I am very pleased that what started as a venture in the main street of Wallaroo has now reached Bute. There have been a few cynics along the way, a few negative detractors but, I think, they have all disappeared.

The experience that was just highlighted to the House by the honourable member certainly is unique in terms of seeing the farming operations that occur alongside the railway line. There is a lot of activity all the year, as well as native fauna, because there is a natural strip of bush alongside the railway line in several areas. It is quite common to see kangaroos and other fauna, particularly birds. Certainly, I hope that this is only chapter one of this project because a track does travel on from Bute to Snowtown. The corridor is still public property and I believe that, in most instances, the track is still there. I think it is a travesty of justice that we ever closed this railway line; we should never have done so. I blame, to some degree, the bulk handling authority, which did not replace the rail unloader at Wallaroo, as a result of which the line became defunct and was closed, I think, in about 1983 or 1984.

Mr Lewis interjecting:

Mr VENNING: Certainly, I am very interested to hear of its success. I have read in press releases in recent days that the society might even consider carting grain from Snowtown to Wallaroo. So, there is your sleeper, member for Hammond. Here is a volunteer group doing probably what government or private enterprise ought to do. Certainly, it highlights that deficiency, because I remind honourable members (who might be aware of this) that Wallaroo was a major port, and

this rail link, which never should have been closed, was closed.

I am very interested in the progress of this project, and I certainly hope to take a ride on this railway line, if not before the Kernewek Lowender, then certainly during the Kernewek Lowender program, when I hope to spend a day or so with the member for Goyder with our Hupmobile, in which we spend the day driving between the three towns of the Iron Triangle. It is a delightful day, spent in delightful company, and certainly it is worth the hassle of getting the car there.

This is a great region, and the Yorke Peninsula Rail Preservation Society certainly deserves the congratulations of this House, because it is becoming a very important part of the tourism scene in South Australia, and it is adding to the attractions of the Iron Triangle.

My ancestors come from Altarnun in Cornwall, and my family and I are very interested in Cornish heritage and history. I am so pleased that the Yorke Peninsula Rail Preservation Society has made this benchmark of getting to Bute—I know that the people of Bute are very pleased—and I now look forward to their progressing to Snowtown. I know that the honourable member will give the society every assistance possible, but if they want any extra help they can come to me, because we will move everything, including sleepers, to make sure that they achieve that aim. That would make it a neat probably hour and a half's round trip, with more country to see, because as you drive through the Hummocks out through Barunga Gap you see another change of scenery. Good on these volunteers. There must be thousands of hours of volunteer work involved, and it is great to see some people getting it together. I congratulate the member for Goyder for being their member.

Mr HANNA (Mitchell): I was not going to speak on this topic, but the member for Goyder has really excited and provoked me into speaking on this magnificent motion. The Yorke Peninsula Rail Preservation Society should, indeed, be congratulated on its volunteer work, promoting the reopening of this railway. From the description of the member for Goyder, this will be an international tourist attraction of the first order. When you think about it, this government has spent tens of millions of dollars on the Hindmarsh Soccer Stadium, the wine centre and the Holdfast Shores development. Sure, a few people will come along and want to walk through those sorts of developments, but this project, for just a few thousand dollars in comparison, will draw a stream of tourists through Adelaide to the Yorke Peninsula. It will really make it the centre of kangaroo attractions in the world, judging from the speech of the member for Goyder.

We appreciate the detailed and drawn-out accounts of every new development in his electorate, which he brings to the House every week. There is no doubt of his passion and his fervour. In fact, *Hansard* probably will not be able to convey the excitement, or the fever pitch, with which the member for Goyder speaks on developments such as this. My final comment would be that this reopening of the railway is 'beaut'.

Motion carried.

CRAFERS TO GLEN OSMOND HIGHWAY

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

That this House, recognising the first anniversary of the completion of the Crafers to Glen Osmond Highway, congratulates all of those who have played a part in providing the significant improvements to this major carriageway.

I also commend the member for Goyder on his motion, and I look forward to at some time being able to enjoy the Yorke Peninsula Rail Preservation Society's achievements. Perhaps I should have a chat to some of those people to see if they would come along and support the Adelaide to Bridgewater Line Preservation Society, because I have not had very much success in relation to the preservation of that line.

I am very pleased to move today that this House recognise the first anniversary of the completion of the Crafers to Glen Osmond Highway, and that we congratulate all those who have played a part in providing the significant improvements to this major carriageway. I want to do so particularly because it has been brought home to me very clearly that people so easily take things for granted. We all travel up and down that road, which has been open for only just over 12 months, and we all enjoy the safety and convenience that it provides. But we just take those things for granted—and particularly when we look back to what we had to put up with in respect of the Old Mount Barker Road. I think it is worthwhile that we consider those who had a part in making all that happen.

I was interested—as were, I am sure, all members—to see the front page of the *Advertiser* on Monday 26 February, with the headline 'Tunnels to prosperity'. That is certainly the case. We have seen a remarkable change in the hills as a result of those tunnels going through. More than 100 new businesses have opened, real estate is booming in the hills—and all this, of course, since the completion of the Heysen Tunnels 12 months ago.

The construction of the Adelaide-Crafers highway is estimated to have cost something like $151 million, and I believe that we should all be indebted, and continue to be indebted, to the federal government for supplying that funding to enable the work to be carried out.

I would particularly like to express my thanks (and I am sure that I speak on behalf of the constituents of Heysen) to the Hon. Alexander Downer who, as the local member, has worked so hard to make all this happen. While the state has not been involved, to any great extent, in providing funding for the project, I would also hope that I could take some credit in seeing what has now been achieved as a result of some 25 years of representation on this issue, because, as far as I am concerned, there has not been a more important issue than looking to improve the Mount Barker Road certainly since I have been in office for some 26 years.

I was pleased that the *Advertiser* was able to carry out an investigation. That investigation found, certainly, that the new highway was a much safer and quicker route, and that they were able to bring so many statistics to our attention as a result of the opening of the tunnels, in particular. We have been told, for example, that the price of houses has climbed by an average of $15 300, to an average of $148 167 last year, with the number sold in the Stirling, Onkaparinga and Mount Barker districts up by 78 to 948. We also have been told—and I can certainly support this, putting on my other hat as Chairman of the Adelaide Hills Tourism Marketing Committee—that tourism numbers have reached an average of half a million visitors each year, and that is according to the first set of official Australian Bureau of Statistics figures compiled for the region. I will say a little more about that later.

We have seen a remarkable drop in the number of road accidents, and we can all be thankful for that. Indeed, the number of truck crashes has fallen from 18 to five in the period from March to mid November 1999; and the number of general road accidents dropped from 162 in the period March to mid November 1999 to 70 in the period March to November 2000. To clarify that, the number of truck crashes fell from 18 to five in the same period. That has been a remarkable reduction in road crashes, damages and death, and I concur in the comments on that matter made by the state Minister for Transport and Urban Planning, Diana Laidlaw. I thank her for the very strong support she has provided.

I was interested to see that the South Australian Road Transport Association Executive Director, Steve Shearer, commented that the tunnels and highways were an excellent piece of road work which had helped to reduce haulage accidents on what we all recognise as having been a notoriously dangerous route.

Mr MEIER (Goyder): I move:

That Orders of the Day: Other Motions be postponed until Notices of Motion: Other Motions are concluded.

Motion carried.

The Hon. D.C. WOTTON: I appreciate the support of all the members in the House at the present time to enable me to continue my remarks.

An honourable member interjecting:

The Hon. D.C. WOTTON: It is a very important motion before the House. Coming back to the subject, I should also say that I was pleased to see the comments of the Adelaide Hills Council Chief Executive Officer, Roy Blight, that new access to the hills had boosted demand for housing, resulting in higher real estate prices. He made the point that there had been a marked increase in property values, which had flowed through to the rates, and the local council would be very thankful for that. Real estate agents in the area have been flooded with requests to buy and rent properties in the Adelaide hills region, and a number of people who have considered the sale of their properties have certainly taken advantage of what has happened in more recent times.

Earlier I mentioned the significance of the improvement in tourist numbers, and that has been quite remarkable. Certainly, the opening of the tunnels has resulted in more sightseers, particularly on day trips into the Adelaide hills. That has come about for a number of reasons, but mainly because the travelling time between Adelaide and the hills has now been cut significantly. The hills are seen as being a lot closer and easier for people to access and enjoy, and that is great for tourism. Currently, there are more than 220 tourism operators in the hills. A number of those are involved in bed and breakfast accommodation, and that number is growing.

Other forms of business have also enjoyed 12 months of growth, with the Adelaide Hills Regional Development Board Chief Executive Officer, Michael Edgecombe, saying that he felt it had been a record year for new business start-ups. He indicated that about 100 new businesses had been opened, with many involved in tourism, food processing, light industry and business services such as accountants and tax specialists. He reiterated the point that many millions of dollars of new investment had been brought into the hills last year.

So, the new highway has brought with it many benefits, the main one, of course, being that it is a much safer route. I know it is not perfect. There will always be those who say that we should not have semis on the freeway, that they should be restricted to certain times and that they should not travel two abreast, and they will go on about that. There will continue to be accidents; nothing is surer than that. It is a very steep piece of carriageway. Unfortunately, the truckies seem to get a fair bit of criticism for the way they drive, but I would suggest that the road habits of some other vehicle drivers should receive as much, if not more, of the criticism we level at the semitrailer drivers. On the many occasions that I go up and down that road, sometimes two or three times a day, I am amazed at the lack of driving skills on the part of some drivers.

I would suggest that to a large extent that comes about as a result of impatience. I have to say that the driving habits of some of those who are driving with P plates leave a lot to be desired. If I were able to request anything coming out of this motion, it would be a greater police presence on that road. I am pleased the Minister for Police is in the chamber at the present time, because I think that with the amount—

The Hon. R.L. Brokenshire interjecting:

The Hon. D.C. WOTTON: I concur in that. My concern with that is that there seems to be a lot of police presence through the hills where it is not necessarily needed, and I have already made my thoughts known to the minister about that. Particularly on this road, with the amount of traffic using the road and the difficulties that are experienced by some drivers, it would be good to have the police there to be able to pull over those who do not do the right thing, who do not indicate when moving from lane to lane, who speed and who are not as courteous as they might be to other drivers.

On behalf of the parliament I thank all those who have had a part to play in the construction of this carriageway. I had the good fortune to meet many of those people personally, and it was certainly a significant challenge for them. They carried out that work brilliantly. I can recall vividly seeing the young fellow coming through the tunnel when the tunnels met in the centre. It is a remarkable feat, particularly when you drive up that tunnel now and you see the curve in the tunnel, and they hit the spot right on the bullseye. As I say, it is quite remarkable. The major reason I wanted to bring this matter to the attention of the House is the fact that it is so easy for all of us to take for granted the amount of work that was carried out and the expenditure that went into ensuring that that road was made so much safer for all of us. I hope the remainder of the House will support this motion.

Mr CONLON (Elder): I rise in my usual display of bipartisanship to support the motion. There is no doubt that the project was one of the most important infrastructure projects we have seen in this state for many years, and its benefits have been canvassed well by my friend opposite. It is important that it not be taken for granted and that we should congratulate all those involved. For that reason, I am sure it was merely an oversight on the member for Heysen's part that he failed to mention my federal colleague and good friend the Hon. Laurie Brereton, who of course signed off the funding for the project when he was Minister for Transport in the Paul Keating government. I spoke to the Hon. Mr Brereton in recent days, and he reminded me of how happy he had been to be involved in nation building in the state of South Australia. It is worthwhile to remember at this time, in the centenary of our federation, that there have been federal governments that knew the true meaning of federation

and were prepared to engage in nation building beyond the Blue Mountains.

I would like to thank in this place the Hon. Laurie Brereton for committing that funding to the project. I also remind the House that it was at a time when Laurie Brereton was proving himself to be a true friend of South Australia; he also signed off the runway extension funding and committed $5 million of federal money to the Islington railyards clean-up around the same time. Just to labour the point, I also point out that in the same period it was the federal Minister for Regional Development Brian Howe who committed $9 million of Better Cities money to the Patawalonga Basin, which allowed the other major development we have seen in recent times.

The reason I make those points is that, like the member for Heysen, I do not believe these major projects should be taken for granted. It was plainly the commitment of a federal Labor government, in particular Laurie Brereton as Minister for Transport, that brought about those projects. I contrast that with the sort of contribution to major projects in South Australia we have seen from the federal Liberal John Howard government in recent years. In my honest and sincere opinion it is the case that the current Prime Minister rarely sees beyond the Blue Mountains and is extremely Sydney-centric in his viewpoint. I will close by saying that it does appear that that shortcoming of the federal government may well be rectified in the near future with the return of the Beasley government in which the inestimable Laurie Brereton will become Minister for Foreign Affairs, and that is something I look forward to.

Mr De LAINE (Price): I also would like to support the member for Heysen's motion in recognising the first anniversary of the Crafers/Glen Osmond highway, and also congratulating all those who took part in that magnificent project. It has certainly been a wonderful project. During the project's final stages and since completion I have been a regular traveller on this highway and, from Glen Osmond corner to Crafers, it has taken eight minutes off the journey and also made it much safer. The honourable member mentioned the project figure of $151 million, which was slightly over budget. I cannot believe how much work they did for that amount of money.

Two and a half years ago, during the final stages of the project, I remember taking some ministers from the New South Wales government to have a look at the project and they were absolutely amazed at how much work was being done and the magnitude of the project in relation to the then quoted figure of $138 million for the project. They mentioned that in Sydney they had overseen an earthmoving civil engineering project which cost the government $60 million and, in comparison with the hills development here, it was only really an upgraded intersection. They could not believe that we had had all this work done here for what was then to be $138 million.

The project manager told me that no earth or rock materials had been brought in from outside. All the rock and earth materials used in the project were taken from the cuttings within the project area, and no foreign material was brought in. In fact, at the end of the project, only about 300 tonnes of rock was left over, which was used to remediate a local quarry in the area. It was an amazing result overall. He also told me—as the member for Heysen mentioned—that the tunnels that were cut into the sides of the hills from either end matched up perfectly in the middle. That was a first-off civil engineering concept in the world, and there were a couple of other concepts that they used as world firsts in parts of the bridging and so on in that project.

In closing, I would like to pay a tribute to the people who managed the project for the way they managed the enormous volume of traffic that came down from the hills each morning and night while the project was in operation. The project would have been enormous enough had all traffic been banned from the area and they had gone ahead with all the earthworks, road and bridge constructions, but, no, they did all the work, the blasting, earthmoving, road and bridge building and the tunnels while this enormous volume of traffic was using the road every day, morning and night, and during the day. In my view, the way that that traffic was managed each day was nothing short of a miracle, and they are to be commended on that. I have much pleasure in supporting the member for Heysen's motion.

Mr LEWIS (Hammond): I was not going to speak on this matter, but I will now, because I sat through it. I do not have a problem with the proposition to commend the people who designed and built the project and the extra time it cuts off the journey. I use it myself, of course, because it is between here and home. I was a member of the Public Works Committee that examined all stages of the project from the time it was first presented to the committee to the time it was completed, and you, Mr Speaker, were its chairman at the time it was first brought before the committee. It is an outstanding project, and the engineers who designed it, as well as those who supervised its construction and the people who worked in that work deserve commendation, and Luigi Rossi particularly so.

Others have canvassed with great eloquence the benefits that it confers on the people who live the other side, as it were, of the escarpment and who must traverse that section of road, and I say ditto to their remarks. I want to turn to something far more serious as a consequence of what the government sees as an opportunity, it seems to me, to raise money. I have put out a news release that says:

> Operation Attitude—Who's Got An Attitude?
>
> I wonder if it was a money hungry state government which was behind the decision to blitz the truckies on a downhill run from Stirling to the Toll Gate on the South Eastern Freeway; or anywhere else for that matter
>
> OR
>
> overzealous traffic division inspectors directing the SAPOL operations
>
> OR
>
> some gung-ho candy car operators who took it into their heads to get an attitude themselves
>
> OR
>
> all of the above, which has resulted in truckies being pulled over and issued with high cost traffic infringement notices and demerit points to go with it (some of them with cautions or warnings or whatever) under the interpretation of Rule 108 of the Australian Road Rules which prevents truckies from using primary braking systems on designated sections of road where there is proper signage to that effect.
>
> Police need to be issued with heat sensing (that is, infra-red) glasses, so that they can properly detect truck drivers who have been using their primary brakes instead of their engine's brakes to reduce and hold their speed on steep hills, anywhere.

That would make it possible for them to avoid the subjective assessment that, because they saw the red lights on, or come on, that is, flash, the primary brakes had been used. It is still inappropriate to stop somebody who has used their primary brake, even if only for a matter of a split second, or a second or two, in my judgment.

So I call on the government to refund all the payments that have been made, that it has received from any truckie issued with a traffic infringement notice for failing to observe so-called Australian Road Rule 108 and make any necessary adjustments to their licence demerit points and withdraw all the traffic infringement notices because of the fact that the brakes lights of many modern trucks come on not only when primary brakes are applied but also when the engine braking system is applied. There is no way that the officers can know whether it was the foot pedal activating the pads on the discs or shoes, or whether it was the engine brake that was in fact operating.

Secondly, there is no consistent measure, other than the subjectivity of the officer with an attitude, as I have said in this case, of primary brakes use; and there are ambiguities and inconsistencies nationally in the signage that the minister (who was here a bit earlier) and the minister in the other place have failed to recognise—and I note the minister has returned. This is an appalling situation where we have interstate drivers who are not accustomed to seeing the signs that we have used in South Australia, but have been accustomed to seeing the signs that have a red border around them and/or erected with flashing lights to say, 'You cannot use anything but your engines to slow you down.' There is not a standard and there bloody well should be, because there is in every other road traffic sign for which you get pinged and for which you can be issued with a traffic infringement notice and, if you do not agree with it, go to the court.

It seems to me that the government and the police are the people who have an attitude when they mounted Operation Attitude, and it is not the truckies. The vast majority of them have been very responsible. I concluded my press release with the remark, 'It makes you wonder, doesn't it!' Let me tell members that I received dozens of calls from truck drivers who were irate at what had happened to them—not just people who live in my electorate but people who live interstate, as well as outside my electorate in South Australia. I want to read one of those letters from a very old, close friend, David Swan, who operates a trucking business out of Meningie. I will not read out all of it because it is not germane to what we have before us, as it relates to the way in which the government is now raising revenue from this road. In part, the letter states:

> On Friday 2 March one of our heavy articulated vehicles was descending from Crafers into Adelaide along the new section of the freeway. The vehicle was unladen, travelling under the speed limit, and in a lower gear, with periodic brake adjustments.
>
> This vehicle was stopped by a police patrol car. When our driver asked the police officer what the problem was, he was told that he had used the primary brakes on his vehicle, which was contrary to the Road Traffic Act for this part of the highway. The driver was told by this police officer that it was also an offence to use the vehicle engine brake.

Well, that has to be bullshit! The letter continues:

> The driver was booked and told the fine was $177. I have learnt that, where there is a traffic sign which states that 'all trucks use low gear' such as the one at Crafers, the vehicle must not use its primary brakes as it traverses this part of the freeway.

Well it was not, it was using its engine brakes and it only touched up on the primary brakes once in a while to slow down wherever the gradient got a bit more and the speed increased. It was in a lower gear than normal road gear, yet he was still pinged—and you call that justice, and reasonable, sensible road traffic laws enforcement.

There is no consistency in the signage and there was no warning. Who does have the attitude in this problem? The letter continues:

> I, and other transport operators that I have spoken to, have not been aware of this requirement when this sign is displayed. We had been using the Devils Elbow route for years, and now the new tunnel road, and this is the first that drivers knew of this particular [road rule]. However, there is no way a heavy vehicle will be able o comply with this act, as it is not possible to descend on gears alone—

and it is not; I have a heavy truck licence and I can see the sense of that—

> The truck's primary brake, or the engine brake, must be used to steady the vehicle and to keep it under control. Most drivers prefer to use the engine brake so that the brake drums are cold and the primary brakes operate effectively when they arrive at the Glen Osmond traffic lights. We operate in a safe and responsible manner on the roads—

and they do; all the Swan drivers are carefully selected for that reason, as are Norm Patterson's—

> and we consider this to be a knee-jerk reaction to a recent incident of very bad driving—

boy, was it ever—

> We believe this fine to be unjust—

so do I—

> and must protest in the strongest possible terms—

and I do on their behalf—

> . . . if you think that we have been unjustly treated, would you please take this matter up, and see if you are able to get the Minister for [transport] to look at this ridiculous road rule.

Well, I have. I have written to both the Minister for Police and the Minister for Transport and I asked them a few pertinent questions about the subject matter that I put on the record just now; and those pertinent questions go to the manner in which the matters in hand that I have spoken about have been, if you like, handled or mishandled by police.

I say to all those people that, as long as I have breath in my body, I will stand in here and lay it on the minister if the minister does not withdraw those expiation notices, refund any that have been paid already and adjust the demerit points on the drivers' licences. It is as crook as hell. There cannot be any other reason for it than that the government made a grab for money and put some crude, rude, gung-ho, candy car operators out on the job to do the dirty work for them. I have no respect whatever for police who behave in that way when there are so many inconsistencies—and the government knew that at the time it said that it was going to conduct Operation Attitude. It should never have got into it.

Motion carried.

AUSTRALIA DAY

Mr LEWIS (Hammond): I move:

> That this House strongly recommends that the federal government change the date upon which Australia Day is celebrated from 26 January to 9 May, the day upon which the federal parliament first sat.

The very name 'Australia' was not known, had not been thought of, on 26 January 1788, yet it is 26 January which New South Wales has effectively, through its cultural hegemony, imposed on the rest of us as the day on which Australia was founded as a nation. That is just not true. It was not a nation. It was a case of the British Crown annexing a piece of territory on a continent south of the equator for the purposes of establishing by military fiat a penal settlement and referring to it as a colony.

I do not take any joy whatever on that date in thinking about it as though it were an appropriate day to celebrate an anniversary of this country's being a nation. It is not an appropriate date to use as the basis for the celebration of the foundation of a nation called Australia. Captain Matthew Flinders, the man who met Baudin and had a chinwag with him at Encounter Bay early in the 19th century—1802 I think—came up with the idea that it ought to be Australia.

It is not appropriate for us to call this our national day, in my judgment. It is more appropriate for us to celebrate the 9 May, being the day upon which parliament first sat in the Royal Exhibition Building at Melbourne. All members would have received a letter signed by David Pitchford, Bernie Harris (Executive Coordinator of the Centenary of Parliament) and James Barr (General Manager of the National Council for the Centenary of Federation). When we federated, we became a nation. We became Australia. Surely, that is the day upon which we should be celebrating our national day—9 May, not 26 January.

Is it any wonder that the Aborigines get angry? Is it any wonder that those descended from an Aborigine as an Aboriginal feel angry? Is it any wonder that it is a divisive day—not a unifying day at all? To me it is no wonder. I understand those sentiments, and I do not accept them as in any sense warranted. The more important thing for us to do is to celebrate the occasion upon which it became possible for us to regard ourselves as Australians, as people with one citizenship who were independently and separately sovereigned for our affairs as a nation.

That is why I have this motion before us today. We all should go to Melbourne—we are fools if we do not—to celebrate the occasion early in May to which the letter invites us. If we do not, then we really do not deserve the honour and responsibility that has been conferred on us as elected members in the parliament of our respective states. We became one nation on that day. It is the most appropriate day. I cannot think of a better day on which to celebrate it, rather than 26 January.

Debate adjourned.

[Sitting suspended from 1 to 2 p.m.]

ALICE SPRINGS TO DARWIN RAILWAY (FINANCIAL COMMITMENT) AMENDMENT BILL

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

NATIVE BIRDS

Petitions signed by 86 residents of South Australia, requesting that the House urge the government to repeal the proclamation permitting the unlimited destruction by commercial horticulturalists of protected native birds, were presented by Mr Meier and Mr Wotton.

Petitions received.

GOLDEN GROVE ROAD

A petition signed by 179 residents of South Australia, requesting that the House urge the government to consult with the local community and consider projected traffic flows when assessing the need to upgrade Golden Grove Road, was presented by Ms Rankine.

Petition received.

TEA TREE GULLY POLICE

A petition signed by 25 residents of South Australia, requesting that the House urge the government to establish a police patrol base to service the Tea Tree Gully area, was presented by Ms Rankine.

Petition received.

DENTAL SERVICES

A petition signed by 634 residents of South Australia, requesting that the House urge the government to fund dental services to ensure the timely treatment of patients, was presented by Ms Stevens.

Petition received.

EMPLOYMENT

The Hon. M.K. BRINDAL (Minister for Water Resources): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.K. BRINDAL: Today's Australian Bureau of Statistics figures provide some very good news for young South Australians. The latest figures show that our state not only has the lowest youth unemployment in the nation but it is now a full 5.7 per cent lower than the national average. In February the number of 15 to 19 year olds seeking work fell by 1 200 in South Australia. The reduction in youth unemployment in our state to 22.1 per cent was especially gratifying, given that a year ago, in February 2000—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. M.K. BRINDAL: —it stood at 32.5 per cent. Compare that with the figure of more than 40 per cent when Labor was last in office. A more than 10 per cent fall in the youth unemployment rate in 12 months, I believe, shows that our job creation initiatives are working and, in particular, that this government's budget strategies and initiatives have proved to be the correct ones at this time.

At the same time, the February unemployment data shows that, while the overall jobless rate in South Australia was static at 7.3 per cent, seasonally adjusted, we have avoided the rise that was evidenced nationally as that figure rose from 6.6 per cent to 6.9 per cent. In effect, we have further narrowed the gap between the national unemployment rate and our state unemployment rate to within .4 per cent of the national average and within less than 1 per cent of the best performing state.

The 53 200 South Australians who were seeking work in February represents the lowest level since July 1990. And the latest unemployment figure of 7.3 per cent, while still leaving room for improvement, is far preferable to the 12.3 per cent rate of the dark days of Labor in the early 1990s.

Further good news for women seeking work is also evident in the latest ABS figures. During February, total female employment rose by 5 000—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The minister has leave.

The Hon. M.K. BRINDAL: —to 301 000. So, in summary, while there is no need for complacency, there is very good news for our young people looking for employment and we will, as we have in the last few years, work even harder to improve the job prospects for all South Australians.

ABORIGINAL LAND-HOLDING COALITION

The Hon. D.C. KOTZ (Minister for Aboriginal Affairs): I seek leave to make a ministerial statement.

Leave granted.

The Hon. D.C. KOTZ: I wish to advise the House that I have appointed Mr Garnett Wilson, OAM, to the position of Executive Support Consultant to the Aboriginal Land Holding Coalition. The Aboriginal land-holding authorities have met as a coalition since 1996 to develop and promote a joint working relationship with common policies and action strategies for the lands for which they are responsible, that is, some 26 per cent of the land mass of South Australia.

The coalition has been searching for some time for a person with the appropriate experience and qualifications to serve as its executive officer and advocate on its behalf. A report undertaken for the coalition indicated that the person needed to be a senior elder of the Aboriginal community who, without question, is accepted and respected by the traditional owners and occupiers of the lands, represented by the three land-holding bodies.

There is no more suitably qualified person to carry out this role than Mr Garnett Wilson. In accepting this appointment, Mr Wilson has advised me that it would no longer be appropriate for him to remain as Chairman of the State Aboriginal Heritage Committee, nor as the Chairman of the Aboriginal Lands Trust. In accepting Mr Wilson's resignation from both these positions, I wish to take this opportunity to recognise the significant contribution he has made to Aboriginal Affairs in South Australia for over four decades.

The people who have worked with Garnett Wilson know that he is what is colloquially known as 'a straight shooter'. He is tough, but fair, diligent and a man of honour. Like so many of his generation, Garnett faced hardships, but has had the courage and the fortitude to overcome all obstacles. This was first seen when, as a boy of 12, Garnett suffered serious injury as a result of an accident and subsequently spent more than four years in the Murray Bridge and Royal Adelaide Hospitals.

In 1947, he joined his father, who had served in World War II, to work as a rouseabout in shearing sheds. This was the beginning of a long and what he found enjoyable period, working in the shearing sheds all over South Australia, New South Wales and Victoria. In 1959, Garnett undertook training as a wool classer, and he became the first qualified Aboriginal professional wool classer in Australia.

In 1977 he was elected to the National Aboriginal Conference, representing an area stretching from Crystal Brook to the New South Wales Victoria border. As an elected member of the national executive, Garnett served as the Deputy National Chairman and as a spokesman on Aboriginal housing issues. For five years Garnett Wilson served as the Chairman of Tandanya and served as the first Aboriginal Chairman of the Aboriginal Legal Rights Movement, following the resignation of Justice Elliott Johnston. Mr Wilson was a foundation member of the South Australian Aboriginal Lands Trust in 1966 and served as its chairman since 1977.

For the past 35 years as a member of the trust, including 24 years as its chairman, Garnett Wilson has worked tirelessly on behalf of Aboriginal people. Under his leadership, the trust has worked successfully with Aboriginal communities to develop a sustainable resource management strategy for Aboriginal managed land in South Australia, and this has been the catalyst to attract funding for important land management projects on the Aboriginal lands. In addition, the trust has become an innovator in supporting commercial development on Aboriginal lands, with the aim of achieving economic self sufficiency for Aboriginal communities. In 1995 Mr Wilson was appointed Chairman of the State Aboriginal Heritage Committee on a part-time basis. The value of his work with the committee was further recognised by this government when it subsequently appointed him as full-time chairman.

Garnett Wilson earned the respect and admiration of the hundreds of Aboriginal and non-Aboriginal people with whom he has worked over many years. Garnett was duly recognised and honoured on Australia Day 1984 with the awarding of the Medal of the Order of Australia for services to Aboriginal welfare. I am sure that Garnett Wilson will bring a wealth of knowledge and experience to the Aboriginal Land Holding Coalition as its executive support consultant. It has been a privilege to work with Garnett Wilson since my appointment as Minister for Aboriginal Affairs, and one that I know is shared by previous Ministers for Aboriginal affairs, and by many of his colleagues and kinsmen. I know that it is improper to advise the House of anyone sitting in the gallery, and I will not make that comment, but I have every confidence that he will continue to serve well the Aboriginal people of this state, and I feel sure that all members will join me in wishing Garnett Wilson every success in his new and extended role in the service of Aboriginal communities.

Honourable members: Hear, hear!

SOUTHERN O-BAHN

The Hon. DEAN BROWN (Minister for Human Services): I lay on the table the ministerial statement concerning the Southern O-Bahn proposal made earlier today in another place by my colleague the Minister for Transport and Urban Planning.

GOVERNMENT'S PERFORMANCE

The Hon. M.D. RANN (Leader of the Opposition): I move:

That Standing Orders be so far suspended as to enable me to move forthwith a motion without notice regarding censure of the government.

Motion carried.

The Hon. R.G. KERIN (Deputy Premier): I move:

That the time allotted for debate of the motion be one hour.

Motion carried.

The Hon. M.D. RANN: I move:

That this House censures the government of South Australia in the light of the strong criticisms by the Industry Regulator and the Auditor-General of the government's handling of the ETSA privatisation process and poor outcomes of the ETSA privatisation for the people of South Australia, such as consumers facing price rises of between 40 and 100 per cent and also including:

- the highest prices in the Australian national electricity market,
- increased unreliability of supply,
- lack of planning for future electricity needs,
- lack of certainty of existing electricity supply and
- poor handling of South Australia's entry into the national electricity market.

The Auditor-General yesterday delivered the latest in a series of damning reports into this government's handling of the biggest privatisation in this state's history. Once again, we were told of a series of bungles made by the Olsen

government as it sold this state's electricity assets against the wishes of its owners, the people of South Australia. The state's independent financial watchdog has told South Australians that the Olsen government's ETSA privatisation has placed our future electricity supplies in jeopardy. The Auditor-General told us yesterday that there are no guarantees in the ETSA lease that the electricity assets and their generation capacity will be maintained. The Auditor-General told us that the power stations which South Australian taxpayers spent millions of dollars to build and maintain can simply be run down by the new owners. He produces a chilling graph that shows us that, under the Olsen government leases, these power stations that currently produce more than 2 000 megawatts could be generating less than 500 megawatts in 10 years' time.

Members interjecting:

The Hon. M.D. RANN: So, the Auditor-General is speaking rubbish—that's the government's response. Amazingly, the Auditor says the government—that is, the taxpayer—may have to intervene in years to come to ensure future power supplies within South Australia. Just how much will the ETSA privatisation cost taxpayers in future? Within a year of privatising electricity assets, the Auditor-General tells us that the government may have to go back into the power business to ensure that we keep the lights on. In February 1998, the Premier told us that South Australians had to privatise our power system to avoid risk.

The Hon. G.A. Ingerson interjecting:

The Hon. M.D. RANN: Why would the member for Bragg be interjecting? When we said they were going to privatise electricity after the election he is the one who went on TV to say that that was a lie, full stop: they would never sell ETSA. That is how much we can take from the truthfulness of his comments. In February 1998 the Premier told us that South Australia had to privatise its power system to avoid risk to the taxpayer. At the time, the Premier was claiming that it was this Auditor-General who had told him the electricity industry was so risky that we had to get out of the power business. Here is what the Treasurer—who said some interesting things yesterday about Mr MacPherson—said about the Auditor-General when he liked his advice about ETSA. I will quote:

> The Auditor-General is fearlessly independent, as we all well know. . . and it is not in his particular interest to beat up a fever pitch about the risks in the national electricity market unless he genuinely believes them to be the case and unless he would genuinely like all members. . . to closely look at what he had to say.

Then the Treasurer said:

> The warnings come from no less independent an authority than the Auditor-General.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: But now when the Auditor, in a detailed and forensic manner, explains that the Olsen government has put the taxpayers at risk of having to re-enter the electricity business, the Auditor is maligned by the very same Treasurer as not living in the real world. What pathetic hypocrisy. Here we had a Premier and a Treasurer—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —who held up this Auditor-General as being their authority, their reference point. His report was their bible, and now he does not know what he is doing. So much for the independent watchdog, that valued authority.

Members interjecting:

The SPEAKER: Order! I am sorry to interrupt the Leader of the Opposition. Members on my right will come to order and remain silent. This is a serious debate, and the chair expects the contributors from both sides of the chamber to be heard in silence.

The Hon. M.D. RANN: This report is another nail in the coffin of the ETSA privatisation and in this government's handling of our electricity system. As people who live in a first world nation, South Australians quite rightly expect a certain level of services. They expect that, when they turn on their lights, they will have power and that they will receive that power at a reasonable price. Well, thanks to this government, they will have to lower their expectations unless something is done urgently. This report is the latest example in an incredible process of mismanagement and deceit about our electricity system.

The Olsen government has given us: the highest electricity prices in the national electricity market—twice as high as the Victorian and New South Wales prices, with the prospect of those prices rising by 30 per cent or more; an unreliable and inadequate electricity supply—we had 500 outages in January, twice the monthly norm; and, of course, a critical lack of planning for future electricity needs.

The reasons for this are all simple. The Olsen government has been so busy selling off our power system that it has failed to run it properly, failed to maintain it and failed to prepare adequately for the national electricity market. The concept of the national electricity market was fine, of course, when it was put forward by the Keating government and signed off for South Australia by Dean Brown, the then Premier. It was designed to see power traded between the states to achieve lower prices and an adequate supply.

But the execution of the national market and the preparation for it here in South Australia has been appalling. That is because the government's focus was on the ETSA sale price, not the price that South Australians will have to pay for power now and in the future, or the adequacy of our power supply. The end result is potentially a massive cut to jobs throughout South Australian industry and a massive hike in families' power bills.

From 1 July, South Australian businesses whose power bills are greater than $20 000 a year will join the deregulated power market. The government's own appointed Independent Regulator, Mr Lew Owens, has been shouting from the rooftops that, as things stand, these businesses could face massive increases in their power bills. Reports today suggest that the Independent Regulator is now saying those increases could be between 40 per cent and 100 per cent—40 to 100 per cent, that is what Lew Owens is saying; read the *Advertiser* if you do not believe me.

Members interjecting:

The Hon. M.D. RANN: You believe that it's true. Previously, Mr Owens—

Members interjecting:

The Hon. M.D. RANN: You appointed him; he is your Independent Regulator—was saying 30 per cent, so obviously things are getting worse as we approach the fateful day of 1 July. Now it is not the opposition, the minister and member for Echuca might realise, that is conjuring up these figures. This is another independent source, just like the Auditor-General. If power prices do leap as high as Mr Owens and others have predicted, the impact on jobs in South Australia will be devastating. If you do not believe me go out and talk to people in industry and manufacturing.

Significantly, it was claimed recently that individual companies were loath to speak up for fear of deterring commercial contract offers. But the electricity retailer AGL says that the writing of supply contracts has all but dried up due to a lack of those offers. More than the fear of a high priced electricity contract, business fears not having a contract at all. They are then at the mercy of fluctuating prices and varying power availability. Mr Owens says—and let me quote your Independent Regulator:

> This situation may result in numerous South Australian employers either having no contracted electricity supply from 1 July (with no obligation on any party to supply them) or being forced to accept a contract with significantly higher prices. . . Either outcome—

this is Mr Owens, your Independent Regulator—

> does not augur well for the competitiveness of South Australian employers or their ability to plan for reliable and competitive electricity supply.

The Minister for Employment and Training might like to hear this: then Mr Lew Owens, your independent regulator, said, 'The economic development of South Australia is at risk.' So, are we to hear today from the government that the Auditor-General has got it wrong? You used to love him but he has got it wrong, and now Lew Owens—your independent electricity regulator—has got it wrong.

The same scenario faces households as well, unless something is done. By 1 January 2003, households in South Australia will join this deregulated market. The regulator has not ruled out families facing massive electricity hikes. In 1999-2000 the average household electricity bill was $740. A 40 per cent increase would see it stand at $1 050, an extra $300 a year. For every South Australian family, that is the potential price of this government's electricity policy. Let us remind the Premier, who is busy on the phone, that just two years ago this government was talking about a $100 a year Rann-Foley power bill if it could not sell ETSA. Well, the Olsen government has sold ETSA and now South Australian business and industry will be hit by the Olsen-Lucas power bill increase. It will join the Olsen government's power blackouts; the Olsen government's emergency services tax; and also, of course, the Olsen government's water deal. It is supposed to be a 20 per cent cheaper price but it is 30.5 per cent more expensive for South Australia's water supply.

South Australia already has the highest electricity prices within the national market. In 1999-2000 the South Australian power price was an average $58.7 dollars per megawatt hour. That compares with $27.7 for New South Wales; $25.7 for Victoria; and $46 for Queensland. But during January 2001 the average pool price was over $83 per megawatt hour in South Australia. By February, it had risen further to $133 per megawatt hour.

Having our power prices so much higher than the other states can only hurt our attempts to grow existing industries and attract new ones. But now the business community is going to the employers' chamber and coming to us and saying, 'What are we going to do from 1 July when Olsen's privatisation comes into effect with deregulated power prices?' A recent study by the Business Council of Australia found that at least one respondent to its survey said that they had deferred all investment in South Australia because of the high cost of electricity. Within the national markets, spot prices are currently 20 to 50 per cent higher than the price levels under South Australia's existing transitional vesting contracts that govern prices before deregulation. That is the new threat stalking the South Australian economy and jobs delivered to us by this government. Of course, the Premier will leap to his feet about the benefits to the state, but let us remember what he said. We were told water would be cheaper; it is 30.5 per cent dearer. Of course, we were also promised lower electricity prices after privatisation: they were too high in South Australia but they were going to be cut because of privatisation. On the very day that he announced the privatisation of ETSA, the Premier said:

Members interjecting:

The SPEAKER: Order! There are too many audible interjections from my right. Shortly, members will start to be warned. I warn the member for Bragg.

The Hon. M.D. RANN: On the very day that he announced the privatisation of ETSA, the Premier said:

> The fierce competition between private suppliers always results in prices dropping.

That is what this Premier told the people of this state. He told them the price of power would go down, just as he told them the price of water would go down, and he wonders why no-one believes him any more.

Supply of electricity in South Australia is trailing behind demand. For the past few years maintenance has not been adequate—and we all have sweated through the results this past summer. The Olsen government knew that acute power shortages of the past two years were going to occur. A report they commissioned from the Industry Commission told them so. In 1996, the then Brown Government, through its trusted and loyal minister, John Olsen, received the Industry Commission report entitled, 'The electricity industry in South Australia'. The report stated:

> Current demand forecasts indicate that South Australia will need to augment capacity or increase imports shortly after the year 2000.

The government's response to that news was to turn its back on not one, but two proposals for major interconnects and scrap the proposed upgrade of our second largest power station at Torrens Island. The government turned its back on the Riverlink interconnector with New South Wales which would have brought in a ready supply of cheap power from a state with an oversupply. After two years of actively embracing Riverlink, the government failed to back it through the NEMMCO process using an initial deferral by NEMMCO as the excuse to withdraw support altogether. Riverlink alone is no magic wand for our power problems, but it could have made a significant contribution to reducing the price and increasing the supply and would have been a godsend in the past summer.

The Olsen government also scrapped plans to upgrade the Torrens Island Power Station—plans first announced in 1995 at a cost of $50 million. It also failed to take up an opportunity of a proposal made by the ATCO consortium to augment the existing interconnection between South Australia and Victoria—and meanwhile maintenance of the system fell away. Between 1994-95 and 1999-2000 ETSA's operating expenditure, which includes maintenance, fell from $116.6 million to $79.9 million. The number of maintenance crews fell from around 270 to 90.

The Olsen government's one positive response to our pending electricity shortage was to call for a private power plant at Pelican Point in 1999—three years after being told of the impending electricity crisis in this state by the Industry Commission. Labor supported a new power station despite the increasingly desperate claims—

Members interjecting:

The Hon. M.D. RANN: Just hang on a minute—desperate claims to the contrary by the Treasurer and the

Premier. You have the marionette in the upper house saying, 'But Labor opposed Pelican Point'. We said that there was a better place for it—next to Torrens Island, right alongside an existing plant and its infrastructure. The Pelican Point Power Station was completed ahead of time and opened right on time: you cannot use that alibi and excuse—and you know it is a lie. Power shortages in the past two summers and the next couple have nothing to do with Pelican Point or Labor's view on it. Despite Pelican Point, South Australia continues to be dogged by higher prices, black-outs, unreliability and now the threat of no contractual obligation on the part of retailers to supply to consumers.

Yesterday the Auditor-General's Report on the government's electricity privatisation was brought down in this House. It is a damning indictment which goes right to the heart of the matters I am discussing. The Auditor-General points out that, while the private sector has long-term leases over the electricity generators, this does not mean they have any long-term obligations to supply power to the consumer in the way we would expect them to do. He points out that there will be a progressive run-down of generating capacity without 'any long-term certainty of continued supply of power in South Australia from the current generation sites'. This is the Auditor-General that you said belled the cat about the need for privatisation. He continues:

> . . . the current leases provide no long-term certainty that existing capacity will be maintained.

Now the government is apparently considering how to address this deficiency in the government's sale process retrospectively. The Auditor puts it bluntly. He says that a minute to the Treasurer of 4 February 2000 asked the government to consider what he calls the 'fall-back policy'. It is not a fall-back; it is not even a retreat: rather, it is a 'rout' policy. This memo states that the government has to plan for the 'facilitation of interconnect and generation options, and more interventionist approaches such as capacity auctions or demand incentive schemes. In other words, reliance is placed on the market or alternatively on direct government intervention, to ensure future power supplies in South Australia.'

Now we are talking about direct government intervention. Will the Premier, then, today rule out government's paying electricity subsidies to business in the wake of his disastrous management of our electricity industry, or will we have to do what the Californian state government is doing and buy power contracts to sell to the private sector at a cost to the taxpayer?

The Auditor-General has reminded the Olsen government today that you cannot privatise away your responsibility as a government. Being in government means securing a decent power supply for the future, a secure power supply at a decent price. In a minute, we will hear—

Members interjecting:

The Hon. M.D. RANN: —it is okay—the Premier's usual defence. He is the one who told the people before the election, hand on heart, that he would never privatise our power. He and Graham Gunn went to the power station in Port Augusta and looked those power workers in the eyes—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —and said that they would never sell ETSA. They said, 'Don't believe Mike Rann.'

The Hon. G.A. Ingerson interjecting:

The SPEAKER: Order! I warn the member for Bragg for the second time.

The Hon. M.D. RANN: Well, I know whom they do not believe today: they do not believe Graham Gunn and they do not believe the Premier of this state.

The Hon. D.C. Wotton: And they certainly don't believe you.

The SPEAKER: I warn the member for Heysen.

The Hon. M.D. RANN: Okay. I want to hear from the Premier that he will act. I want to hear that the Premier agrees with me that he needs to sit down with the other Premiers who are in the national electricity market and address the problems we face. His privatisation and his bungles have left us vulnerable. He needs to try to repair some of the damage by working with other Premiers to get the national electricity market back on track—to reinject consumer needs and the public benefit into the market.

Let me just say this to members: we have been now officially warned by the watchdogs that we can expect a massive hike in electricity prices from 1 July for businesses and then in 2003 for consumers.

An honourable member interjecting:

The Hon. M.D. RANN: I will tell members what we will do: we will print on the power bills after the next election the names Olsen-Lucas—

The Hon. M.K. Brindal interjecting:

The SPEAKER: Order! I warn the Minister for Water Resources.

The Hon. M.D. RANN: —who are responsible for the hike in electricity prices. And I tell this House: any members opposite who line up to support them today better get themselves into a witness protection scheme before the angry people of this state come after them.

Members interjecting:

The SPEAKER: Order! Premier.

The Hon. J.W. OLSEN (Premier): If we strip away the hypocrisy, the politics and the false statements of the Leader of the Opposition in his comments to this House, let us pick up a number of points. The Leader of the Opposition talked about being in government. One of the most fundamental responsibilities of being in government is to not bankrupt the state. It does not matter what the Leader of the Opposition says, his government, the Labor administration, bankrupted this state and brought its economy to its knees. That is the backdrop upon which I will respond now to the Leader of the Opposition. There is no more fundamental responsibility than ensuring—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The leader has made his contribution; I suggest that he remain silent. Premier.

The Hon. J.W. OLSEN: I would hope that the Leader of the Opposition extends to me the courtesy that I extended to him during his comments in this debate. The finances and the economy of the state are fundamental to the wellbeing of individuals in this state, and what we saw over a period of 11 years of Labor administration is that wellbeing effectively destroyed. Against that backdrop, let us move on. Let us look at some of the history of this matter. We need to look at the climate at the time when we, as a government, had to make the difficult decision in relation to the leasing of our power assets, a climate of an emerging national electricity market and the inherent risk that it would bring. In relation to that risk, was it real? Yes, it was. And I just simply point up to the House—and, in particular, to the Leader of the Opposition—

the situation regarding New South Wales and Queensland, both with Labor administrations: in New South Wales it is reported that the risk and loss is between $400 million to $600 million, and reports out of Queensland anticipate up to $1 billion over a 20 year period. So, the risk was real, and the risk has been reported and identified from out of New South Wales and Queensland.

As the leader said, it was the Auditor-General himself who sounded the warning bell of government utilities competing on a national market. Let me quote from the Auditor-General's 1996-97 annual report, where he describes the risk associated with ETSA Corporation and Optima entering the national market as government utilities, as follows:

> The downside for the South Australian public is significant as they, through the government, stand behind the financial viability of these entities. The conferral of government guarantees on publicly owned commercial businesses places a greater obligation on the shareholder, the government and its representatives for effective performance. The effect that the collapse of the former State Bank of South Australia had on the state's finances must never recur.

The Auditor-General warned in 1996-97:

> A variety of compliance risks are associated with the reform of the electricity market.

He said:

> The compliance risks may give rise to a significant cost to the SA government, whether as a consequence of financial penalties or failure of the commonwealth to provide anticipated 'competition payments' and maintain financial assistance grants.

He also warned that a number of regulatory risks were associated with the reform of the market. He said:

> Those regulatory risks which may give rise to a significant cost to the South Australian government include uncertainty with regard to future regulatory decisions under the NEM code which have a capacity to affect the value of the ETSA corporations and the payment of dividend [revenue income] to the SA government.

In relation to whether we received a fair price for our assets, I again quote the Auditor-General from his annual report on 30 June 2000, as follows:

> In relation to whether the state received a fair price for the assets disposed of in 1999-2000, information provided to cabinet on the valuation of assets before each disposal indicated that, overall, because of the results of the two major disposals, the state had virtually achieved the upper limit of the estimated total valuations of the assets.

Yes, the Auditor-General has raised concerns about the process and made suggestions. But in his supplementary report, tabled yesterday, he recognises that the government has addressed a number of the issues that he had previously raised. That is a snapshot of the last couple of years, and this debate needs to be put in the context of the issues that were confronting us as a government.

Let me also talk about the national electricity market, because this is key to this issue. The national electricity market was first mooted in 1991. In 1992, a council of Australian governments was formed with the National Grid Management Council to oversee the development, the model and the introduction of a national electricity market. I want to make this point quite clearly: it was a federal Labor administration and a state Labor administration that oversaw the development of the model and the introduction, therefore, of the national electricity market.

Let us not be in any doubt about that; the model that is in place was designed by federal and state Labor governments. That being said, there are issues related to this national electricity market, after the model has been in place. It was first mooted 10 years ago, has effectively been in practice in the last eight years at least and in effect in South Australia in recent times. Despite the fact that it was introduced by Labor and despite the fact that it is now being implemented by a number of governments around the country, it is a model that needs to be reviewed. I know that, from time to time in contributing to debates, the members for Gordon and Chaffey and others in this place have raised the issue as it relates to a national electricity market model and its operation. The Treasurer has also raised issues occasionally on the national electricity market. Consistent with that and with what the Treasurer has said over the past few weeks, it is appropriate that I announce that we will put in place a task force. This task force will include industry and consumer representatives and senior government officials, and I will look to the introduction of an independent chair. It will report directly to me, and I will make those findings public.

We need to look at the model and establish what its impact is on electricity consumers and businesses in South Australia. I will also pursue the issue at the highest level of government across the nation, that is, the Council of Australian Governments. The task force will examine the rules of the national electricity market and its impact on South Australia, interconnector modelling constraints and other issues that might be identified from time to time—in recent times more particularly—by the Industry Regulator. It will make recommendations on what action needs to be taken to improve the operations of that market for South Australia. I agree that we need to revisit the model and address these key concerns, and will take the issue to the next meeting of the Council of Australian Governments.

Eighteen months ago we indicated that the clean-up of the Murray River was an issue of such national importance and significance that we obtained the Prime Minister's concurrence in listing it as the first agenda item of COAG. Depending on the report of the task force that I announced today, this will also be listed as part of the Council of Australian Governments deliberations. It will include representatives from consumer and industry groups, and I will look at sourcing an independent chair of the task force, to take away just a little bit of the cynicism of some of those opposite.

The Hon. M.D. Rann interjecting:

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

The Hon. J.W. OLSEN: I want to pick up one or two points in rebuttal of the Leader of the Opposition. He mentioned that electricity as an input cost is an important barrier for business and for the attraction for new investment. I agree. Whose track record on attracting new private sector capital investment will outshine that of the former administration over the last seven years? Electrolux, formerly Email—

Members interjecting:

The Hon. J.W. OLSEN: Members might laugh; it is in their electorate that one of these companies is established. If you do not want them working in your electorate, that is fine; many other electorates will have these workers and, as manufacturing operations shift out of New South Wales and Victoria into South Australia, we will look to further expansion. As I indicated to the House on Tuesday, the ABS figures show that last year private sector new capital investment here outstripped by almost double the next nearest state, New South Wales. Look at the jobs figures, with unemployment going down, and our position compared to other states of Australia.

WorkCover is another example. WorkCover just announced another $83 million of cost being stripped away from businesses in this state, as we reduce the costs compared

with New South Wales and Victoria, where WorkCover costs are starting to take off. The other point of the leader's to which I want to respond relates to the Riverlink, the NEMMCO—

The Hon. M.D. Rann interjecting:

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

The Hon. J.W. OLSEN: I understand that my time has run out. In relation to Riverlink and NEMMCO, what we did not want to do is give an open chequebook to the New South Wales Labor government to underwrite its risk factor. It can build it tomorrow. We will facilitate its building it tomorrow, but we should not let the taxpayers of South Australia underwrite the Labor government's taxpayers in New South Wales. That may be what members opposite want, but that is not what we will put in place.

I also point out to the House that for consumers there is the little model that was put forward by the Leader of the Opposition about residential price increases. You might have overlooked the fact that there is a protection there for residential consumers; it is 2003. So, for the Leader of the Opposition to get up and put in place models today is a bit disingenuous, to say the least. As it relates to reliability, I simply point out to the Leader of the Opposition that, if we compare last year's set of figures to those of the Labor governments of Victoria and New South Wales, we see that our reliability is well ahead of that of your counterparts on the eastern seaboard of Australia, and that is a fact.

Today I am proposing to acknowledge that, in the history of the backdrop of the responsible long-term decisions that we have made, we look at the national electricity model and its application and implications for protection of South Australia to review the model, as has been recommended by a number of people, and we will do so.

Mr McEWEN (Gordon): I take up the point of the Leader of the Opposition, who says that it is important we get this debate back on track. We need to get a couple of matters back on track. The first is the supply/demand equation. Obviously, in terms of price/cost pressures, it is important that we get that back on track. Secondly, for all Australians, it is important that we get the national electricity market back on track. That is not a state but a federal issue. There is a way forward, and that way forward is a task force. That way forward—

Members interjecting:

Mr McEWEN: You can laugh, but I remind you that, when I spoke against the privatisation on Wednesday 27 May 1998, I called on the government at that time to prepare a long-term vision statement on South Australia's energy outlook. I called on a statement for the next generation, because that is what we are dealing with here. Obviously, energy will underpin economic growth in this state. My pleas failed at that time. Today is another opportunity for all of us to realise that the piece of architecture that is missing is a long-term energy vision for this state, the interplays between power and gas, and the interplays between generation capacity in this state and interconnects. One good thing can come out of this debate today: it can be a commitment from all of us to give that to the next generation. If we achieve that, at least we have achieved something.

There are flaws in the NEM. Again, Lew Owens points out that those responsible for that architecture are blinded to its flaws. Again, we have to go to another vehicle to have a look at what is wrong with NEM, and equally the challenges with which we are being faced today in terms of supply/demand equations in this state. Anything that achieves a task force to look at that will gain my support.

I was prepared in the Economic and Finance Committee to support an inquiry into the South Australian energy market out of frustration that the parliament as a whole had failed for two years to accept my plea. If we can now move to that step, I am again happy to allow the Economic and Finance Committee to sit back until that is prepared and then have a look at it.

Mr FOLEY (Hart): Yesterday, the Auditor-General, this parliament's independent watchdog of the actions of this Government, delivered his most devastating report yet on the Olsen government's mishandling of the ETSA privatisation. It reveals a government that has little or no regard for the public interest. It reveals monumental incompetence on the part of this government in disposing of this state's most valuable public assets. It reveals a government's willingness to sell at any price with contempt for the public interest. The Auditor-General points out that, while the private sector has long-term leases over the electricity generators, this does not mean that they have any long-term obligation to supply power to the consumers in this state. He points out that there will be a progressive run-down of generating capacity without 'any long-term certainty of continued supply of power in South Australia from the current generation sites'. He continues:

> The current leases provide no long-term certainty that existing capacity will be maintained.

The government's own figuring shows that the decommissioning of Synergen by 2003, the decommissioning of Optima by 2008 and the overall fall in generation from existing sites from over 2 000 megawatts to less than 500 in the year 2010 is a possibility.

The Treasurer's defence seems to be to ask the question: why would anyone invest in the purchase of these utilities without plans to reinvest later? There are at least four clear reasons why they might simply run down the assets without reinvesting in new capacity. Firstly, the contracts signed by the government do not require the new owners to undertake new investment; they can do as they please. Secondly, the new owners have bought assets that, in some cases, are close to the end of their economic life. They are sometimes making super profits, super profits that could be eroded by additional supply. They can take out resources quickly, maximising their profits for the short term and then simply go. Thirdly, as the Auditor-General says:

> The leasing arrangements for Flinders Power, Optima Energy and Synergen contemplate a phased reduction in generating capacity over a period of years.

That run-down is already in the contract signed by Treasurer Rob Lucas and the Premier on behalf of this government. Fourthly, not even the government believes Rob Lucas. The Auditor-General pointed out that the government is now considering what to do about this impending disaster. The Auditor-General puts it bluntly. He has uncovered a minute to the Treasurer from the Electricity Reform Sales Unit in February 2000, and it asked the government to consider this—this is an uncovered memo to the Treasurer. It says:

> . . . facilitation of interconnect and generation options, and more interventionist approaches such as capacity auctions or demand incentive schemes. In other words, reliance is placed on the market, or alternatively on direct government intervention, to ensure future power supplies in South Australia.

More taxpayer direct involvement is contemplated by this government. Because of the government's incompetence the taxpayer is being forced back into the electricity industry to overcome sloppy government sales practices. The Electricity Reform Sales Unit ignored the Auditor-General's advice that bids should be evaluated at the same time and not sequentially, because sequential evaluation meant that bids would probably not be evaluated consistently.

The Hon. M.H. Armitage interjecting:

Mr FOLEY: Don't worry chicken run, just sit there until the end of your term. For the generation and transmission assets, no date for lodgement or expressions of interest was provided. That was just plain shoddy. It was our multimillion dollar advisers who made a staggering blunder in relation to the price formula between ETSA Utilities and AGL. That blunder was not found by the consultants, but by a senior public servant. The consultants have paid no penalty for that error. The Treasurer should have resigned or been sacked for that appalling incompetence.

The Auditor-General said that it was inappropriate to extend the virtual immunity from prosecution to the government's advisers. He says that this diluted their accountability and they cannot be held responsible for their advice even if they have acted in bad faith or negligently.

Members interjecting:

The SPEAKER: Order! There are too many audible conversations on my right. The House will come back to order.

Mr FOLEY: Yet they were still paid top dollar for their advice. Neither Rob Lucas nor the Electricity Reform Sales Unit required the consultants to sign off on project documentation. I remind the House that these advisers were handling the sale of the state's largest and most profitable assets, and that they would have been paid well in excess of $100 million at the end of the day. The whole exercise shows this government's contempt for regional South Australia. The treatment of the people of Leigh Creek by this Treasurer and this government has been despicable. The government has sold out the needs and the interest of a whole town in rural South Australia.

The government has sold a lease over the entire town to the successful bidder, Flinders Power. Leigh Creek now relies on that company to provide adequate quality and quantity of services. No assessment was made about whether the successful bidder had any expertise in providing these services: indeed, it appears they did not. But, worse still, the Auditor-General finds that the state has absolved itself from legal liability to the residents of Leigh Creek, including any liability for loss, damage, injury or death suffered by a person through any cause whatsoever. He continues:

> It is not appropriate for the state to exempt itself from liability to the residents of Leigh Creek township from its own negligent or criminal acts.

The criticisms, of course, do not end with this Auditor-General's report. Let us remember that we had a report which was tabled in this House on 29 November last year. It listed 80 pages of bungles, oversights and mistakes in the process of hiring consultants to sell this state.

The Auditor-General in this state, report after report, has condemned this government and has condemned the Treasurer. For the Treasurer of this state to accuse the Auditor-General of South Australia of not living in the real world is a disgrace. This comes from a person who has spent all of his working life either in the Liberal Party or in the Legislative Council and he has the audacity to accuse Ken MacPherson of not living in the real world. This Treasurer is incompetent. He has bungled this process. He has assigned this state to higher electricity prices, to blackouts, to a lack of generation. This government should be condemned for blackening this state and for destroying this state's cost competitiveness. We will have blackout after blackout and we will have skyrocketing prices courtesy of this government. You are a disgrace. You should resign.

The Hon. G.M. GUNN (Stuart): We have just heard from the most incompetent economic adviser this state has ever had to suffer. We have just heard from a Labor Party politician who wants to line the pockets of overseas bankers at the expense of the long-suffering people of South Australia, and members opposite expect us to take them seriously. During the tirade which we heard from the honourable member for Hart he failed to tell the people of South Australia just what is taking place and what sort of investments the power generators are making throughout South Australia. He does not know. He's never spoken—

Mr Foley interjecting:

The Hon. G.M. GUNN: You aren't the Auditor-General: you don't know. Because if the honourable member made one telephone call, he would know the massive investment which is planned by NRG Flinders Power. Currently—

Members interjecting:

The Hon. G.M. GUNN: I know they do not want to hear it. They want to continue to spread scuttlebutt and nonsense and untruth. That is their aim, that is the exercise. They want to read more speeches prepared by Randall Ashbourne, that independent ABC journalist. They want to spread more scuttlebutt and nonsense. But let us have some facts. The facts are, Mr Speaker—

The SPEAKER: Order! I ask the honourable member to resume his seat. I ask the House to come back to order.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I warn the Leader of the Opposition for shouting over the chair. That is, I think, your second warning. I remind members that if you want your speaker to be heard you might as well give some courtesy to the other side, otherwise you are going to end up in absolute chaos by trying to outdo each other. In fairness to the debate, let us finish it. We have 10 minutes to go and let us hear the rest of the debate in silence.

The Hon. G.M. GUNN: Currently, Flinders Power is investing in a course of action to see how they can increase the capacity of the northern powerhouse. Already under this government—and the Leader failed to mention this—the old Playford B Power Station has been brought back on line, generating some 200 megawatts of power. Every hot day it is going, full steam. They are spending money ensuring that it operates to 2004, and they are looking at what—

Mr Koutsantonis interjecting:

The SPEAKER: I warn the member for Peake!

The Hon. G.M. GUNN: And they are looking at what steps have to be taken so that they continue to operate that power station well into the future. This company has a history of bringing back online old power stations, as it has done in Queensland, for the benefit of the industry. Leigh Creek has never produced as much coal as it is producing today. It is a record amount of production. Under this government and under—

Mr Foley interjecting:

The Hon. G.M. GUNN: The railway line has been upgraded. Steps have been taken to upgrade the railway line

and reduce the freight rate in order to save the power industry at Port Augusta. Your colleagues allowed AN to extort the people of South Australia and call into the question the future viability of that power station. Obviously, the honourable member has not had the courtesy of speaking to the management of these operations to know how they are operating those facilities at world's best practice—it is second to none. All the honourable member and his colleagues have done is attack the management and downgrade the operation. Obviously, they have no confidence—

Mr Atkinson interjecting:

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

The Hon. G.M. GUNN: Those people have acted in the best interests of South Australia, and we should support them and be proud of them.

The Hon. R.G. KERIN (Deputy Premier): I oppose this motion. It shows how out of touch the ALP really is. We are hearing them criticise, and have constantly heard them criticise, one of the best deals for this state. We have cleaned up $5 billion worth of debt through this deal. The sum of $5 billion is part of the debt which we inherited and which has been lost. Some balance in this debate should look at the mess with which we were left and what we have sorted out.

Members should look at New South Wales and Queensland, where the taxpayers continue to wear the burden of government's owning things which are not core business for them. The taxpayers are paying through their taxes for the mistakes made in those states—mistakes which we have got rid of. We have got rid of the risk, and that is it. One would think that South Australia had never had a blackout if one listened to the member for Hart during the summer. He constantly gave the impression that blackouts are a new invention which occur only in South Australia and nowhere else.

The member for Hart constantly led the people of South Australia to believe that the blackouts were caused by of a lack of generating capacity and a lack of power in South Australia. That was simply not correct. The blackouts were a result of the Labor government in the 1980s and 1990s not planning the infrastructure needs of this state. The problems we had with power supply in regional South Australia during the summer were the result of an enormous backlog of infrastructure building and maintenance which occurred during the 1980s and early 1990s. Over the past six or seven years, this government has seen an enormous growth in development and that has put enormous pressure on the infrastructure. We had problems because the capacity of the system—

Mr Atkinson interjecting:

The SPEAKER: Order! I warn the member for Spence for the second time.

The Hon. R.G. KERIN: —was not planned for in the 1980s and 1990s. Now, we talk about planning. The point is that we have been planning. This Labor Party government went against building power stations—

Ms Hurley interjecting:

The SPEAKER: Order! I warn the deputy leader.

The Hon. R.G. KERIN: —when it was in government. It did no planning, and it opposed Pelican Point. Members should look at what this state government has done. We now have Pelican Point; we have the proposed new gas pipeline to South Australia—and gas is very important to electricity needs; and, with further planning, we are looking at wind farms—something that the Labor government could not even envisage our having. We have several wind farms proposals on the table. As the Minister for Minerals and Energy knows, we are looking longer term at the possibility of geothermal power in the future—and that is extremely important.

In relation to planning, ETSA Utilities has come on board with the Office of Regional Development, DIT and the regional development boards to look at the needs in the community. We are looking at building the capacity. We have done the hard yards as far as getting generation capacity and the amount of power into the state. We are now trying to address the issues in relation to infrastructure. We have heard nothing but criticism from the ALP about what we have done to clean up the financial mess and going ahead to modernise electricity. What members opposite do not realise—and the Premier alluded to this previously—is that some changes need to be made to the national electricity market. Labor always fails to acknowledge that the national electricity market, which is now somewhat outmoded, was a Labor idea, and we have picked up the challenge as to how we deal with that. As I said, South Australia has done it better than elsewhere.

If one looks at what has happened in New South Wales and Queensland, in terms of losses that taxpayers have had to bear, one can see that South Australia has avoided that. We have paid off a heap of debt. We have sufficient electricity here now. The reason we are having a problem is lack of planning by the Labor governments—

Mr Foley interjecting:

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

The Hon. R.G. KERIN: —during the 1980s and the early 1990s.

Mr LEWIS (Hammond): Make no bones about it, I support the principle behind the privatisation of the state's energy generation and reticulation systems. However, I will bet that the Liberal Party members sitting in here today rue the day they ignored the advice I tried to give them in the party room on more than one occasion since 1985. There are plenty of things that should have and could have been done that would have left this state in a much better situation than it is in now. For instance, I think that it is absolutely shameful, as the member for Hart has said, that the state government has left the people living in Leigh Creek absolutely bereft of any protection against negligence or criminal acts by the people who employ them.

I equally understand the reason why that was done: it was simply to head off the compensation claims that should and could be properly brought against the state government agency, ETSA, for the kinds of ill health that have been suffered by people who lived in Leigh Creek at the time when it was not well understood that exposure to hydrocarbon gasses was a very serious occupational health and safety hazard. Notwithstanding that, I share the concern, which has been expressed by the opposition, about what the Auditor-General has found. He is no fool. But I must tell members that, and most of the members of the Liberal government here and in the other place know, ERSU was mainly comprised of fools.

The kind of advice they gave the government has got us into this sorry mess and the advice was taken without adequate or proper questioning; indeed, to the extent that one of those members insulted me, as chairman of a parliamentary committee, and, indeed, the parliament in the process of the remarks that she made to the Public Works Committee about her opinion.

Members interjecting:

Mr LEWIS: We all know that we are talking about Alex Kennedy. It is tragic. It is just so tragic that what we could have had we do not have. We have scrambled the egg and it will probably go rotten in our face in the short run. I am most disturbed by what I saw happen during this last summer when bids made for power generated in South Australia were not matched by the retailers here. The power was sold to Victoria through the bus bars in Mingbool at the interconnector when, at the same time, areas in South Australia were being browned and blacked out to meet the shortfall of power that resulted from that during the heatwave. To my mind, that kind of thing is a dereliction of duty.

The Hon. R.B. SUCH (Fisher): The albatross has landed, the red lights are flashing and the people are angry. The people of Fisher have suffered more than most due to inadequate infrastructure. What we have now—and I commend the government for getting the debt monkey largely off our back—is an electricity monkey. What we need is security of supply, reliability of service and reasonable and competitive prices. What we need is to change the NEMMCO rules and fix the electricity system. I am not interested in a political point scoring exercise: I want the homes, farms and businesses in my electorate, and the rest of the state, to have electricity when they need it and at a price they can afford. This censure motion is a warning to the government—

The SPEAKER: Order! The honourable member's time has expired.

The House divided on the motion:

AYES (22)

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

NOES (22)

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.	Ingerson, G. A.
Kerin, R. G.	Kotz, D. C.
Matthew, W. A.	Maywald K. A.
McEwen R. J.	Meier, E. J.
Olsen, J. W. (teller)	Penfold, E. M.
Scalzi, G.	Venning, I. H.
Williams M. R.	Wotton, D. C.

PAIR(S)

Geraghty, R. K.	Hamilton-Smith, M. L.

The SPEAKER: There are 22 Ayes and 22 Noes. There being an equality of votes, I give my casting vote for the Noes.

Motion thus negatived.

GRIEVANCE DEBATE

Ms BEDFORD (Florey): The Minister for Human Services yesterday made an accusation maligning me in his extraordinary answer to a dorothy dixer on the success of the South Australian Housing Trust as contained in the Productivity Commission's report of 2001. It is no secret that the reason why our state's public housing was so much better than any other state's was the visionary policies of the Dunstan and Playford eras, when sometimes more than 1 000 new trust homes were built in a year and when bipartisan support was possible, because of the ideas being generated.

Sadly, the bipartisan support that gave South Australia such an enviable record cannot applied these days, because this government has destroyed that record. And, as South Australia was so much better off because of that legacy and the other states were starting from such an inadequate base, of course we look better. That legacy, as well as the good customer service for which the trust staff are to be wholeheartedly commended, continued rather than innovative policy, has carried this state for many years.

The SPEAKER: Order! In fairness to the member for Florey, I ask members to leave the chamber if they want a conversation, or remain silent.

Ms BEDFORD: Thank you, Mr Speaker. When speaking about the new home owners' grant, I posed the question whether it could be possible to improve and broaden its objectives and end results. My constituents were asking me—and I have passed on the question—whether this is the most appropriate way to stimulate the building industry. It is my role to repeat the concerns of my constituents in this House directly to the government. The government and the minister have lost touch and should be thankful to hear first-hand what I hear in the electorate. They are strangely similar to the remarks of the federal Treasurer. I quote from his letter to the Housing Industry Association of 15 December 2000, as follows:

> To increase the size of the [first home owners scheme] grant for new homes now would be problematic. Firstly, it would be unfair to those people who since August 1998 entered into a contract to build a new home or purchase an existing home based on the government's original policy announcement. Secondly, changing the government's policy at this stage could contribute to uncertainty and instability in the housing construction industry since first home buyers may delay their purchases if they believe that there is a chance that the FHOS may again increase. . . In view of these concerns, the government is not attracted to increasing the FHOS grant. While housing construction is expected to decline in the years 2000-01, following very strong growth over the last three years, as you note, the first home owner's scheme is only one of many measures the government has legislated which will benefit the housing sector.

Perhaps the minister would like to comment on the remarks of the federal Treasurer. Would he attack the Treasurer in the same way he has attacked me, or is the minister already aware of the measures that will have to be implemented to replace the hole the expected funding outlay for the first home owner's scheme will create in the federal budget? For instance, does the minister already know which hospitals or health services he will cut to make up the difference our state budget will suffer from federal shortfalls? This is another backflip of Olympic proportions. No wonder Kym Beazley is now outpolling the Prime Minister and is seen as understanding the major issues better than the Prime Minister and being more trustworthy and capable of handling the economy.

Unlike the minister, who cannot really criticise my constituents' thoughts when his own party's federal Treasurer is publicly on the record as having doubts on the effectiveness of this measure, I can support any opportunity for people to own their own homes by recognising that a better, more evenhanded approach to stimulating the housing industry is possible—even if that notion comes from the Liberal Party—

where many more people are included in the equation, and where the outcome is an answer to more than one problem. That is when we will be happy with the first home owner's scheme.

Mrs MAYWALD (Chaffey): I would like to speak about the matter of electricity supply and quality of supply in my electorate and the problems we have been facing as a region over the last few years. Two and a half years ago, I called a meeting in my electorate of ETSA officials which was attended by a number of people from ETSA. Community members were expressing their grave concern about the quality and quantity of supply of electricity to the Riverland grid. We were seeing an ad hoc approach to augmentation of the system. We were seeing problems with new development such as not being able to get access to power at a reasonable price. The region was expanding at such a rate that electricity demands were not being met. Several developers who were looking to connect into the grid were being charged exorbitant prices of $1 million and more for the privilege of that connection. Since then, we have had problems with power shortages and outages. Over December and January this year, the Riverland experienced an unacceptable number of outages and also an unacceptable reaction time to those outages.

In the Riverland area, at times of extreme temperature, pumps and irrigators found themselves without power for eight hours and more. In one outage, some farmers were without power for over 27 hours, which is, of course, totally unacceptable. I arranged for a meeting of ETSA officials to come back to the region again, along with the Electricity Ombudsman and the Independent Regulator, to speak to our community about any future prospects for a better situation in the Riverland. That meeting was attended by over 70 Riverland business people who were experiencing difficulties with their power supply—not just the reliability but also the quality of the supply.

Many outstanding issues are relevant specifically to the Riverland. This situation has also sounded alarm bells with regard to the national electricity market for the state as a whole. Our problems are twofold in this state. The first problem is that we were ill prepared for the national electricity market. The national electricity market was an idea for which the modelling was done in the early 1990s, prior to this Liberal government's coming into power. However, there has been an abrogation of responsibility to ensure that South Australia was ready to enter that market and was given every opportunity to access the market in a competitive way. South Australia is isolated from the rest of the market. We see ourselves as a market within a market and now, with private ownership of the generators, we see them able to up bid prices at times of peak demand which means that our South Australian consumers are paying a far higher price.

I make no bones about the fact that I was opposed to the sale of ETSA because I did not believe that the government had addressed the future needs of this state. That was one good reason. Another reason was that I did not believe there was going to be the net benefit to the state that was being promoted by the government. I still believe that those two situations remain. I think that what we are seeing is South Australia, as an isolated market within the market, being significantly disadvantaged. I support the Premier's move at last to establish a task force to look at these issues and see what options are available to South Australia to move forward.

Come 1 July, we will experience significant problems in this state. Contestable businesses are facing the prospect of not being able to have security of supply, in that they cannot sign contracts with retailers at this point in time. A number of major irrigation supply companies such as the Central Irrigation Trust are having difficulty negotiating contracts with retailers. They are looking at the prospect of having to pay considerably more for their electricity, and I think we are in for a pretty tough time ahead. The state government needs to take its responsibilities seriously in assisting businesses and South Australians to move forward in the national electricity market. We need to know exactly what the future holds for us.

The task force that has just been proposed by the Premier is well overdue. I believe that this type of planning should have been done some time ago. I raised my concerns at the time of the ETSA sale debate and I am disappointed that it has taken the amount of time it has for the government to respond.

Ms WHITE (Taylor): I rise on this National Education Day to pay tribute to all the very good work that is being done within our education sectors in providing South Australians with the education and skills they need to fully contribute not only to their personal future but also the South Australian economy and our future. It is a pity that the current education minister does not recognise the very good work that particularly those South Australian communities are doing, in particular the work being done by our teachers and lecturers in our schools and TAFE colleges, as well as in our universities. Time and time again in this place we get teacher bashing and the bashing of their representatives, associations and unions, and a lack of recognition that what is at the crux of an excellent education system is the need for excellent teachers and lecturers, and that can only occur if the environment is created in which they are encouraged.

However, it is with a little sadness that we look at this National Education Day and recognise that, over the last three years, this state government has taken away some $180 million from South Australian schools, TAFEs and the education sector. We have a federal government and a state Liberal Government intent on diminishing the portion of the pie that goes into education spending in this nation and in this state in particular. The federal government through its divisive manipulation of federal funding to public and private schools has created the environment of a very divisive debate between public versus private education. It is very divisive enrolment benchmark adjustment policy that was there to take from public schools, and not only give money to the private schools but a lot of that went back into Treasury.

Instead of investing in that great education resource, the approach was to cost cut at both federal and state levels. We have the appalling situation in South Australia that, even though in 1992 over 90 per cent of our students finished high school, in 1999 only 58 per cent of government school students who started in year eight finished high school. Most appallingly, in our country regions, only 46 per cent of males attending rural South Australian schools finished high school. That is less than half. The minister denies the problem, let alone looking for solutions to that appalling ABS statistic.

However, I want to turn my attention to TAFE because, on the very day that we celebrate this National Education Day, the training minister came out and had a dig at TAFE. It is ironic that he is quoted, on this very day, as saying that TAFE is but overgrown, bloated and lazy. This is the minister

who, tomorrow, will be in Canberra arguing for extra funds for our TAFE system. Indeed, prior to the MINCO meeting tomorrow, the South Australian chief executive of the department has written to ministers suggesting a deal. It is, of course, Kemp's deal for not very much funding. It is a bad deal for South Australia. I hope that this minister will argue for many more funds on a federal level because, if we do not get a good deal for South Australia, under the three year ANTA agreement we will not be able to supply the TAFE places that we need in future years to train our young people. This is a crucial time, and today we see this minister, who should be arguing for the State of South Australia, slamming TAFE. What hope do we have in those negotiations, when this minister, clearly, has already done a deal with federal minister Kemp for a shoddy deal for South Australian TAFE funding?

Time expired.

Mr WILLIAMS (MacKillop): First, I wish to declare an interest in the matter that I am about to address. I remind the House that I own a farm in the South-East, and am an irrigator and hold water licences. I want to address the two grievances in the House yesterday by the members for Kaurna and Gordon, both of whom spoke passionately about the water issue in the South-East. Both would have us believe that they are experts on this issue. Unfortunately, both managed to show, at best, their lack of understanding of the complexities of this matter or, at worse, gross hypocrisy.

I start with the contribution of the member for Gordon. He asserted that the problem of double dipping was created as a result of amendments to the Water Resources Act last year. This is a gross misrepresentation of the facts. I am certain that the member understands at least enough about this issue to be fully aware of this misrepresentation. The problems which he, quite rightly, identified were created at the time when water title was separated from land title. Many of us in the South-East identified these flaws in the resource management regime many years ago but were shouted down by the vested interests who saw an opportunity not to drive production but to enrich themselves.

Let me clearly illustrate where the member's assertions are wrong. In virtually all the agricultural land within his electorate, the resource currently available for extraction is fully allocated and was so before the amendments of last year. It is those fully allocated management areas—which were, indeed, fully allocated prior to last year's amendments—where the problems to which he alludes and the flaws in the management regime impact. There is not one water holding licence—the culprit, or the cause, as he asserts—in the intensive irrigation areas in the South-East (the Naracoorte Ranges, the Coonawarra or the region between Penola and Port Macdonnell). Last year's amendments and the pro rata rollout has had no impact in these areas whatsoever, yet the member for Gordon continually pushes this falsehood, although he is fully aware of the truth. Indeed, the purpose of that rollout, as recommended by the select committee of this House, was, in fact, to overcome this very problem.

Yesterday, the member lamented the fact that someone could have a water licence even though the water may not be extractable from beneath his land for irrigation purposes, and on the surface this may seem logical. However, he would be quite happy to have that non-existent or inferior water allocated to someone else down the road and, when that occurred, the first landholder, under the Democrat proposal—which he appears to support—would then be prevented from using the rainfall over his property to grow, say, blue gums or other forest trees. The member apparently considers this to be logical. It is no wonder that wiser heads in the South-East have questioned the approach that the member for Gordon takes on this matter.

The member for Gordon said that, having given legal title to someone, you cannot take it back. This refers to water licences and implies that water licences are legal title to a specific volume of water. They are not, and never have been. The member, like those vested interests to which I earlier referred, has been trying for some time to imply that water licences are more than merely a right to extract a share of the resource.

I refer the member and the member for Kaurna to the state water plan which clearly provides that the Water Resources Act 1997 does not vest ownership of the water itself in any person, including the Crown. It also states how water licences can be reduced for a variety of reasons, including 'if there is insufficient water to meet demand'. Furthermore, it states that no compensation is payable to persons affected in these circumstances. I also refer the member for Gordon to the transcript of his evidence to the select committee on this issue—he might get a few surprises.

The hypocrisy of the member for Gordon was not lost on me when he accused others of putting pragmatism before policy. If he believed in what he said about property rights in relation to water licences and applied that same policy to rights in relation to freehold title to land, he could not in any way sustain the position he appears to have taken on this issue. I call on him to indeed apply the same policy rigour to property rights in land, be it freehold title or perpetual lease.

The member for Kaurna was also scurrilous in his assertion that by allowing farmers to grow rain fed crops in South Australia we could not argue that Queensland cotton growers should be prevented from harvesting water from those rivers in Queensland into dams. I suggest that the member for Kaurna inform himself of the difference between growing a rain fed crop and harvesting water for future irrigation. There is much more I wish to add on the matter raised by those two members yesterday, but, unfortunately, due to time, it will have to wait for another day.

Mr SNELLING (Playford): I rise to welcome Archbishop Phillip Wilson to Adelaide as the new Catholic Coadjutor Archbishop. He will serve as Coadjutor Archbishop with Archbishop Faulkner until the end of the year when Archbishop Faulkner retires. Archbishop Wilson was appointed Bishop of Wollongong in 1996, and I understand there has been some outcry in Wollongong about losing their much loved bishop. At only 51 he is one of the youngest members, if not the youngest, of the Australian Catholic hierarchy. Last month I was pleased to attend, with my family, mass in the Cathedral of St Francis Xavier to welcome the new Archbishop. I congratulate all those involved on a splendid liturgy, especially the world renowned cathedral choir of St Francis Xavier. Archbishop Wilson has now been in Adelaide for two months, and I hope he is making himself at home. I am confident that he will lead the Catholics of Adelaide with distinction over many years to come.

I also put on record my thanks to Archbishop Faulkner for his leadership of the Adelaide archdiocese since 1982, after the tragic sudden death of Archbishop Kennedy. Archbishop Faulkner was born and raised in South Australia. He hails

from Booleroo Centre, if my memory serves me correctly, and grew up in Prospect.

Ms Key interjecting:

Mr SNELLING: The member for Hanson points out that he lives at Netley in the electorate of Hanson. He is much loved by the Catholics of South Australia; in fact, by all South Australians. I hope that in retirement he will remain in Adelaide and continue to serve the people of Adelaide as he has done for almost 20 years.

Mr VENNING (Schubert): I rise to correct a serious misrepresentation of some facts. I refer to an article in the *Advertiser* of 3 March headed, 'Kotz in row over parrot cull order'. As Chairman of the ERD Committee which handed down a report on this issue, I believe the article was a total distortion of the facts. The Hon. Dorothy Kotz did not 'invoke section 51A of the National Parks and Wildlife Act that allows orchardists to kill native birds without permit'. The act was passed in 1972 and it allowed culling of certain species only, with quite clear guidelines and conditions which still exist today. It was not invoked.

In 1999 the Hon. Ms Kotz, only for a 12 month period, lifted the permit system which was largely ineffective as a result of the 1972 act and which allowed culling where the criteria was met. To say that the Hon. Dorothy Kotz moved to allow the culling of birds is quite a scurrilous misrepresentation of the facts. The sanctions to cull have been in the laws of this state since 1972 and the permit removal did not alter the fact that certain people in certain locations under certain circumstances could cull birds. This issue has been ongoing for many years. The permit removal did not initiate this cull, but it did highlight the need for review, which the minister did. The ERD Committee can be partly to blame for this misconception because the committee's report at page five (line 23), under the heading 'Committee Overview', in part, states:

> In May 1999 the National Parks and Wildlife Act was amended to remove the requirement for destruction permits. . .

This is quite incorrect. The report should have read:

> In May 2000 the National Parks and Wildlife Act was amended to remove the requirement of destruction permits for four species of parrot on commercial orchards and vineyards for a period of five years.

This legislation was amended and carried on the motion of the shadow minister, John Hill. One certainly needs to know the facts. The committee did get it wrong and, if one reads it, it is quite incorrect. The year '2000' makes a big difference to the whole concept of this issue. Certainly, it is quite incorrect and I do apologise to the minister. I repeat: this was an amended motion by John Hill, Labor shadow minister for the environment, particularly noting the five-year period in the sunset clause. In May 1999 Minister Kotz made the decision to remove the need for a permit for 12 months only.

She used her power as minister but it was not until 12 months later that the act was amended by another minister, not the Hon. Dorothy Kotz. The motion, supported by the Labor shadow minister and the opposition, was carried unanimously in this House. I will have the committee's report amended. I say again that it is grossly unfair to assert that minister Kotz moved to cull birds when I know that the opposite is the case. I apologise for the committee's mistake. Certainly, it was an oversight. It was in the body of the report. I note that the member for Hanson is present in the House. I do apologise because I did not see that mistake. However, once it was drawn to my attention I readily admitted that it was a mistake. I note that the minister is with us now. It was unfortunate but I do believe that the journalist took a lot of licence in writing that article. I again apologise for the hurt caused to the Hon. Dorothy Kotz.

STATE DISASTER (STATE DISASTER COMMITTEE) AMENDMENT BILL

Received from the Legislative Council and read a first time.

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.

This bill amends the *State Disaster Act 1980* (the Act) to reflect the revised administrative arrangements to support emergency management activities in South Australia.

In 1997, the government considered the report of a review of South Australian emergency management arrangement which was conducted by Mr Barry Grear ('the Grear Report').

Many of the changes to the emergency management procedures recommended in the Grear Report have already been implemented by way of administrative action. Now that those administrative arrangements have had sufficient time to settle down, it is appropriate to make minor legislative amendments to change the membership and functions of the State Disaster Committee to reflect the new arrangements.

The main reforms to date have involved:

- the establishment of the Emergency Management Council and its Standing Committee with the State Disaster Committee reporting to the Council through the Standing Committee;
- the appointment of an independent Chair to the State Disaster Committee;
- a review of Divisional boundaries in conjunction with SAPOL;
- an ongoing assessment of mitigation and prevention measures by way of the State Disaster Committee's Emergency Risk Management Project;
- improved arrangements for non government support in response and recovery operations are being pursued by the State Disaster Committee;
- improved local government participation in disaster planning and response operations;
- a *Police and Emergency Services Joint Agreement for the Response to a Major Incident* has been established as part of the State Disaster Plan.

The State Disaster Committee and its Recovery Committee are established under Part 2 of the Act. The Grear Report made a number of recommendations about the future membership and functions of both committees. These recommendations have been taken into account in formulating the amendments.

Section 6 of the Act sets out the membership of the State Disaster Committee. The bill provides for increased membership as suggested in the Grear report. The Chief Executive of Emergency Services Administrative Unit will be an *ex officio* member of the Committee. This acknowledges the Chief Executive's role in working with leaders of the Country Fire Services South Australian Metropolitan Fire Services and the State Emergency Services to ensure that emergency services are in a position to protect the community.

In addition, the bill allows an increase in the number of Ministerial nominees under section 6(2)*(b)*(i) from three to "*not less than three but not more than six*". This enables the inclusion of the broad level of expertise recommended in the Grear report, while maintaining a flexible approach. The nominations and selections currently set out in section 6(2)*(b)*(ia) to (vi) are retained. The bill further provides for the chair to be appointed by the Governor *on the nomination of the Minister*. The bill also inserts provisions to deal with resignations and retirements of members and the revocation of appointments in designated circumstances. These issues are not currently dealt with in the Act.

In addition, the bill repeals sections 8A and 8B of the Act. These sections deal with the establishment and functions of the Recovery Committee. Clause 5 extends the functions of the State Disaster Committee to "*oversee and evaluate recovery operations during and following a declared state of disaster or emergency*." The bill also

allows the State Disaster Committee to establish such subcommittees as it thinks fit to advise the Committee on any aspects of its functions or to assist with any matters relevant to the performance of its functions. Therefore, the provisions will enable the State Disaster Committee to establish a committee with similar functions to the Recovery Committee which can be constituted more flexibly, if necessary.

The aim of the amendment is to coordinate the efforts and centralise the reporting of emergency related committees through the State Disaster Committee and the Emergency Management Council Standing Committee to the Emergency Management Council.

The bill also seeks to recognise the important role played by local government in disaster planning and response. New section 8(1a) provides that the State Disaster Committee must consult with the Local Government Association in the process of reviewing and amending the State Disaster Plan. In addition, the State Disaster Committee must keep the Association informed of what would be expected of local government in the event of a disaster or major emergency.

In addition, the Grear Report emphasises that committees and individuals need to clearly understand their functions and responsibilities before, during and after disasters and emergencies. New Section 8(6) provides that the State Disaster Committee must, as it thinks fit, prepare and publish guidelines to assist persons, bodies and subcommittees to understand perform and fulfil their functions and responsibilities under the Act and State Disaster Plan

The schedule to the bill makes a number amendments to the penalty provisions in the Act.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal. The measure will commence on a day to be fixed by proclamation.

Clause 3: Amendment of s. 6—State Disaster Committee

Paragraph *(a)* inserts proposed new subsection (2)*(ab)*, which states that the Chief Executive of the Emergency Services Administrative Unit is a member of the Committee.

Paragraphs *(b)* and *(c)* amend subsection (2)*(b)*, allowing the number of appointed members of the Committee to be increased to twelve.

Paragraph *(d)* updates the reference to the State Emergency Service in subsection (2)*(b)*.

Paragraph *(e)* amends subsection (4) to allow the Minister to nominate for appointment the presiding member and deputy presiding member.

Paragraph *(f)* corrects a typing mistake in subsection (5).

Paragraph *(g)* inserts two proposed new subsections.

Proposed new subsection (6) allows the Governor to remove a member from office for failing to carry out his or her duties.

Proposed new subsection (7) specifies the ways in which the office of an appointed member may become vacant.

Clause 4: Amendment of s. 7—Proceedings of Committee

This clause adjusts the number of members that constitute a quorum for a meeting of the Committee.

Clause 5: Amendment of s. 8—Functions of Committee

Paragraph *(a)* inserts proposed new subsection (1)*(g)*, which transfers to the State Disaster Committee the only function of the Recovery Committee that is not currently specified as a function of the State Disaster Committee.

Paragraph *(b)* inserts proposed new subsection (1a), which requires the State Disaster Committee to consult with the Local Government Association and keep them informed of their responsibilities.

Paragraph *(c)* inserts several proposed new subsections.

Proposed new subsection (3) allows the Committee to establish sub-committees to assist it in the performance of its functions.

Proposed new subsections (4) and (5) permit the Committee to delegate any function or power to a sub-committee.

Proposed new subsection (6) requires the Committee to produce guidelines which assist in the understanding of functions and responsibilities that arise under the principal Act.

Clause 6: Repeal of ss. 8A and 8B

This clause repeals sections 8A and 8B of the principal Act, which relate to the constitution and functions of the Recovery Committee.

Clause 7: Amendment of s. 22—Offences by bodies corporate

This clause amends section 22 of the principal Act by stipulating that where a director or manager is guilty of an offence under this section, he or she is liable to pay the penalty applicable to a natural person.

Clause 8: Further Amendments

This clause states that the Schedule sets out further amendments to the principal Act. These amendments change divisional penalties into monetary amounts.

Ms KEY secured the adjournment of the debate.

ESSENTIAL SERVICES (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

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.

This bill amends the *Essential Services Act* by replacing the offence and penalty provisions in sections 4 and 9 with new offences and penalties which draw a distinction between an inadvertent or negligent breach and an intentional or reckless breach. The bill also provides that company directors are guilty of an offence where the company of which they are a director commits an offence. Finally, the bill will provide immunity for civil liability for persons acting in good faith in compliance with a direction.

In South Australia, the procedure for dealing with the prolonged disruption of essential services is set out in *Essential Services Act 1981*, although some industry specific legislation such as the *Gas Act* provide for temporary disruptions to the gas supply. In some States, such as Victoria, the emergency provisions are included in their industry specific legislation.

The *Essential Services Act 1981* (the Act) was enacted in 1981. The Act is aimed at protecting the community against the interruption or dislocation of essential services. An '*essential service*' for the purposes of the Act, means a service (whether provided by a public or private undertaking) without which the safety, health or welfare of the community or a section of the community would be endangered or seriously prejudiced. The Act provides for the use of appropriate emergency powers in situations where essential services are subject to prolonged disruption. The services covered by the Act could include the supply of gas, electricity and water.

Section 3 of the Act allows the Governor to issue a proclamation to declare a period of emergency where, in the opinion of the Governor, circumstances have arisen (or are likely to arise) which have caused or are likely to cause, an interruption or dislocation to essential services of the State. If, during a period of emergency, it is, in the opinion of a Minister, in the public interest to do so, he may give directions in relation to the provision or use of proclaimed essential services. It is an offence under the Act to contravene or fail to comply with such a direction.

Following the gas emergency caused by the explosion and fire at the Longford gas processing plant, the Victorian Government reviewed its emergency legislation and amended the legislation covering the gas and electricity industries to strengthen the enforcement provisions. The amendments were considered necessary in the light of the behaviour of some people and businesses during the gas emergency where an estimated 450 people and businesses ignored orders to refrain from using gas with some going so far as to remove gas meters so that their usage could not be detected.

The Victorian experience has prompted the Government to examine the offence provisions of the *Essential Services Act* . Section 4(5) of the Act makes it an offence to fail to comply with a direction of the Minister in relation to a prescribed essential service. The penalty for failure to comply with a direction is $1 000 for a natural person and $10 000 for a body corporate.

The Government considers that the current penalties in the Act are too low. Of particular concern is the potential use of the *Essential Services Act* in situations of an electrical or gas shortage, where the economic benefit that could be derived from disobeying a direction may be significantly higher than the current penalties for disobeying a direction. While it would be hoped that the majority of persons would obey a direction in an emergency situation, the Victorian experience demonstrates that this cannot be assumed.

In setting the appropriate penalties a balance needs to be struck between the need for sufficient condemnation of the behaviour and

the need for proportionality between the offending and the penalty imposed.

A further issue which arises in this context is how a person is to become aware of a direction. It is arguable that the higher the penalty to be imposed, the greater the burden that should be imposed on the prosecution to establish that the relevant person knew of the order.

The bill therefore creates two offences. The first offence, which will carry a lower penalty, will involve failure to comply with a direction. The penalty for this offence will be $5 000 for a natural person and $20 000 for a body corporate.

The second offence, which carries a higher penalty, will require the prosecution to establish that the failure to comply with the direction was intentional or reckless. The penalty for this offence will be $20 000 for a natural person and $120 000 for a body corporate.

The bill also extends the offence provisions to company directors. This will provide an additional deterrent for company directors who would otherwise be tempted to direct or encourage their company not to comply with a direction. However, a general defence will be available, so that company directors, and indeed any individuals, who have taken reasonable steps to ensure compliance with a direction will not be criminally liable.

Consideration has also been given to an appropriate enforcement mechanism. While the police would ordinarily have sole responsibility for the investigation and prosecution of offences under the Act, it is considered that there is a role for enforcement officers with expertise in particular areas in addition to the role played by the police.

The Victorian Government's review of its emergency rationing powers also resulted in recognition of the need for an effective enforcement mechanism. The Victorian response was to amend the *Gas Industry* and *Electricity Industry Acts* to enable inspectors under the *Gas Safety Act* and enforcement officers under the *Electricity Safety Act* to enforce emergency rationing orders.

While the Government does not consider it necessary for South Australia to adopt a similar approach in terms of separate emergency legislation for each utility, the use of enforcement officers with expertise in relation to a particular utility is considered to be an appropriate method of enforcement. Such an approach would increase the number of officers able to enforce the Act while minimising costs as the staff would already be trained in the particular area of operation.

The bill will therefore enable authorised officers under existing legislation to exercise relevant enforcement powers in relation to the *Essential Services Act.* The relevant existing legislation will be prescribed by regulation and will limit the exercise of the powers to situations where the proclaimed essential service is the service to which the primary Act relates; so, for example, authorised officers under the *Electricity Act* will only be empowered to exercise their powers where the proclaimed essential service is electricity. The bill will not affect the ability of the police to investigate and prosecute offences under the Act.

Finally, the bill provides that information may be sought under the Act relating to the administration of the Act, the *State Disaster Act*, the *State Emergency Service Act* or an assessment of the risks of disruption to the provision or use of the essential service to which the notice relates. Detailed information about the operations of the providers of essential services will be necessary if State Disaster Committee is to properly perform its preventative risk assessment role.

The bill also provides a general immunity from civil or criminal liability for persons acting in compliance with a direction given under the Act. It is appropriate that a person should not incur any civil or criminal liability for acts or omissions which occur as a result of complying with that direction.

The Schedule to the bill makes a number of amendments of a statute law revision nature.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal. The measure will commence on a day to be fixed by proclamation.

Clause 3: Amendment of s. 4—Directions in relation to proclaimed essential services

Paragraph *(a)* strikes out subsections (4) and (5) and inserts proposed new subsections (4), (5), (5a) and (5b). These proposed new subsections differ from subsections (4) and (5) of the principal Act in the following respects:

Proposed new subsection (4) states that a direction given by the Minister during a period of emergency may be given by faxing the direction to the person, or by publishing the direction in a newspaper. Reference to service by telegram or telex has been removed.

Proposed new subsection (5) creates the offence of intentionally or recklessly contravening a direction, and proposed new subsection (5a) establishes the lesser offence of contravening a direction. The penalty provisions are varied.

Proposed new subsection (5b) states that if a court finds a defendant not guilty of an offence under proposed new subsection (5), but is satisfied that the defendant is guilty under proposed new subsection (5a), the defendant may be found guilty of that offence.

Paragraph *(b)* inserts proposed new subsection (8), which states that a person is not liable for an act or omission in compliance with a direction.

Clause 4: Amendment of s. 6—Power to require information

Paragraph *(a)* strikes out and substitutes subsection (3). Proposed new subsection (3) states that information sought by the Minister under subsection (1) must be relevant to the administration of the principal Act, the *State Disaster Act 1980*, or the *State Emergency Services Act 1987*, or relevant to an assessment of the risks of disruption to the provision or use of the service.

Paragraph *(b)* inserts proposed new subsection (6), which states that confidential information acquired by the Minister under subsection (1) can only be disclosed in specified circumstances.

Clause 5: Insertion of s. 7A

Proposed new section 7A(1) states that the regulations may prescribe other Acts under which authorised officers have powers of administration and enforcement, and the authorised officers under the prescribed Acts may, during a period of emergency, administer and enforce the principal Act.

Proposed new subsection (3) clarifies the fact that the powers of the police are not altered by this section.

Clause 6: Amendment of s. 9—Exemptions

This clause strikes out subsection (4) and substitutes proposed new subsections (4), (4a) and (4b).

Proposed new subsection (4) creates the offence of intentionally or recklessly contravening a condition of an exemption granted by the Minister under this section, and proposed new subsection (4a) establishes the lesser offence of contravening a condition. The penalty provisions are varied.

Proposed new subsection (4b) states that if a court finds a defendant not guilty of an offence under proposed new subsection (4), but it is satisfied that the defendant is guilty under proposed new subsection (4a), the defendant may be found guilty of that offence.

Clause 7: Insertion of ss. 10A, 10B and 10C

Proposed new section 10A states that an offence under the principal Act may be a continuing offence.

Proposed new section 10B states that where a body corporate commits an offence, a director is also guilty of an offence.

Proposed new section 10C states that it is a defence to a charge of an offence under the principal Act if it is proved that the offence did not result from a failure by the defendant to take reasonable measures to prevent the offence.

Clause 8: Statute Law Revision Amendments

Clause 8 and the Schedule set out further amendments to the principal Act of a Statute Law Revision nature.

Ms KEY secured the adjournment of the debate.

NETHERBY KINDERGARTEN (VARIATION OF WAITE TRUST)

The Legislative Council agreed to the bill without any amendment.

ALICE SPRINGS TO DARWIN RAILWAY (FINANCIAL COMMITMENT) AMENDMENT BILL

The Hon. J.W. OLSEN (Premier) obtained leave and introduced a bill for an act to amend the Alice Springs to Darwin Railway Act 1997. Read a first time.

The Hon. J.W. OLSEN: I move:

That this bill be now read a second time.

The passage of this legislation will be an important step in the realisation of the construction of a railway link between Alice Springs and Darwin and the facilitation of the operation of train services between Adelaide and Darwin. This bill reflects further effort to achieve the culmination of almost a century of work to bring about the construction of a railway linking Darwin to South Australia and from there to the rest of the Australian rail network. This marks an important moment in Australia's history.

The railway is a strategic infrastructure project that forms an essential part of the state's economic strategy. It will build on the momentum for economic growth that this government has fostered, lift confidence in the state's economic future and will provide opportunities during both the construction and operational phases for South Australian industry.

This parliament has previously considered three other bills related to the railway, dealing with the authorisation of an agreement between the South Australian and Northern Territory governments to facilitate the construction of the railway, the form and commitment of the South Australian financial support for the project, and the last to convert the previous $25 million loan guarantee to either a concessional loan or grant and to provide a general regulation making power.

This latest bill is a logical progression of this work after an extensive and competitive submission process was conducted resulting in three international consortia, all with significant Australian partners, being short-listed to provide detailed proposals. The preferred consortium selected by the AustralAsia Railway Corporation ('AARC') from this process was the Asia Pacific Transport Pty Ltd ('APTC'). APTC comprises: Brown & Root, a major US based multinational engineering and construction company that incorporates SA based project managers Kinhill as bid leader; SA based civil construction company Macmahon Holdings; rail maintenance construction companies Barclay Mowlem and John Holland and the SA based US rail operator Genesee & Wyoming.

As can be seen, this consortium has significant South Australian and Australian consortium members. As a result of the withdrawal of the Hancock Corporation, APTC sought a further government financial contribution to the project of $79.2 million. South Australia made clear that it would not consider the request until it had exhausted all avenues for private sector involvement, in part based on the existing legislative cap on South Australian financial support to the project of $150 million, which had already been met. Following advice from AARC, the state actively sought to fill the gap from the private sector.

Cheung Kong Infrastructure Holdings Ltd indicated that it would consider investing in the project following an earlier approach to CKI by the Asia Pacific Transport Consortium (APTC), which is the preferred consortium for the project. CKI undertook a due diligence process to determine the quantum and nature of any investment in the project. This process has now been completed.

Over the weekend I and senior officers from the state, whom I commend for their diligence and work, travelled to Hong Kong to engage CKI on the level of funding it may wish to invest. It was initially considered possible for CKI to invest all of the funding needed to fill the shortfall, that is, some $79.2 million, but, of course, it would have then been a matter for the Northern Territory and Commonwealth governments as to whether they wished to take up that offer. However, in the course of negotiations this was reduced to an initial $26.5 million, representing SA's share of the funding gap if each of the three governments equally shared in the gap. Accordingly, the final offer from CKI amounted to $26.5 million, made up of the following facilities:

(i) $10 million in mezzanine debt (note A)

(ii) $16.5 million of the $26.5 million a 'commercial loan' (note B)

This offer was made by CKI specifically to take up the additional contributions which had been sought from South Australia. In return, the state, with the Parliament's approval, is prepared to underwrite, under limited circumstances, the CKI investment. These arrangements were formalised in a memorandum of understanding (MOU) signed between the State and CKI on 12 March 2001 in Hong Kong, acknowledging that parliamentary approval would be sought. And, subject to satisfactory—

Mr Lewis: Where are notes A and B?

The Hon. J.W. OLSEN: It designates the two different types of loan making up the $26.5 million, and is a description of the type of loan that is taken up. I will follow up further for the member for Hammond on that point.

Subject to successful commercial negotiations between CKI and the consortium, and recognising that this is a matter where we introduced the parties, it is up to the parties to negotiate the final arrangements. Subject to that, this investment by CKI should clear the last remaining hurdle for the finalisation of the project, provided that the SA Parliament agrees to the proposal, and provided also that CKI's requirements can be met in structuring of the mezzanine debt with APTC.

Given that CKI has reduced its investment from the $79.2 million initially proposed to some $26.5 million, the remainder of the shortfall will still need to be met by the commonwealth and the NT governments. The exact form of each government's investment will now be a matter of negotiation between the two governments. I seek leave to insert the explanation of the clauses in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for the commencement of the measure.

Clause 3: Amendment of s. 6—Extent of financial commitment

This clause will authorise the Minister to enter into arrangements to underwrite or support the provision of loans in connection with the authorised project.

Ms KEY secured the adjournment of the debate.

TRANSPLANTATION AND ANATOMY (PUTATIVE SPOUSES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 October 2000. Page 42.)

The Hon. DEAN BROWN (Minister for Human Services): I move:

That this bill be discharged.

Motion carried.

ADJOURNMENT DEBATE

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

That the House do now adjourn.

Mr VENNING (Schubert): I would like to pay a special tribute this afternoon to the life of Peter Hayes, who we would all know died very tragically in a plane accident on Tuesday. I want to express my sincere condolences to Peter's family and friends. We were all shocked to receive the news of his death late Tuesday night, news that none of us could really believe, particularly considering the recent death of his father, Colin, in 1999.

I well remember talking to Peter outside St Peter's Cathedral, discussing his father's life and being so proud of Lindsay Park and its achievements, and the very strong family ethics that Colin inspired. His driving force and ambition to continually improve were all hallmarks of Colin's life.

Peter was a quiet, reserved person who shared his father's vision, and Lindsay Park over the last 10 years has been under Peter's stewardship, with the operation performing exceptionally well. There was also a lot of harmony, certainly, in those years.

The Barossa community, particularly Angaston, feels the acute sense of loss, because Peter was a very valued member of that community—a local, they are proud to say—and was a regular in the local shops, whether he was buying take-away chicken or a burger, or even buying the bar when Jeune won the Melbourne Cup.

Peter was a very unassuming man. I remember a random group discussion where he was not recognised by some of the others. After the group dispersed, one person asked me, 'Who was that?' When told that it was Peter Hayes, the response was, 'Well, that explains it.' He was a quietly spoken man; he was humble, but he had authority. He was a man whom I would describe as a man with presence. That is a trait that is not as common as it used to be.

I was speaking to my colleague the Hon. Graham Ingerson, who was a friend and racing colleague of Peter's (he certainly had a very wide group of friends, not only in the Barossa and Angaston, but here in South Australia, Australia and, indeed, overseas), and Graham referred to Peter as a perfect gentleman, and we would all certainly agree with that.

South Australia is very proud of its people's achievements, and none more so than those of the Hayes family. I believe that we have lost one of our icons, and Peter's death will certainly leave a void. We give our thanks for his life and offer comfort to all those who are grieving at this time. Be assured that we all share the loss, sir—even those who did not know Peter all that well.

Lindsay Park will remain as a fitting memorial to Peter and his late father, Colin. The family's association with Angaston and the Barossa generally is indeed treasured. I hope that this sad chapter will not see any change in relation to Lindsay Park's future at Angaston.

Again, to the family—Peter's widow, Paula-Jean, and his children, brother David and mother Betty—I extend our deepest sympathy, both personally and as the elected member in this place. It is an honour for me to represent people of his calibre, and he will certainly be missed.

I now wish to raise another matter. My electorate has seen a spate of tragedies in the last few weeks. They include the school bus accident which cost the life of the driver and injured many students, who I believe have made a good recovery. I pay tribute to all those who assisted, particularly the emergency services.

Last weekend we had shocking news of the jumping castle tragedy at the Kapunda trots on Sunday. I arrived at the scene about 30 minutes after the accident happened, and what I saw was a terrible sight. Seeing the children lying on the ground and/or being treated by the emergency services people is something that I will long remember.

I am extremely saddened to hear of the death of Jessica Gorostiaga from injuries that she sustained in that terrible accident. Nothing that we can say or do can explain this, or whether there is any rhyme or reason for it. Our heartfelt condolences go out to Jessica's family and friends.

I would never be hasty to lay blame for an accident such as this. The chances of this happening would be a million to one. An extremely violent whirly-whirly (or willy-willy, depending on which state you live in) about four or five metres wide came cross the road onto the secured area for the amusement park and hit the bouncing castle right in the middle. That was a tragic fluke. Some would call it an act of God, but that is hard to contemplate, given the loss of young Jessica's life—a loving daughter and friend and a very good scholar. A young lass who had everything to live for, who had everything before her and who was revered by family, friends and community alike, has been tragically taken from us.

I spoke to the teacher from her school, Mr Chris Russack, whom I have known for many years (and I think that the minister also would know him), who was officiating as the teacher in charge of the school. He was very deeply shocked and could not believe that this could happen. But we all know that it can, and it does.

I again pay the highest tribute to the emergency services people, who came to the scene in no time. I was there 30 minutes after, and the ambulances were already there, and the two air rescue helicopters arrived a few minutes later. Strategically, it was done extremely well, the local facilities handled the emergency very well. I hope that the local helipad will be completed very shortly—I was concerned about its delay. Certainly, again, our emergency services—most of them volunteers—have done a fantastic job without hitch, and I know that all the people involved are very grateful.

Again, we express to Jessica's mother, Robyn, her father, Carlos, her brothers and sister, Raymond, Luke and Paige, and her extended family, and also the community at St Columba College, our most sincere condolences.

Mr CLARKE (Ross Smith): I rise on the matter of a decision taken by the government. I do not know whether it has the support of the Minister for Human Services and Minister for Disability Services because, unfortunately, a question which was to be put to the Minister for Disability Services in another place today was not able to be put to him, because the opposition got only four questions in the Legislative Council today, because of the filibustering of the government in answering very longwindedly some dorothy dix questions put to those ministers in that place this afternoon. The House may remember that back on 4 May last year I asked the Minister for Human Services about the actions of the Premier's competitive neutrality unit in curtailing the activities of Domiciliary Equipment Services, which is a division of Northern Domiciliary Care and which provides comprehensive and cost effective equipment services available on a low rental to Northern Domiciliary Care and other government agencies providing services to the frail aged and younger disabled.

On 4 May 2000, in response to my question to him about the concerns of the competitive neutrality unit effectively gutting Domiciliary Equipment Services, the Minister for

Human Services said that both he and the Minister for Disability Services shared my concerns. Then he said that 'people who need equipment can get it at a very low price'.

As far as I am aware, the Premier's competitive neutrality unit has been gunning for DES for the last two years. Why? Because of the belly-aching from the private providers in this industry who cannot take competition. It is not that DES operates at a cut price or below the cost of providing the service: it observes the government's competitive neutrality policy, but it is being hounded by the Director of the Small Business Advocate, Fij Miller. Now, as a result of that whingeing, complaining of that government agency about another government agency and in support of private enterprise to rip off the frail and infirm, an instruction is being given to DES that they cannot tender for a Department of Veterans' Affairs contract which is coming up for tender, which they already have but which is open to resubmission in a few weeks' time. They are not allowed to do it.

That is 46 per cent of the business of Domiciliary Equipment Services and, if they cannot tender, they will lose 12 jobs plus 46 per cent of their business. I might add that, according to a report from the Director of Northern Domiciliary Care that has been sent to the Department of Human Services, their losing the DVA contract will result in a 10 per cent increase to other government agencies. I quote from the second page of this report, as follows:

> With the reduction in scale of operations (the DVA contract is 46 per cent of DES business), the cost of equipment to Northern Domiciliary Care and the many other government agencies using DES will increase by at least 10 per cent.

That flies in the face of what the Minister for Human Services told me in this House on 4 May 2000, when he said that it was his intention and that of the Minister for Disability Services to ensure that people who need this equipment get it at as low a price as possible.

DES has missed out not only on the opportunity to tender for the Department of Veterans' Affairs contract but also Housing Trust home modification contracts. That has escalated the number of lost jobs to 26 out of a unit of 32 people. Why has the government done this? It defies imagination. DES did not operate on a cost advantage against private enterprise just because it was a government business. They commissioned a report from Norman Waterhouse, who got a report from Ernst and Young. In a letter dated 17 January this year to DES reviewing the competitive neutrality principles and comparing the reports of Ernst and Young and the cost basis of the operation of DES, Norman Waterhouse came to this conclusion at page 4:

> In my opinion DES, as a self funded entity, is compliant with the principles of competitive neutrality and has implemented cost reflective pricing in all of its operations. Its ability to operate with the pricing structure lower than its private sector counterparts is not based on its government ownership but on its overall objectives and ability to bulk purchase. This is supported by the independent audit undertaken by Ernst and Young.

But this government still goes ahead and guts DES to support private enterprise, which in turn will only charge the Department of Veterans' Affairs and other government agencies using their equipment at a higher price. This is at a time when we were told that health budgets are under tremendous strain. This is a fully self funded government unit costing its articles and rental prices as if it were a private business, inclusive of all the costs that a private business would have to take into account but, because of better management and because it is able to buy in bulk, it is able to produce a better service at a lower cost to government agencies, both state and federal. But, in this blind pursuit of placating Fij Miller and the Office of the Small Business Advocate and these whingeing, whining private competitors, the consumers of DES—that is, in the main, other government agencies in support of its client base—will have to pay considerably more for the same service. I pose the questions that I wanted to have asked of the Minister for Disability Services today in another place:

1. Why do the Minister and the Minister for Human Services now deny DES the opportunity to tender for the Department of Veterans' Affairs contracts and Housing Trust home modifications contracts?

2. Why was the Department of Veterans' Affairs not consulted by the department before it decided to gut DES?

3. If DES is forced to close, what effect will this have on the supply and cost of equipment to other agencies supplying equipment to the frail aged and disabled in our community?

4. How much do those people have to pay for the personal friendships of the CEO of the Department of Human Services and the Manager of the Small Business Advocate, Fij Miller?

5. Why is the Premier's competitive neutrality unit hell-bent on gutting DES in support of the private sector, notwithstanding the increased cost pressures on the Department of Human Services, other government agencies and the Department of Veterans' Affairs?

Why should the Department of Veterans' Affairs have to pay more to placate the whims of Fij Miller and the Office of the Small Business Advocate? Why has a very efficient, cost effective operation such as DES been sacrificed because of what I have been told has more to do with friendships between the CEO of Human Services and the Office of the Small Business Advocate? Twenty-six people lost their job because of that friendship. There is no logical reason to do it otherwise. It is an absolute disgrace on the part of this government and this minister.

Motion carried.

At 4.15 p.m. the House adjourned until Tuesday 27 March at 2 p.m.