HOUSE OF ASSEMBLY

Thursday 5 July 2001

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

RESIDENTIAL TENANCIES ACT AMENDMENT BILL

Ms WHITE (Taylor) obtained leave and introduced a bill for an act to amend the Residential Tenancies Act 1995. Read a first time.

Ms WHITE: I move:

That this bill be now read a second time.

The purpose of this bill is to give long-term residents in caravan and transportable home parks the same protections enjoyed by other tenants in South Australia. This is achieved in my bill by bringing these tenancies under the coverage of the Residential Tenancies Act 1995. This is the second time I have introduced such legislation into this House in this current parliamentary term.

This bill has been enhanced through consultation with interested peak bodies and with caravan and transportable home park residents right across the state. It incorporates suggestions made as a result of that consultation, and I thank all those concerned who have shared their experiences and knowledge with me, in particular the numerous residents who have given such strong support for this bill. I want to acknowledge also the Caravan Parks Association of South Australia and Shelter SA for the time and effort they have each put into discussions and suggestions for improvement. Some of the suggestions from each organisation have been incorporated into this new bill.

The residents covered in my bill are amongst the most vulnerable tenants in South Australia. These people have been hit particularly unfairly by federal and state governments. This is the only group of residents in Australia that has had to pay GST on its rent. Despite attempts by the federal Labor party to defeat John Howard on this, these residents have had to pay a bit over 5 per cent GST on their weekly rent or equivalent through another mechanism.

In addition, despite the fact that this group is overwhelmingly retired pensioners, they cannot claim the pension rebate on the charge passed on to them by landlords in respect of the emergency services tax, for example. This is because the emergency services tax is levied as a single charge to the caravan park owner and passed on to the tenant without any scrutiny by the government to ensure that caravan park owners are not profiteering at the expense of tenants.

I can inform the House that rent increases at some caravan parks under the guise of the emergency services tax amounted to far more than those landlords were charged, and even when the government reduced the emergency services tax the rents did not go down. In other words, at least some landlords profited at the expense of residents. However, when I brought this to the attention of the government (on more than one occasion, and in several different forums), I was advised that the only way these people could be helped was if my legislation was passed. The reason—lack of legislated protection for these residents.

Members may not be aware that a significant portion of long-term residents in caravan parks and transportable home parks (sometimes called mobile home parks or retirement villages) fall outside the coverage of present laws when it comes to tenancy protections. Likewise, the owners (or landlords) of these premises also lack the protections afforded under, for example, acts such as the Residential Tenancies Act 1995 or the Retirement Villages Act 1987.

The group of residents to which I refer is different from the group of tenants who are covered under the Residential Tenancies Act because, unlike those tenants, these residents generally own their residence and rent only the site on which their home is situated—as well as, of course, the use of certain common areas. Under current South Australian law, this group of residents has neither the security of tenure of a private home owner, nor the consumer protections of recourse to the Residential Tenancies Tribunal that regular rental tenants have. These residents, who usually own their home or pay a mortgage on their investment that can be worth around $90 000 (in the case of transportable homes), have fewer rights under the law than a tenant who does not have the added burden of protecting such a significant investment. Like the home owner, these residents are responsible for the maintenance of their dwelling but, unlike the regular home owner, they can be and sometimes are threatened with eviction from a residential park with as little as seven days' notice. These residents are usually retired people who have chosen their lifestyle for reasons of being part of a community and avoiding the insecurity in their later years of facing possible eviction from rental accommodation.

Unlike tenants of rental properties elsewhere, long-term residents of caravan parks and transportable home parks cannot turn to the Residential Tenancies Tribunal to adjudicate when they are in dispute with their landlord; nor does the landlord have recourse to the tribunal to deal with bad tenants. Neither is the balance of power between tenant and landlord in this situation anywhere near what most South Australians would call fair.

The fact is that transportable homes can cost in the order of $10 000 to dismantle and move. This changes significantly the bargaining power of a resident. Once such a home has been placed on a rented site, the expense of moving acts as an enormous incentive for residents to yield to those unfair demands from landlords that another, less constrained rental tenant would refuse. Many regular rental tenants move several times. However, the group of residents to which I am referring in this bill is somewhat of a captive, long-term audience. My bill seeks to afford to this group the same general protections as apply to tenants under the Residential Tenancies Act. These include the ability for tenants or landlords to have claims or disputes heard by the tribunal; the requirement for a tenancy agreement between the parties; protection surrounding the charging of rent and security bonds and the obligation on tenants to pay it; mutual rights and obligations of landlord and tenant; the conditions and procedures for termination of a lease; the rights of a tenant to possession and the quiet enjoyment of the premises; the obligation of a landlord to maintain facilities; the tenant's obligations in regard to their conduct and the condition of certain facilities; and the treatment of any goods abandoned by the tenant.

This legislation has been a long time coming in Australia. It has been almost a decade since it was first discussed. South Australia lags significantly behind other states where legislation is and has been in place for as long as a decade to protect residents in transportable parks and long-term caravan accommodation. This bill picks up some of the features of the New South Wales legislation which was passed in 1998 and

which began operation in March 1999, without being overly prescriptive or onerous.

The Victorian government has had since 1988 a Caravan Parks and Movable Dwellings Act which has since been reviewed and updated, and the Queensland government has had legislation covering tenancies since 1989.

In addition to bringing long-term residents of caravan and transportable home parks under coverage of the Residential Tenancies Act, my bill also includes some additional measures that relate to the specific nature of these types of tenancies. I will now outline those and explain the substantial clauses of the bill. Of course, the bill needs to be read in conjunction with the principal act in order to appreciate the full range of protections afforded to residents with this bill, as I will only mention those that would apply differently for caravan and transportable home parks.

Among the new definitions inserted into the Residential Tenancies Act by this bill are definitions for a 'caravan park residential tenancy agreement' and a'transportable home site residential tenancy agreement'. Clause 3 of this bill changes section 5 of the Residential Tenancies Act so that it would apply to these two new categories of tenancies, except that, in the case of a caravan park residential tenancy agreement, the tenancy would be subject only to the measures of the Residential Tenancies Act if it reached 60 days. The purpose of that threshold is to include long-term residents rather than holiday makers, and it is comparable to the thresholds used in other states. In my view, it is only reasonable that long-term residents of caravan parks or transportable home parks are told by landlords what are the conditions of their tenancies before they make such a significant decision of permanent or semi-permanent residency. To ensure that this happens, my bill includes clauses that specify some of the terms that must be included in a written agreement.

It may interest members to know of some of the practices occurring in caravan and transportable home parks in South Australia. They include problems of eviction and discrimination of tenants on all sorts of unfounded bases such as the putting up of rents without due notice. By way of example, sometimes rents are promised at a certain level, and the tenant goes to all the expense of moving these almost immovable homes into these parks and then finds that the rent has been put up $15 or thereabouts. Similarly, some tenants are offered price discounts, such as $80 if they move in, and with the promise that, if they are a good tenant, they get to go down to the rental level of other tenants who pay, say, $65 a week in the park.

However, they are unfair practices resulting in a big stick being held over these tenants who, let us not forget, are in the main retired pensioners who have been slugged unfairly on a whole range of matters. There have been disconnections of electricity to people's properties without notice or reason; rents have increased on the ground of the GST, for the emergency services tax or for increased electricity prices, without any explanation or justification of these price hikes. There are caravan parks doing the wrong thing, and there are some who are harming this very vulnerable group of tenants.

Despite the significant size of their investment, some residents in these types of parks are not party to any written agreement at all. Of the written agreements that I have sighted, most attempt to bind tenants to an imposed set of park rules which can change without notice, make no mention of amounts of fees or charges payable by the tenant (nor even of the amount of rent that can be charged) and do not refer at all to the obligations of the landlord.

Commonly, these agreements specifically state that the tenant does not have tenancy rights. I have heard evidence from tenants of cases where a new tenant is faced with an increase in rent the week after they have moved in without prior warning. I have heard evidence of random fees being imposed without consultation. I have also heard of attempts by landlords to slug individual residents for costs that are attributable to the whole park and for costs associated with even vacant sites within their park. I have heard of dubious allocations of debt arising from combined utility bills; I have heard of landlords disallowing a relative permission to stay with a tenant, or charging unreasonable rent for additional people without having explained that there was any restriction on the tenancy at the time the tenant agreed to move in.

My bill will ensure that a written agreement is signed by both parties in the case of a transportable home park and that the terms of the agreement are clearly spelt out (clause 99A). This must include the period of agreement, the terms of any right to renew, the rent payable, any fees and charges payable, any costs payable to the landlord for establishment of utilities to the site, any ongoing utility charges and the method for determining the amount to be paid to the landlord, any restrictions on the tenancy (for example, the maximum number of residents allowed to live at a site) and any charges that apply to additional residents.

As is the case for regular tenants, should there be a dispute about a rental increase being excessive, or a tenant feels that downgrading of their amenity warrants a decrease in rent, then under my bill that tenant has recourse to the Residential Tenancies Tribunal. Similarly, a landlord can appeal to the tribunal to determine a dispute about unpaid rent, damage to property and the like, and the tribunal can make orders that are enforceable on the tenant to the point of eviction, if necessary. It does seem to me that, currently, because there is no accessible independent arbiter that covers this group of tenancies, there is potential for a great deal of distrust and resentment between park managers and residents. While there are some residents groups at some parks which discuss changes to park rules and the like, because the power balance between the parties is so skewed and a landlord is currently under no legal obligation to consult with these bodies (even if one does exist), the potential for discord is amplified because residents can feel that they waste their time and invite the wrath of the landlord if a meeting decides against a plan proposed by the landlord.

The potential for unchecked victimisation is keenly felt by many such residents. Similarly, a busy landlord or manager of such a property can become exasperated if such bodies continually refuse to acknowledge the business realities of managing increased park costs and the landlord has no formal mechanism for instituting reasonable rent increases and the like without a divisive battle. One of the advantages of having an independent arbiter for such disputes is that, over time, acceptable standards will develop in the sector following rulings of the tribunal. Tenants and landlords alike will get to know what is acceptable in relation to these matters. In my research for this bill it has become very evident that standards of operation vary markedly from one park to the next.

It is not my intention with this bill to be overly prescriptive. I wish to protect tenants and landlords by setting out in legislation just enough prescription to establish a fair position for each to afford them access to a comparably inexpensive mechanism for dispute regulation.

I now seek leave to insert the remainder of my second reading speech into *Hansard* without my reading it.

Leave granted.

My bill includes the framework for the (voluntary) establishment of one representative residents' body per park (at clause 991). The bill does not say that the landlord needs the permission of this body to implement change, only that the landlord must consult and have regard for that body's views on matters that affect the use and enjoyment of the common areas of the park. The fact that the Tribunal will recognise this body and its views is, 1 believe, enough to encourage—more resolution at a local level. In any case, the Tribunal does have the power to employ mediation and conferencing.

Clause 7 inserts a new arrangement into the Residential Tenancies Act for handling security bonds in caravan parks. Normally, all security bonds must be lodged with the Commissioner. However, in the case of a caravan park, where tenants can be fairly transient, there is a desire by both tenant and landlord to settle refund of the security quickly. So, for cases where the security bond is less than two weeks' rent (and we are talking a figure of between $20 and $100, typically) then the landlord may choose instead to simply hold the deposit for a specified time before banking it in a dedicated account. The clause includes the requirement that appropriate records are kept and signed by both tenant and landlord. This will allow caravan parks to continue to operate flexibly for short-stay tenants, while longer-stay tenants will benefit from a more regulated treatment of their security bond money that is not overly onerous and still permits a quick refund if appropriate. If there is a dispute over the amount of the refund, then the Residential Tenancies Tribunal can adjudicate if requested by either party. Currently, these tenants have no appeal mechanism. This clause was added in response to both landlords' and tenants' groups.

Clause 8 in part requires the landlord to provide 24 hour access to any bathroom or laundry facilities, in cases where the use of these forms part of the conditions of the tenancy agreement.

There is another special clause that applies to transportable home parks—clause 99B. Because transportable homes in these parks often have semi-permanent structures attached and take some effort and additional expense to move, my bill allows a 28-day removal period, rather than the usual 7 days under the Residential Tenancies Act once the date for averting lease termination has past.

Clause 99C is an important clause, however, 1 should indicate that it is a clause which the Caravan Parks Association insisted be removed from the bill. The clause is important because it ensures that landlords cannot increase the rent or increase fees or charges, nor reduce the number of people that are permitted to reside on the premises when an agreement expires unless they have either already provided for the change in the current agreement or have given the tenant 28 days' notice. I find it particularly interesting that the Association has objected to this, given the fact that in its own Code entitled 'Permanent Living in Relocatable Home and Caravan Parks', it states that Park Management 'will not increase any fees or charges without giving 30 days' notice in writing,'. One would have to ask why the Association objects so strongly to having in legislation something that it writes in its own code. The anecdotal evidence that has been presented to me by tenants who say they have suffered demands for unfair fee increases without much notice do play on my mind.

Clause 99E makes it an offence for a landlord to charge a fee for the sale of a transportable home unless he/she has been appointed by the tenant to act as an agent.

Clause 99F explicitly makes it an offence for a landlord to deny access to a tenant, their guest or anyone else with a lawful entitlement to be on the premises. Of course, if a guest or other person creates a nuisance or doesn't abide by the rules of the park then the landlord does have the right to act in order to protect amenity for other residents.

Finally, clause 993 is included to cover parks that are specifically set aside for people of a certain retirement age. It allows landlords to refuse applications by people outside of that age for permanent residence under prescribed circumstances. However, the provision specifically does not apply for situations of temporary residence. The dispute resolution procedures of the Residential Tenancies Tribunal would be available to decide disputes involving circumstances where residents accommodated guests or relatives of a younger age on a temporary basis.

I urge members to support this legislation that would afford to a most disadvantaged group protections that are afforded to other rental tenants and landlords.

Mr MEIER secured the adjournment of the debate.

CITY OF ADELAIDE (DEVELOPMENT WITHIN PARKLANDS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 June. Page 1870.)

Mr VENNING (Schubert): I rise to oppose this bill because I have grown up with these parklands and, like everyone else in South Australia, I value them very highly. I join my colleagues in opposing this bill because—

Mr Lewis interjecting:

The SPEAKER: Order, the member for Hammond.

Mr VENNING: —we regard it as ill-conceived and simplistic legislation. It is just another one of those exercises—which we get from the member for Hammond of late—of grabbing an emotive issue and making a political issue out of it. It is all about a continuous process of maintaining a media profile.

Mr LEWIS: I rise on a point of order, sir. By saying what the honourable member has, he imputes improper motives to me for bringing this legislation before the House; and under standing orders I take exception to that and ask you to rule accordingly.

The SPEAKER: I have listened to the remarks. I do not believe that is the case. I think the honourable member is explaining the bill as he sees it. I do not believe he is imputing improper motives to the honourable member. I will listen carefully to his speech as he goes on, but at this stage I do not believe he has transgressed.

Mr VENNING: Thank you, Mr Speaker. I apologise to the member for Hammond if I have upset him, but I am stating an obvious fact. We all know how the process works and we all know about getting stories in our own electorates, but I believe that this is another blatant attempt by the member for Hammond to grab an issue and extract every political gain from it.

I oppose it on the grounds that the proposals will hinder rather than enhance a community responsive approach to the management of our Adelaide parklands. I support the retention of protection of our Adelaide parklands: it would be political suicide to even think or say anything else. I do not believe that this bill will help because it restricts options for people in the future. It anchors us in forever, and people in the future may wish to do all sorts of things—in fact, clear some of the things that are there—and because it could be classed as development it would be opposed by this bill. The provisions are not aimed at the protection of future amenity and the popular use of the Adelaide parklands. Rather, it is purely an opportunity for grandstanding by an individual member of this House—actions to which we and, luckily, the media have now become accustomed.

The government believes that our parklands are too precious to be subject to the complex, draconian regime proposed in this bill. It precludes future generations from describing and defining their visions for the parklands in a way which has meaning for those people in those generations. I believe it is quite wrong of us to presuppose what will be the considerations in 50 years. It is simplistic because it has added nothing new to the so-called protective measures, which the member for Hammond has previously tried to introduce to this House. It is nothing more than a smoke and mirrors approach by which the member tries to suggest that he is presenting the only solution without giving any heat to the range of issues which have been identified.

Clauses which are clearly impractical and which moreover seek to turn this parliament from a house of law-makers into a house of property managers suggest at the very least a preoccupation with headlines rather than practical and effective legislation. I notice that clause 1 of the bill contains a definition of the Adelaide parklands which is wide ranging and, I suggest, incapable of a determination. I wonder whether the member for Hammond has consulted the Surveyor-General about the practicalities of using Light's plan as a definition of the parcels and areas of land which will be included in the parklands. We know what Light's original vision was but that has been modified and changed. Some of the vision, in fact, is now in other council areas. The original plan goes outside the current precinct which is the City of Adelaide. So, which plan is the member going to call the so-called 'definitive vision of Light'?

Mr Condous: They have put that wonderful new tennis centre on them.

Mr VENNING: Adjoining councils may or may not be content to find parts of their current local government areas suddenly transferred into the area controlled by the Corporation of the City of Adelaide. Would this be a can of worms? I note the member for Colton interjected and mentioned the Adelaide Tennis Centre.

Mr Condous: It is a disgrace.

Mr VENNING: I opposed that. I do not think it was a wise decision to put a commercial enterprise there. I was not involved in the process when it happened.

Mr Lewis interjecting:

Mr VENNING: If I had been here in 1950, I would have opposed the siting of the Adelaide High School. How did that happen? I think that the public today is sensitive to this matter.

An honourable member interjecting:

Mr VENNING: We do not have to. We make legislation in this place—and it is the old saying, 'If it's not broken, don't fix it.' I trust the people out there. This is a sensitive enough issue for people to say, 'Hands off our parklands; they are valuable.' I wonder what the adjoining councils would say if we went back to the original—

Mr Lewis interjecting:

The SPEAKER: Order! The member for Hammond will remain silent.

Mr VENNING: Thank you, Mr Speaker. It affects the member for Unley, because his electorate borders the Adelaide City Council on the southern side, and I bet that Light's vision would involve some of the City of Unley.

Clause 2 establishes a joint authorisation process between the parliament of South Australia and the Adelaide City Council for development and leasing or licensing within the Adelaide parklands. This is not clear and it is indecisive. It is not a well considered change to the existing situation. As I said before, if it is not broken, you do not fix it. The bill proposes to control all building—that is, any form of structure, be it the creation of shaded areas, toilet facilities or other public amenities such as lighting on footbridges, except for existing buildings where there is no increase or no significant increase to the area or height of the structure. The question of what constitutes a significant or insignificant increase is ignored and the bill proposes no mechanism for determining this. I can only assume that this is part of the smoke and mirrors approach by the member for Hammond.

Clause 3 represents an outstandingly retrograde approach to this legislation. On the one hand, the member for Hammond in his second reading speech urges us to take responsibility for our role as legislators while, on the other hand, he proposes a clause which denies this responsibility to future legislators. I think that is terrible. It shows no confidence in future generations to get it right. It locks us into our values and the current situation. What about the future? I think that there should be a law against being able to do that. By seeking to bind a future parliament it breaches a long-standing principle that future parliaments should be free to make laws which take account of the expectations of the community. This is more aggressive than retrospective legislation.

I have confidence in future generations to protect this asset. We have come a long way since the 1950s, when there was some encroachment on the area and, as I have said, I wonder how the development of the Adelaide Boys High School was allowed to happen. We are seeing the development of playing fields, and the member for Hammond knows about that, because he has played on one of those fields. Students at Prince Alfred College, along with the member for Hammond, played on the Prince Alfred College parklands oval. I wonder whether the member would have allowed that to be there. There is a toilet block and changing rooms there.

So, talking about development and restrictions, I wonder what is a development and what is not. It is a complex matter, and to lock it into legislation such as this is blatantly wrong. As I have said, I do not believe that this is a good law. I would like to treat every occasion on its merits. I trust the Adelaide City Council to work in cooperation with governments of the future to control this most valuable asset. The people out there do not need to be told: the people out there do not need legislation like this. The people out there will certainly tell us in no uncertain terms if we try to encroach any further on the parklands. We will be told via the ballot box that they will not accept that. But, certainly, whatever happens in the future, we have to maintain and protect this asset, and I think that this measure is against that.

Time expired.

Mr WILLIAMS (MacKillop): I will preface my remarks by saying that I, too, as the member for Schubert has just said, think that we have a wonderful heritage in the parklands which surround the City of Adelaide.

Mr Condous interjecting:

Mr WILLIAMS: 'Had', says the member next to me. I think we have, and I, too, am disappointed with some of the things that have happened to the parklands in recent years. I, too, am astounded that something like the Adelaide Boys High School has been placed on the parklands. I am astounded that a previous government placed a bus depot on the parklands. I am astounded that after the bus depot was moved out of the Adelaide parklands there was a very large movement across both the city and surrounding suburbs of Adelaide to retain tram barn A in our eastern parklands.

At the time I opposed the siting of the Wine Centre on our parklands, because I think there would have been more appropriate places to site it—and that applies to a whole host of other buildings and function centres which are sited on the parklands. I think that a lot of members are probably ignoring the fact that everything on the north side of North Terrace is, in fact, sited on the parklands—the railway station, this very parliament, Government House, the university, the State Library, the Museum, the Royal Adelaide Hospital and even the Botanic Gardens.

I raise this matter, because I think that when we are discussing what we might do or how we might protect the

parklands we should have a full and frank discussion on exactly what the parklands should be. What should they be? Is something like the University of Adelaide a use of the parklands which is non-legitimate and something that we should try to move to another site? Is the use of the parklands for the Botanic Gardens a legitimate or a non-legitimate use? This bill gives us no understanding of what might or might not be a legitimate or non-legitimate use. Should the parklands be just open space; and how do we define open space? Should that be just a grassed area? If so, should it be a green grassed area or should it be otherwise? Should it have some trees or vegetative cover on it? Should it have olive groves; should it have sporting fields? Should we, in fact, endeavour to remove the Adelaide Oval from the parklands, or do the people of South Australia—and, indeed, Australia—desire to have the parklands used for that sort of purpose?

The Adelaide Oval certainly is renowned throughout the cricketing world as being one of the most picturesque cricket ovals anywhere in the world. I know that every time I watch on television cricket being played at the Adelaide Oval—which is generally the only way I get to see cricket these days—the commentators are always very effusive in their description and praise of the Adelaide Oval and the precinct, saying how lucky we are to have that facility virtually right in the heart of our city. Is that an illegitimate use of the parklands?

This bill does not address any of those issues. A lot of people can and will interject—and have interjected—during the course of this debate about Light's vision and Light's plan. I had an interesting discussion with a person the other day—and I have not been able to confirm this—who said that they came across a book which talked about Colonel Light and what he was doing when he designed Adelaide and, in fact, the author suggested that the parklands surrounding the City of Adelaide were not put there as a grand vision of open space or parkland for the sort of purpose that we might like to think that Light had, but, indeed, were put there as a defensive mechanism.

The Hon. M.K. Brindal interjecting:

Mr WILLIAMS: In fact, the width of the parklands—which I understand is a quarter of a mile, or 400 metres—as the member for Unley rightly points out—was at that time, in the early 1800s, the range of a field cannon. So, I think there is fairly good evidence to suggest that Light's original plan, in his original vision, was more about creating a defensive perimeter around the City of Adelaide than it was about having sprawling lawns and parks in the way that we see the parklands today.

So, notwithstanding members' desire to fulfil what they believe was Light's vision (and I believe that is a worthy desire to have), I question somewhat whether Light indeed wanted to see the parklands maintained in this sort of manner when field canon had the ability to fire many kilometres, let alone about half a kilometre. Notwithstanding that, my personal opinion, which I think reflects the opinion of my constituents, is that it is very important that we maintain the heritage and legacy that we have here in the city of Adelaide. I travel to other cities as I am sure other members do, and we are very proud of Adelaide. I am sure that people living in other cities are envious of the heritage that we have in Adelaide, being surrounded by this extensive area of parkland, and I think we should do everything we can to protect that.

I will not support this bill, and for several reasons. I think it is simplistic. It is a very dangerous precedent for this House to pass legislation which prevents a future government from taking the appropriate action of the day. One of the founding principles of democracy and democratic decision making is that, when a decision is made for the time, that decision should not necessarily be binding on future generations, and that is what this legislation does.

I sympathise with what the member for Hammond is trying to achieve in putting that provision into the bill to try to shackle future generations from destroying or further encroaching onto the parklands, but I think it is bad legislation and that there are other methods of achieving the same ends.

I also question the clause which provides that a motion of both houses of this parliament and the City Council of Adelaide would be all that is necessary to override the intent of this legislation. Representing a rural seat, I have argued this point quite a few times. Although in a practical sense the City of Adelaide is somewhat the custodian of the Adelaide parklands, with South Australia being virtually a city state, those people represented by jurisdictions other than the City of Adelaide should have some say about what happens to the parklands and what happens to their capital city, one of the main features of that capital city being the parklands. I therefore question whether we should give that sort of power just to the City Council of Adelaide. That power to override the other clauses of this legislation should rightfully rest with the parliament.

Another reason why I will oppose the legislation is that, as all members are aware, the Minister for Local Government has a select committee looking into this very matter at the moment. Proposals have been put before the parliament over the past year or so to use other methods to protect the parklands. In fact, I have considerable sympathy for one that would allow some development on the parklands, but there would be a quid pro quo. In fact, I think we could have a method that would allow some development because, obviously, in the future there will be a need for some development, even it be transport corridors or installing underground rail and roads, etc. If we can do that in those cases and have a system where even more land which has already been alienated were handed back to the parklands, that would be much better than that proposed in this bill.

Ms THOMPSON (Reynell): I indicate that, contrary to what I have been able to hear of what government members have said, I consider that there are some very important points in this bill. I have previously referred in this place to the disaster that we have in the 'blue loo' on Kintore Avenue which occurred because there was no requirement—and there is there is still no requirement—for those organisations that have been given the custody, care and control of various parts of what was originally parklands to go through development processes.

In this state we have been extraordinarily lucky to date that there have been as few disasters in the areas that we generally think of as parklands, even if legally they are not always referred to or defined as parklands, because the organisations caring for them have been pretty responsible. The Adelaide university, the Royal Adelaide Hospital and the Botanic Gardens are among the organisations that have generally behaved well but, unfortunately, in years gone by, what was then the Adelaide Teachers College erected that hideous building which is a blight on the landscape in general. If any members have ever worked in it, they would know that if they go down the backstairs they can see

daylight through them, the construction being so appalling. This sort of thing should not happen. We must find a mechanism for preventing this sort of disaster in the future.

The member for Hammond has come up with one mechanism, and he brought this matter forward well before the Select Committee on the Adelaide Parklands Protection was established. So, I consider that, rather than pre-empt any decisions that this select committee might make, it is best to allow this matter to be considered by the select committee. I strongly urge the select committee to think seriously about what should be the boundaries of the parklands—whether they should be as currently defined or as envisaged by Colonel Light. This bill makes reference to the parklands as originally determined by Colonel William Light. We need the environment of our precious city to be protected, and that means the parklands. It is tremendous that the select committee has been established, and I ask it to consider the matters raised in the bill so that they can then appear as part of a package of measures to protect the parklands rather than stand alone, as would happen if we were to pass this bill at the moment. So, while I generally have a lot of sympathy for most of the issues contained in the bill, I think we have missed the timing and that the parklands committee is the place to consider it now.

The Hon. R.B. SUCH (Fisher): I endorse the member for Reynell's comments. I think it is appropriate that the select committee on the parklands consider this proposal, which I am sure is well intentioned—

The SPEAKER: Order! It has come to the attention of the chair that the honourable member has already spoken on this bill, so I would ask him to resume his place.

Mr LEWIS (Hammond): I must say that I am disappointed with the government's attitude on this measure. It is quite deliberately mealy-mouthed. The bill that is presently before the select committee introduced by the relevant minister enables development to occur without proper public input. Sure, there are provisions for consultation, but they are tokenism. The worst aspect of that bill as compared with this legislation is that it splits the parklands into two categories and provides that the capital city council does not have a say in the one category that the government takes unto itself. That is a very substantial distinction between the government and the parliament that I want to make here. To give the government that untrammelled power enables it to do as we have seen it done in recent times, building that massage parlour and retailing sport complex on Memorial Drive, where equipment and other amenities can be purchased, as well as having access to gymnasiums, massages and stuff like that—all for profit.

There was no public consultation whatever, just a sleazy deal churched between the government of the day and the Memorial Drive membership for short-term gain for them. How foolish they were, when they realise what will now happen to their club. It was a breach of trust on their part to take the permission they had to have a club and some clubrooms for themselves and their guests when playing tennis there to be then converted into this massive retail complex that is on the land.

The second illustration I give is the government's willingness to flout the law in the way in which it has ripped into the Treasury building by stealth, and the government's intentions to continue doing that kind of development on parkland. Otherwise, why would the government be attempting to divide the parklands up into different categories for development approval purposes? I think it is disgusting. So, I thank the member for Waite who was the only member who spoke on 7 December. Other members spoke on the matter, including the Government Whip as I recall, on 7 June, and their remarks were pretty much the same.

The Labor Party has at least shown that it believes in the broad thrust of the principles by the comments made by its members. The member for Fisher clearly agrees again with the broad thrust of this legislation, and I trust that he will keep his word and that the select committee on the overall proposals does take the bill into consideration. It would be sensible if the House in my judgment were to refer it to the select committee, after having supported the measure and taken it to the committee stage, at which time it would be proper for us to put a proposition.

At the time I brought it in here, there was no proposal to have a select committee, and the government is using that to get around my bill. Of course, they are lobbying people like Greg Kelton and other journalists who are current affairs reporters to say nothing about my bill and everything about their ideas, yet my bill is the one that has greatest currency amongst the groups around this city and in South Australia at large who want to see something done to protect the parklands, I can tell you.

I commend the measure to the House and I thank honourable members for their remarks in support of the general thrust of it. I say to the government, 'You will wear it in the ballot box.' I will make sure that they do, whenever the next state election is held. They are philistines. They have no commitment to planning principles at all and no respect whatever for the heritage we have, whether by chance and good fortune or by deliberate point. It is regrettable that it was used the way it was.

Time expired.

The House divided on the second reading:

AYES (3)

Condous, S. G.	Lewis, I. P. (teller)
Such, R. B.	

NOES (43)

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

Majority of 40 for the Noes.

Second reading thus negatived.

CITY OF ADELAIDE (ADVERTISING AT ADELAIDE OVAL) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 7 December. Page 798.)

Mr VENNING (Schubert): I again rise to oppose this bill, for reasons similar to those for opposing the last bill. This is an unnecessary waste of time. Sir, the member for Hammond is in front of me flicking a coin, which I think is out of order. After the last division, I think the member ought to realise that it is more than a toss of the coin. Now he has lost his coin, as he has lost the debate. Is that not significant?

It is an unnecessary waste of time, I believe, to introduce this bill into the House, because this issue has been dealt with by the Adelaide City Council. Sir, I crave your protection: the member is sitting right in front of me and intimidating me. At a meeting of the Adelaide City Council on 14 December 1999, a motion was put and carried that the light towers should not be used for any form of advertising or for the attachment of telecommunication masts, aerials, and so on. We would all support that wholeheartedly, and I certainly do. That is pretty clear to me. So, why bring it in here? The council has dealt with it: end of story. This is, again, a typical measure of a desperate member thrashing around in a frenzy for issues that will attract a bit of attention in the media and cause some sensation in Adelaide. The member for Hammond is getting to the point where many of the issues he puts up lack credibility, because issues such as this are for pure political point scoring. It is unfortunate, because occasionally the member does raise issues that are worth looking at—such as the cannabis issue—but they get lost because of his political stunts.

The issue is now in the past. The permanent lights are a reality, we know; we have been there, and we saw them last night. It is a pity that the retractable lights that were installed did not work, but we tried and, even though it was at great expense, the reality was that these fixed towers had to be installed. That was the only option that SACA and the Adelaide Oval had available to them. The oval has to have a proper set of working lights, a functional lighting system, particularly in this day and age, when we are now used to, and expect, day and night fixtures. I believe that, to ensure the future existence of the Adelaide Oval, we had to have these lighting towers fixed.

I do not believe that they are a so-called blight on the Adelaide landscape, as we were told by some of the residents of North Adelaide. Yes, I would prefer that they were not there, if we had a choice, but, now that they are there, I do not believe they are a blight. Certainly, as far as light towers go, they are acceptable. I was at a function last night in the Balcony Room of this building and you could see them shining on the oval, and it did look quite attractive. I do not believe the people in Hammond could give two hoots about this issue. As with most country folk it is a non-issue, a waste of parliamentary time, and we have much more important issues to debate. Members only need to look at the *Notice Paper* to understand that.

This is a scattergun approach by the member for Hammond to maintain a profile. I believe he is a political junkie with an ego fed frenzy which is taking over his judgment. Any idea that comes into his head, he lays on the table. The bottom line is that, when he was a member of the Liberal Party, many of these issues were never raised, so why are they all coming to the fore now? I do not believe the voters in Hammond would rush in their droves to support their member, because he has jumped on the bandwagon. I believe that this issue has already moved on. The member has certainly missed the bus on this issue; it is a dead issue. For these reasons, I will not support the bill. Certainly, I am very pleased that the light towers have been erected. The issue is now closed and there will be no advertising on the light poles.

Mr WILLIAMS (MacKillop): Hopefully I will be rather brief on this. I concur with the points made by the member for Schubert. This bill arose more from the member for Hammond's disappointment that we ended up with fixed, rather than, as was hoped, retractable light towers at the Adelaide Oval. I think the member for Hammond still believes that we should have pressed ahead with remodelling, rebuilding and redesigning until we had the retractable light towers operational at Adelaide Oval, and I do share some sympathy for those thoughts. I am sure that there was an opportunity for such expertise in designing and constructing such facilities, and that there would have been an export market, because I am sure that operators of other stadia around the world would be very interested in retractable light towers.

However, I understand that this bill is quite redundant in that the planning approval for the light towers specifically prohibits the towers from being used as an advertising hoarding. I really want to use this opportunity to talk about what the member really wishes to achieve and, if that is the case, he should perhaps have gone a little further and been a little more honest with the parliament about what he might want to achieve. I say this because during the debate on the member's previous bill I highlighted that there are a lot of built facilities on our parklands, not the least being the one just to the north of this building, the Adelaide Festival Centre.

If anyone cares to stand on King William Street or on the balcony off the Balcony Room, or to look out any of the windows to the north of this building, they will see that the whole south-eastern facade of the Festival Centre is being used as an advertising hoarding. *Shout* is performing at the Festival Centre at the moment, and right across the expansive roof of that building is a promotional hoarding for that production. Is it the member for Hammond's wish that that should not occur, because I for one cannot see—

Mr Condous: They don't have banners on the Sydney Opera House.

Mr WILLIAMS: As the member for Colton rightly points out, you do not see banners hanging off the Sydney Opera House. Is it the member for Hammond's wish that we do not have advertising hoardings in the parklands? If it is, I would be very interested to see whether the bill he has brought before the House includes the Festival Centre and a whole range of other buildings erected on parklands, to which I referred earlier when speaking on the previous bill. I oppose the bill. It is redundant, and it has no purpose. As the member for Schubert said, one must question why we are even considering this matter. I will leave it there.

Ms THOMPSON (Reynell): This is another example of where the member for Hammond has brought to the House's attention an important issue, that is, advertising in parklands. Again, time has moved on: this matter was raised on 26 October, well before the select committee was established. I consider that it necessary that the issue of advertising in parklands (in the biggest sense of the word) be considered, and again the most relevant and proper place for this to be

considered is in the select committee. That committee will, I hope, conduct widespread consultations with the community and with those organisations currently existing on parklands, and this is where the matter can be dealt with most effectively. I would express a hope that the committee does deal with the issue of advertising on parklands and indicate that I do not believe that this bill is the best way of addressing this issue.

The Hon. R.B. SUCH (Fisher): I do not believe I am transgressing this time—I will have to do a refresher course in mathematics! Some of these measures have been on the *Notice Paper* for so long that I think Adam was around when they were first put there—and you tend to forget as you become senile that you have spoken previously.

I can almost replicate what I said previously. Once again, I endorse the remarks of the member for Reynell on this issue. The select committee on parklands could take a considered look at this whole issue of advertising in the parklands. It is better to have a broad based, rather than a piecemeal, approach.

Members may recall that one of the lasting contributions of Don Dunstan was to do something about billboards on highways and freeways; and to his lasting credit that has meant that in South Australia we do not have the hideous displays that you have in the United States, on the Gold Coast Highway, or elsewhere in Australia. I certainly do not want to see a proliferation of unnecessary, ugly advertising hoardings in the parklands or elsewhere. That is not to say that advertising is not good or there is not a place for it. Obviously it brings vitality and life, and stimulates the economy, but we must look at the aesthetics of these things and the appropriateness of the location.

For some time I have been in correspondence with the Minister for Transport about the practice of her department putting billboards on railway property at places such as Warradale crossing and Glenalta crossing. She informs me in the latest letter that they have a contract until 2005. I would hope that is not renewed, because they are a blight on the community. The latest letter said that they often have a road safety message. There is a double irony in that: presumably, there are not enough people on the trains to warrant the billboards facing the passengers on the train; and the other thing is that, if motorists are getting a road safety measure by having to look at a billboard on railway property, one wonders what the consequences will be if they are paying attention to the billboard and not to the road.

I believe that it is a bigger issue in the community, and I commend the minister, because, as Minister for the Arts, she is appreciative of aesthetic issues. To some extent that is a side issue to the matter before us today, but I think the member for Hammond should be commended for raising this issue. The world will not end if there is advertising on these towers, but it is appropriate that the select committee on parklands looks at the issue of advertising in the parklands as part of its brief, which is to look at any other matter relating to the parklands, in addition to its specific references. I believe that is the appropriate place for this matter to be considered.

It is unfortunate—and I understand that I cannot reflect on previous voting in this place—that members did not understand that the member for Hammond was happy to have another matter referred to that select committee—and he can do it as an Independent member, anyhow. I understand that he is agreeable that this matter be referred also to the select committee. But in order for that to happen, it has at least to reach the completion of the second reading stage. I trust that this time members will appreciate that they are not voting on the principle of the bill but will be asked to support its reference to the select committee.

Mr MEIER (Goyder): I want to speak very briefly as a result of the comments of the member for Fisher about having this matter referred to a select committee. I do not believe that that would prove anything from the point of view that the select committee is already established. Surely, it is within the member for Hammond's right—and any other member's right—to refer all of this debate, and certainly to refer to the bill, to the select committee. Our saying, 'We formally want it to go,' will not make a scrap of difference. The select committee is there and anyone, be it a member of parliament or someone outside parliament, is allowed to put whatever evidence they want to that select committee. I therefore cannot agree with the proposition that has now been suggested with this second bill (I was not aware earlier that this was suggested to be referred to the select committee) and I cannot support that.

Mr CONDOUS (Colton): For 25 years I sat up in the Town Hall in the City of Adelaide and watched successive governments, from Playford's time—and even before Playford's time—take something like 30 acres of parklands to create such things as Adelaide High School. I wondered what the mentality was down here in this bloody House, with members here making decisions on parklands and eroding acre after acre, inch after inch and taking every bit they could, free of charge—because it was Crown Land and they did not have to pay one cent for it—when they could have gone to the CBD of the City of Adelaide and purchased acreage that was available for sale to develop for commercial uses.

The Tennis Centre today is an example of exactly that. It is one of the most brilliant facilities but it is built on open parklands. Colonel Light, who was the founder and surveyor of the City of Adelaide, laid down only three commercial uses for the parklands: one was for Government House; one was for a public hospital; and the third was for a public cemetery. Look at it today: bowling clubs, racing clubs, speed cars—whatever you want, it is all there. Who has done it? Every government that has been in power, whether it be Liberal or Labor. I am surprised this morning that 43 people sat on the other side of the chamber to vote to stifle the member's ability to take it into committee so as to talk about the parklands.

We in this chamber do not realise the value of the parklands to the City of Adelaide. The title the Premier gave it, 'a city in a park', was used by me in 1987 when we had about 300-odd Japanese tourists coming to this city. They said to me, 'Isn't this a magnificent city to be placed beautifully in the middle of a park?' The Japanese realised the value of it. When, as Lord Mayor, I took some Americans around the Botanic Gardens, they turned around and said to me, 'You know, son, if this was in New York you would never see the grass for people.'

We have the facilities, but what are we trying to do? Erode them bit by bit. Let us take what the member is saying about the Adelaide Oval. I do not know how many members have been to Lord's where the poor old Poms say, 'Isn't this a magnificent ground? This is the home of cricket. This is where W.G. Grace batted some of the finest innings in the world.' Well, I can tell you now that there is only one building that is worth anything at Lord's and that is the Long

Room. It is a beautiful building—a magnificent structure—but the rest is modern-day hoo-ha, which I do not mind because it has at least been done tastefully and it is a lovely ground at which to watch cricket.

I do not have any problem with the Adelaide Oval developing those old grandstands in the future. They were fine 80 years ago but in 2001 they are not—and it can be done easily. You have seen what has happened with the Sir Donald Bradman Stand: it fits elegantly into the ground while acting as a proper facility for the media, the members and the public.

Let us look at these light towers. I went along and accepted them because the Cricket Association had to have night cricket facilities and, therefore, they had to establish them. It is a pity that the retractable lights did not work but they did not work because the effort was not put into it. You cannot tell me that with today's technology we cannot come up with a suitable gearing system to enable retractable lights to be installed at the Adelaide Oval. Those members who are cricket or football followers and went to the Adelaide Oval while the retractables were there, can you remember the blue and white advertising signs that were on the poles? It looked absolutely ghastly.

If you go to cricket grounds around the world, do you know what you would find? Watch tonight at Edgbaston in England and then watch the whole five tests in England. Do you know what you will find? As you watch the cricketers batting in the middle of the ground, you will see high rise buildings surrounding the ground with people standing up with warm ales watching the cricket from vantage points in their residential and commercial buildings and those sorts of things. Do you know what you have at the Adelaide Oval? You have the backdrop of the Adelaide Hills; you have Pennington Gardens; you have Cresswell Gardens; you have the cathedral as a backdrop; and you have a scoreboard that is recognised as one of the finest heritage scoreboards anywhere in the world. You have the greatest cricket ground in the world—it is rated number one in the world. Yet, this parliament will continue to make decisions to allow the erosion of the parklands because we have to be able to use some land for a wine centre, a convention centre or a tennis centre. Who knows what it will be next; it might be the Science and Investigator Centre. And so it goes on.

The 2 000 acres of parklands that Colonel Light left us will eventually finish up down to 1 000 only, and the greatest jewel in the crown of this city will have been eroded because people in this place did not have enough foresight and guts to bloody oppose the continued erosion of the parklands.

What has happened in this city? I was born here and have lived here for the whole 65 years of my life. I have loved the ability to get out with my family on a Sunday morning and walk through the parks and along the banks of the Torrens and admire the serenity and the beauty of this city. Yet, we are jeopardising it because the people in this place do not value it at all. The commercial values and the commercial hip pocket dollars are more important than maintaining the beauty of this city.

Everyone should be supporting the light stands because, while it was necessary to install them, let us at least try to preserve the beauty of the Adelaide Oval. Let us not ever allow banners, flags or commercial signs to fly from them. What happens tomorrow if McDonald's offers the South Australian Cricket Association $1 million a season to put its logo on the four towers? Would we allow it? We probably would. We would say that the Cricket Association has to continue: the test players are all getting big money so let us give them the ability to earn it.

All I say is: if we were serious we would be turning over the final decision in relation to the parklands to the Adelaide City Council because it is the ratepayers of the City of Adelaide who vote for the nine members of the council. Those nine members know that they cannot take up a square inch because it would anger the ratepayers. But here we are with the member for Schubert giving us some garbage about advertising on the light towers when he lives up there in the Barossa Valley. He does not care what happens in the City of Adelaide. What should be happening is that the whole onus should be with Adelaide City Council so that when any government in the future wants to do anything, unless they get permission from the members of the council then it should be a no-no. All I am saying is: let us at least support what the member has put forward. All he is saying is that there should be no advertising on those poles and thus some dignity will be retained for a ground that is recognised worldwide as being the supreme cricket ground in the world. Let us do the right thing by Adelaide and by South Australians and just preserve the beauty and integrity of the Adelaide Oval.

Mr LEWIS (Hammond): I am really astonished by the attitude taken by the government to this matter and the puerile bases of the arguments which it has advanced to support its opposition to it. If anyone is guilty of a stunt, it is the government, not I, because I brought this matter into the party room long before the party room sacked me. Government members know that it is their stunt, not mine, that now puts in jeopardy the prospect of preventing any advertising from occurring on those light poles and preventing other hoardings from being erected around the oval. For the member for Schubert to stand up in here and accuse me of political stunts when he has known for longer than I have been in this parliament that I have been opposed to bad civic manners is itself a stunt, an indication of his ineptitude; indeed, he has about as much competence as a political goose.

The Hon. W.A. MATTHEW: I rise on a point of order, Mr Speaker. The member for Hammond has reflected on the member for Schubert. He is not presently here to defend himself and, accordingly, I stand in this place and ask the member for Hammond to withdraw.

The SPEAKER: The chair listened carefully. It is a quite unparliamentary slur to put on a member. Although, I would say it is a very borderline case, I ask the member to temper his language for the betterment of the tenor of the House and of the debate.

Mr LEWIS: I am angry not only because of the government's attitude to this matter but because of the member for Schubert doing exactly the same thing to me—and you, Mr Speaker, allowed him to get away with it—by imputing improper motives to me, and that is forbidden under standing orders. I have not imputed improper motives to him. I have just described him in what I consider to be appropriate terms.

The most important thing here is to ensure that the Adelaide City Council, which changes its complexion every three years, does not repeal this proposition. The idiots in the government do not understand that. Because the council has passed this measure does not mean that our obligations and responsibilities to the wider community of South Australia are met: they are not. What is the penalty under the proposition here? A mere few hundred dollars. SACA, or anyone to whom it has given an advertising contract, would make tens

of thousands dollars annually out of that advertising, and it would happily pay the fine. Then the members of the government would say, 'We didn't foresee that, and we didn't know about it. Now we'll have to act to do something to stop it.' Ha, ha, ha! Retrospectively there will be damages, and the public purse will pay; it is not the members of the government who care about the public purse. Look at the way they have squandered money over the things they have been involved with and supported during recent times.

The Hon. W.A. MATTHEW: I rise on a point of order, Mr Speaker. The member for Hammond is reflecting on other members of the government. He is making broad, sweeping accusations which, while not naming members in particular, certainly bring odium upon members in this chamber. I object to his language, and I request that he withdraw.

The SPEAKER: Order! The chair was distracted; I was unfortunately talking to the Clerk at the time. However, if the member is reflecting on other members, I would ask him to desist from it. I will listen very carefully to his speech. If he continues in that vein, I myself may have to intervene.

Mr LEWIS: No, Mr Speaker, I have not reflected on other members; I have just reflected on the government. That is not defamatory, and that is not in any sense improper, inappropriate or against standing orders. I do not know which standing order would be involved. Anyway, I simply commend to the House—and I know the members of the government will not support me, other than the member for Colton, who has had some prior experience in these matters, and who has some principles. The matter ought to be taken into committee and referred to the select committee—quite properly and quite sensibly. I am talking about the select committee on the parklands. These are a part of the parklands.

Why the government can say on the one hand that we ought to just let the city council resolution deal with the matter beggars belief. That is a straight cop out. It is a stunt. Just as the member for Schubert accused me of a stunt, I accuse him and all members of the government who support his position of nothing less than a stunt. These have been my views before I was ever endorsed by the Liberal Party in 1974 to be the candidate for Coles. I am one of the first members ever in the civic trust in this state, and that is all about good civic manners. It is disgusting and despicable that somebody like the members for Schubert and MacKillop discredit me or attempt to discredit me on that basis.

Time expired.

The House divided on the second reading:

AYES (24)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Condous, S. G.
Conlon, P. F.	De Laine, M. R.
Foley, K. O.	Geraghty, R. K.
Hanna, K.	Hill, J. D.
Hurley, A. K.	Key, S. W.
Koutsantonis, T.	Lewis, I. P. (teller)
Rankine, J. M.	Rann, M. D.
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. t.)	Evans, I. F.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L.	Ingerson, G. A.

NOES (cont.)

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

Majority of 2 for the ayes.

Second reading thus carried.

The SPEAKER: Order! Would members please resume their places. I will call the member for Fisher shortly.

Members interjecting:

The SPEAKER: Order! I ask members to resume their places and clear the centre of the chamber. That includes the member for Waite and the member for Mitchell.

The Hon. R.B. SUCH (Fisher): I move:

That standing orders be suspended to enable me to move a motion without notice forthwith.

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

Mr LEWIS: Yes, sir.

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

The Hon. R.B. SUCH: No, sir.

The SPEAKER: I put the question. The question before the chair is that the motion be agreed to. For the question say aye, against no. There being a dissentient voice, a division is required. Ring the bells.

The House divided on the motion:

AYES (26)

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

NOES (20)

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

Majority of 6 for the Ayes.

Motion thus carried.

The Hon. R.B. SUCH (Fisher): I move:

That the City of Adelaide (Advertising at Adelaide Oval) Amendment Bill be referred to the Select Committee on Adelaide Parklands Protection.

Mr MEIER (Goyder): I am pleased that, at long last, I am aware of exactly what was proposed through the suspension of standing orders. It is all very well for government members—and even the whip, perhaps by implication—to have been reprimanded or been put in a position where a division was called and then asked, 'Why did you have the division when that was going to be automatic?' I, as the member for Goyder and as the whip, can assess what we should or should not vote on only if I am aware of what we are going to vote on. In this particular situation, when a suspension was called for, I did not know what it was going to be for and, as the person responsible for overseeing government members, I am not going to put government members into a situation where I agree to a suspension of standing orders when I could be asked why I agreed and I would have to say that I did not know what it was being called for.

So, I simply say that, on this one, the government has no problems because the bill passed the earlier vote for it to go to a select committee, but I ask for full cooperation from all members if we are going to get through business with a minimum of fuss and not have divisions when they are not required under normal circumstances.

The Hon. D.C. KOTZ (Minister for Local Government): I want to make a few comments before this motion is passed—as it obviously will be. When the bill was first introduced I spoke to it and advised the House that the bill, in effect, was irrelevant from the point of view that the Adelaide City Council had already attended to the matters that the bill itself was attempting to address. I advised the House at that time that the Adelaide City Council, at a special meeting that was held on Tuesday, 14 December 1999 at 5.35 p.m., attended by the Lord Mayor and councillors, moved a motion that:

> The development the subject of the application from SACA to construct four permanent light towers to replace retractable towers at 0 Victor Richardson Road, North Adelaide as shown on plans designated—

and the plan numbers are there—

> by the City Strategy Division, be granted provisional development plan consent subject to the following conditions:

which range over 10 separate items. But the one relating to the particular bill which was attempted to be introduced was item 8 which clearly and specifically states:

> The light towers shall not be used for any form of advertising or for the attachment of telecommunication masts, aerials, etc.

That is the information that was given to the House in the debate on the movement of this bill. I think the House will recognise the fact that it was said on the basis that it is an irrelevant bill because the Adelaide City Council has already attended to the matter and the concerns that were expressed.

Mr LEWIS: I rise on a point of order. It is simply a question of relevance and whether the minister, in fact, is reflecting on the decision that has already been made.

The SPEAKER: There is no point of order. The Minister for Local Government.

The Hon. D.C. KOTZ: The other point that I want to make is that during this term of government it has been quite obvious that there has been tremendous reform throughout the local government area. One of the major strategic moves has been to give local government throughout the whole of South Australia greater roles and responsibilities in the decisions that it takes, and this government has supported that theme and that strategy and complemented the roles and responsibilities of local government. It is my impression that this bill if, in fact, it had been passed—and this is the reason I spoke against it—would have questioned the role of local government and, in this instance, would have questioned the role of the Adelaide City Council. The council has correctly and rightly addressed a matter of concern regarding advertising on the light towers. It moved the resolution and put it into its development plan. It is an absolute contract now between the Adelaide City Council and the people of South Australia. For this parliament to then decide that its particular view should now impinge and be imposed upon the Adelaide City Council—or any council—makes this whole parliamentary process look rather arrogant.

Considering that the matter was addressed in such a strong way through the development plan, I considered it totally irrelevant for this parliament to take any further action. That is why I opposed it and why I believed that this bill should be attended to today and moved off without any further action. However, it looks as if it will be referred to a select committee and I support that. However, I also put on record my condemnation of people in this parliament who choose to impose their will on properly taken actions by a properly elected local government authority which we class as another, third, sphere of government. I think it sends the wrong messages out from this parliament to those who are elected to undertake a duty on behalf of their constituency. For those reasons, this government and I have opposed the bill from its beginning, but I will certainly support its referral to a select committee.

Mr HAMILTON-SMITH (Waite): I support the comments made by my colleague the member for Goyder, the Government Whip, in my position as the Deputy Government Whip. I make the point on process that the smooth running of this place depends by and large upon convention and cooperation, particularly between the opposition and the government but also with the Independents. I make the point that in calling suspensions of standing orders and taking certain positions it is the practice of this place for the major and minor parties and Independents to coordinate matters prior to bringing them to a formal decision by the House. In this case that process—

Mr Lewis interjecting:

The SPEAKER: Order! I warn the member for Hammond under standing order 137.

Mr HAMILTON-SMITH: Thank you for your protection, Mr Speaker. In this case, that process of informal communication appears to have broken down. It would bode well for the House to take note of what has occurred today and ensure that in future matters before the House are facilitated in a way that allows the whips on both the government and opposition side and the Independents to determine the appropriate course of action in accordance with standing orders so that we do not allow things to bog down or become confused. I make the point that that is the way this place operates. Clearly, this matter will proceed. It could have done so earlier and much more speedily if that informal process of communication had been adhered to in accordance with the conventions of this place.

Mr VENNING (Schubert): I rise to support the comments made by the minister. Certainly, as a person who spent 10 years in local government before I came into this place I know the clear parameters between the three levels of

government. If I were on the Adelaide City Council, I would take great umbrage at a decision of this parliament which tried to override or locked them into a situation over which they had the power of decision. I was not in the chamber when the member for Hammond accused me personally earlier in the debate. I apologise to the member for Hammond if I accused him personally; I did not. I did not reflect on him personally. As I said in my speech, the member for Hammond was sitting in front of me, which is not his normal seat in this place and it was somewhat intimidatory, but it did not worry me; I am big enough and tough enough to defend myself.

I thought the member for Hammond went over the top when he cast aspersions on my person. I am big and tough enough to take that, too, but I remind the member for Hammond that as individuals we go back a long way. We shared an office for a couple of years. If he wants to come to this level, it brings our relationship to a new level. I can accuse the member for Hammond of all things in brinkmanship, whether that be in political exercises or whatever, but I will never criticise his person. He has done that to me today. So be it. If the member for Hammond does that, it is his decision.

I have no problem at all with this bill going to a select committee. I think the minister said it exceptionally well. It is a decision of the Adelaide City Council. I have confidence in the decisions of that council in future. It is their decision to make and it will be the correct one. I regret that we have probably had one division too many this morning because of our slight confusion, but I think that in the end all of us in this House want the same thing. It is just a matter of who should make the decision.

Mr LEWIS (Hammond): What a lot of tosh! Of course the bill should go to a select committee, and the debate should have been about that, in my opinion, not about the recriminations of government members and the apologies they want to make and put on the record for their ineptitude; not about the number of occasions on which they have treated me and other members, particularly the member for Fisher, with indifference in the decisions they have chosen to make about standing orders, and so on; and not about the merits or otherwise of other matters.

But, as they have canvassed those, I guess I am free to do likewise. I take exception to the hypocrisy of the Minister for Local Government saying that she wants local government to accept responsibility for these matters when the government itself, of which she was a minister—a cabinet minister at the time, in fact—did not consult with the city council over the development on Memorial Drive. It arrogated the power to itself and just said, 'Go ahead; no worries.' Is that anything but hypocrisy?

On the same point of double standards, I also ask why we also make laws which control what local government can do on other public land in relation to advertising hoardings. Why do we have such laws if we think that local government is competent and reliable to do it themselves? In the course of this government's term in office and in this parliament we have made such laws which take away and detract from the capacity of local government, not which delegate and empower local government to make such laws.

So, the minister and other members who have spoken are saying that, on the one hand because it is this issue and we do not want it to get up because the member for Hammond introduced it, we will use this as an argument and, on the other, we will do just the opposite when it suits us. That is what has happened.

It is not an arrogant imposition of the will of government to pass a law which all the people in South Australia want to see in place. They do not have any say in the election of the Adelaide City Council. They do not get a vote unless they are property owners, residents or ratepayers. For the rest of South Australia, it is their capital city and their cricket ground and their surroundings when they come to the capital city. They have to put up with the hoardings, whatever they may be—and I will not us adjectives to describe them for fear that I might offend you, sir—and it is simply bad civic manners.

The minister and other members have acknowledged that it would be bad civic manners to have it there. My point therefore is that I trust that the select committee will look at it on that basis and understand, too, the other arguments that I have advanced to support the measure, which all members of the Opposition have supported and which the member for Fisher supported, but which the member for Chaffey and the member for Gordon did not.

The important points are, first, that the city council at its leisure and pleasure from time to time could repeal any part or whole of that resolution, and the parliament could not stop it from doing so. The second point is that the penalties that can be applied under that regulation and the approval that the Adelaide City Council has in place are peanuts compared to the revenue that can be generated.

The only way we can make anything stick that is in any way comparable to the kind of revenue that advertising on those hoardings could generate during the television coverage of a test match, for instance, is for parliament to be recalled and put penalties on such hoardings if they were draped on those poles. They could go up five minutes before the test match started, because that is when the television coverage would start. I note that the members of the opposition understand my point. I also see some sheepish indifference on the part of members on the government benches. They know the truth of what I am saying.

Further, I trust that the select committee will also look at what appropriate penalties ought to be incorporated in legislation, in support of the remarks that I just made that, first, there are insufficient and inadequate penalties under the provisions determined by the Adelaide City Council; and, secondly, that the Adelaide City Council does not have the power to impose adequate fines to detract from the practice.

The final thing I want to say in that regard is that the kind of conduct that members of the government have displayed in the course of the debates on the three matters (this one and the two preceding it), in the way of attacks they have made on not only my ideas and the issues I have presented but more particularly on me personally, is not the kind of thing that I have done to them. The member for Schubert said that he took great umbrage. He accused me of doing what I was doing as a political stunt, and no-one demurred—not even you, Mr Speaker.

Mr Venning: That's not personal.

Mr LEWIS: Not at all? How would you like it if I said—

Mr Venning interjecting:

The SPEAKER: Order, the member for Schubert! The member for Hammond has the call.

Mr LEWIS: The member for Schubert is like the member for Bragg: they do not even know what they are saying when they are saying it. That is an attack on my motives. The member imputes improper motives to me, even though, when he reflects on it, he knows of my interest in this matter. I was

one of the first members of the Civic Trust in this state—and that goes back to the early 1960s. The Civic Trust's only purpose in existing is to foster good civic manners, so that we do not create an outrageous environment, a visual environment which is simply offensive to a large proportion of the population, and that we do not desecrate the thing that makes Adelaide unique amongst all cities. All cities around the world have parks—big parks—but none has a whole band of parklands all around them. Adelaide has that, but this government wants to split up the parklands so that some will be for the city council and some will be for the government, and the government can please itself what it does with the land that it has at its disposal in the legislation that it has before the select committee at the present time. It will be able to carry out development on that land without consulting the city council.

I make that point, because it is in direct contradiction to the points made by the Minister for Local Government, the member for Schubert, the member for Waite and the other members who have spoken in this debate, who have said, 'We don't want to do anything to local government; give it the responsibility. We musn't detract from that, really.' Is that not holier than thou and hypocritical? I have illustrated the points that show it to be so.

The Hon. R.B. Such: Who makes the Local Government Act? We do.

Mr LEWIS: Indeed; we make the Local Government Act.

The Hon. D.C. Kotz interjecting:

Mr LEWIS: Yes, I am, because you do not deserve to be treated in any better way.

The Hon. D.C. KOTZ: Sir, I rise on a point of order. There is an imputation there by the mere fact that the member has stood here and attempted to mock the words and the sense of how I spoke on this bill, and I ask the member to withdraw.

The SPEAKER: I think that the member has to stand by his remarks. I cannot say that the chair took offence at the time, but I ask the member to temper the tenor of his remarks on this motion. We are not getting anywhere with this slanging match across the chamber and people attacking each other. Let us get back to the substance of the motion before the chamber.

Mr LEWIS: Of course not, sir. I am pleased to have your view of that at this point—if only I had known it earlier. Sir, I think I have said enough. I think that government members have been stung and, even though they will never admit it, they know they are wrong and that the only way in which we can protect the whole of the population of South Australia and our reputation for being a place that has good civic manners is for this parliament to pass law that prevents bad civic manners from being introduced; and that it is in the opinion of the majority of the people in this state—if not the opinion of the government, then at least I contend the majority of the people here—

Time expired.

Mr WILLIAMS (MacKillop): I feel compelled to enter this debate. I support the motion of the member for Fisher. I think that the appropriate place for this matter to reside is with the select committee, and I think I said that when we were debating the matter earlier with respect to the second reading of the bill. I thought that I gave good reasons and put forward a good argument at the time.

Mr Lewis interjecting:

The SPEAKER: Order! The member for Hammond already has been warned once. I caution him against interjecting all the time when members are on their feet.

Mr WILLIAMS: Thank you, Mr Speaker. For the record (*Hansard* might not have heard that remark), the member for Hammond alleged that most of my contribution was personal abuse of him. I certainly take offence to that, and I invite the member to—

The SPEAKER: I ask the member to return to the debate before the House. I ask members to stop these constant attacks on each other: it does not help the debate at all.

Mr WILLIAMS: Thank you, sir. I hope that the member will read *Hansard* and reflect on his attitude. I come from a background in local government, I am a strong advocate of local government, and I think that our system of local government in this state and in this nation (indeed, the three tiers of government that we have), despite public perception that we are over-governed, serves this nation very well. In particular, I think the system of local government that we have in this state serves the community very well—in fact, extremely well. I know that the level of debate that takes place in local government with respect to local issues is often heated and fiery, and it brings out many groups with particular opinions on certain issues. But, at the end of the day, the issues are fully canvassed in the local communities by the local people, and I believe that that is one of the strengths of local government.

I think that the word 'local' in local government is the most important thing about that tier of government, and it would be a great pity if this chamber and this parliament decided that we did not trust local government; that we wanted to have our hand on the shoulder of every local council in this state, be it the Adelaide City Council or the smallest rural council in the state—and some of those are in my electorate. Every one of them, I believe, has its own sovereign rights and should be allowed to exercise those sovereign rights under the laws of this state without this parliament, in a patronising manner, coming along and saying that they do not know what they are doing; that those men and women who represent their communities in a voluntary capacity are doing the wrong thing by those communities.

I bring to the attention of the House that, as the minister pointed out a few moments ago, the resolution of the city council is quite plain: it prohibits the light towers at the Adelaide Oval from being used as an advertising hoarding—the very thing that the member's bill (and we are now discussing whether to go to a select committee) seeks to prohibit. I think that the member lacks, or possibly lacks (and I will be very careful here, because the member obviously takes offence), a complete understanding of the Development Act in this state, and he also lacks the understanding that development matters are handled by local government. There is very good reason why most development matters are handled by local government (of course, there are some specific exemptions): because this level of government has recognised that the local level of government can better understand local issues and make the appropriate decisions at a local level.

Notwithstanding that, I accept that the Adelaide Oval and indeed the matters relating to the parkland create a wider interest in our community, but I point out to the House that the only way in which the city council could change that ruling in relation to advertising on the light towers at the Adelaide Oval would be if the South Australian Cricket Association lodged a new development application. It cannot

be changed by a simple resolution of the city council. If members are going to pass laws regarding development matters, then they should do themselves a favour and make themselves aware of the way in which development applications are handled in this state, and the role of local government and the role of the minister responsible.

The city council cannot, by a simple motion, change the development conditions on the light towers of the City of Adelaide. If the South Australian Cricket Association lodged a new development plan to do something different—and that might simply include changing the conditions of the development of those light towers—that would have to go through the development process. In this instance, it would require the city council to advertise the fact that the development application had been lodged. It would require a public consultation period—and I think it is three months—before the city council could make a decision on that application. To suggest that the city council, by a mere motion, could change it—could do it on a Friday evening so that the South Australian Cricket Association could run up some advertising banners before the television cameras began filming at 11 o'clock on the Saturday morning—is a nonsense. That is not the way in which development happens in this state.

The people who work in local government and who give their time in a voluntary capacity, do not do that expecting to have the patronising hand of state government, or indeed federal government, on their shoulder. They do not do that expecting every decision that they make in good faith and good conscience to be looked at and possibly overturned by state government. If the member, or any members, believe that that is what the relationship should be between state and local government, then I would suggest that they introduce legislation into this place to disband local government altogether, because that is what they will do. They will undermine the third tier of government in this state, one which has stood for the communities which it represents very well in the history of this state.

Motion carried.

SYRINGES AND NEEDLES

Mr LEWIS (Hammond): I move:

That this House calls on the government to provide free syringes and needles to diabetics and any other people requiring syringes to administer pharmaceutical drugs to themselves for so long as they continue to provide 'party packs' from South Australian public hospitals which contain free needles for use by people injecting drugs, such as heroin, into themselves.

I am asking the House in this proposition to call on the government to provide syringes to people who suffer from diabetes and other people who require syringes to administer pharmaceutical drugs to themselves for the purposes of maintaining their health and wellbeing for so long as the government, at the same time, continues to hand out syringes free to intravenous drug users and so promote drug addiction through that practice. Whatever other motive the people who made the recommendations to government about the practice of handing out syringes in party packs may have had, the effect of doing it is to encourage drug abuse—and that is trafficable substances at that.

Mr Speaker, you and I both know—and you are a pharmacist—that it costs hundreds of dollars to buy syringes and/or detachable needle heads and so on for someone who suffers from diabetes, say—because that is the biggest class of such people. It costs hundreds of dollars of their money to buy the syringes they need to administer insulin to themselves, yet they could, speciously—and I am not saying that it is happening, but I will not be surprised to find that it is—rock up to a hospital and say, 'I want my party pack.' And that is what most of the blokes and women who go to hospitals demand: they call them 'party packs'. They are plastic bags containing new syringes and condoms. It allows them to shoot themselves up with heroin, and then get all excited about it with their reduced inhibitions and, in that state of excitement, screw around, wearing the condom, one presumes—or the condoms—that are in the party pack. That is why they are called 'party packs', because that is where they use them.

As it stands at the present time, any member who wants to do so can go to a public hospital and, on their request, they will be given a package of free condoms and syringes. Very often in some of the country hospitals, of course, this practice results in late night skeleton staff, who are trying to deal with, say, a road emergency from a major collision of some kind or other, or someone who is suffering from an epileptic fit, being confronted by this demanding vagabond, ne'er-do-well drug abuser, who will not be put aside and put off—and there are no receptionists or security officers readily at hand. All they are doing is demanding their free syringes and free condoms. I think that is despicable, because it puts people who have a genuine need to be at the hospital in jeopardy.

There are insufficient staff to handle the situation and they are not well trained to deal with those nitwits. I call them 'vagabonds', because I think that is a word that everyone understands in this place. I am not sure that some of the younger members of the community, who are in the minority, who have not yet found any measure of responsibility—and maybe they never will—who engage in these practices, will. I am appalled by that, because it is a doubled standard. On the one hand, we are encouraging drug abuse and we are encouraging dangerous behaviour by saying, 'It is okay, you can screw who you like so long as you are wearing a condom,' to the males of this world; or, to the females, 'It is okay, you can screw who you like as long as you roll on a condom before you do it.'

In my judgment that is wrong, because the time will come when either the condom breaks, or, more particularly, they will not have one and they will still go ahead and do it. If they are so stupid as to engage in such behaviour and if they have such low levels of self-esteem that they engage in such behaviour, then clearly they are not the kind of people capable of a rational decision to not engage in that behaviour just because they do not have a condom or a syringe that is new, clean, wholesome and fresh. They will do it, and then all we are doing is prolonging the agony. I mean, if the fools want to kill themselves, let them, as far as I am concerned.

I do not believe that we should allow the practice to continue where we put other people's lives at risk who are presenting to hospitals in genuine need by requiring the staff to divert their attention from these emergency cases to supply these gits who rock up and make their demands, which they are told is their right and which the hospital staff are directed to provide.

The reason for the proposition is that it is just so offensive to diabetics that they cannot honestly, honourably and lawfully get their syringes and needles free, when we are spending all this money providing and distributing these party packs around the state and, at the same time, we are not prepared to give them to diabetics and we are diverting the money from the treatment of other people on elective surgery

queues and so on; that is, the money that we have to spend to buy the syringes and the condoms.

God knows where we, as a government and as a society, expect they will get the material they will use in the syringes when we have told them it is unlawful to do it, yet we give them the tools by which to administer it. That is a double standard and a stupidity on our part. There are other words to describe it, such as that it is safe sex. That is an oxymoron. If you are promiscuous, you are engaging in very unsafe practices, quite apart from the fact that you have no respect for yourself or the other people with whom you engage. For the life of me, I cannot imagine any reasonable argument any member could advance to oppose this proposition. It is compassionate. All the motion is saying is: no double standards, please. If we are going to hand out these free syringes, let us give them to everybody who needs them or wants them, not just those who want them but do not need them.

Mr De LAINE secured the adjournment of the debate.

ELECTORATE GLOBAL ALLOWANCE

The Hon. R.B. SUCH (Fisher): I move:

That the House of Assembly electorate global allowance and associated resources, and the personnel currently involved in their administration, be transferred to the Parliament of South Australia from the portfolio of the Treasurer and operate under the guidance of a committee formed for the purpose by the House.

The reason for bringing this motion before the House is that I believe that parliament should be sovereign in terms of the funding allocation to its members to operate offices in their electorates, and this is in no way a reflection on the present Treasurer (Hon. Rob Lucas) or on any previous Treasurer. But I believe that the present arrangement does not uphold the principle of the sovereignty of parliament, and that the rules governing our current global budget in our electorate offices are deficient in many respects.

First, there are no clear guidelines as to the usage of that money. I believe that is a very dangerous situation to be in, because the expenditure is approved after the expenditure is incurred. I believe that that is not satisfactory; it is not a desirable way to spend the money that is provided by the taxpayers for use in our electorate offices. We should be accountable to the parliament and it should be done in a way which is obviously to the satisfaction of the Auditor-General and proper accounting practices.

Over time, as we know, executive government has increasingly taken away from parliament much of its responsibility, and I believe that this is one area where the parliament, through a proper committee formed for the purpose, should establish the guidelines for the expenditure of the electorate office global allowance. Once again, I stress that this is not suggesting that the current Treasurer would do it, but the danger exists that a Treasurer of the day could for party political purposes guide the expenditure of this money in a way that is inappropriate or unacceptable.

I do not know how other members spend their global allowance—and I am not suggesting that they are doing things that are improper or inappropriate. The point is that I do not know; I am not in a position to know. However, I believe that a committee formed from members of this House to oversee and to set the guidelines, and transferring to parliament the people who currently administer it and who are under the aegis of the Treasurer, is the way to go. Governments of the day, whatever their persuasion, love to keep their hands on the financial levers, whether or not it is an electorate global allowance. I recall when I first entered this parliament, my electorate was twice the size of the electorate of Elizabeth but I received no extra consideration in terms of office allowance and had to pay for a lot of the postage and photocopying out of my own pocket. To some extent that is a side issue, but it highlights that the situation was not going to be remedied by the treasurer of the day as he did not want to help me in any way because I was not part of the government.

Of course, the setting of the allowance is a related aspect, but I am talking about its administration and the setting of guidelines and principles as to how that money is spent. I had a situation a year or two ago where I wanted newspapers for my electorate office to be purchased out of that global allowance, but I was denied, after I submitted the account, on the grounds that it was not appropriate for a member of parliament to purchase newspapers for their electorate office out of the global allowance. I thought that was rather strange. I had incurred the expense and submitted the account, and it was refused, which highlights the point I made earlier. When I asked what the rules were, I was told that there were no rules. I said, 'How do you know that what you are spending is being spent in the proper way?' They said, 'That will be determined when we decide whether we approve what you have purchased.' That is absolutely unacceptable and bizarre. I might point out that the newspaper situation has been corrected. The Treasurer wrote to me a month or so ago saying, 'The situation has been reviewed.' I do not know what prompted him, but he reviewed it and I was told, 'If you want to get newspapers for your office, you are allowed to do so.'

Mr Lewis: That is probably because some government members were already doing it.

The Hon. R.B. SUCH: Some members have told me that they have various schemes to get around some of these rulings. I do not want to go into that because that is a matter for them and their conscience. I am pleased that the Treasurer did come back and say, 'You can get a newspaper,' even though I was obviously buying my own newspapers at home and was not trying to shift costs in my favour in terms of personal papers. But it does highlight the unsatisfactory situation that exists, and I re-emphasise the principle that parliament should be sovereign and that we in this place should be masters of our destiny in terms of accountability and transparency.

As elected members, we should be responsible for the administration—in a general sense and not the day-to-day handling of accounts—of moneys expended via our electoral office. That is the way to do it and not have the government of the day controlling and supposedly being accountable for the expenditure when we know, realistically and honestly, that that is not the case.

I put this motion to the House and ask members to think about it. I accept that it is not the most important issue in the world, but I believe it is a question of principle. We should do what we can to uphold the sovereignty of parliament, and our responsibility and accountability as members of parliament, and have this responsibility handled by parliament, with an appropriate committee setting the guidelines and rules for the proper expenditure of money used in electorate offices.

Mr LEWIS (Hammond): The last few phrases uttered by the member for Fisher say it all. The case he gave in illustration of the point where he was refused the right to use some of his global allowance to buy publications of his choice, such as a newspaper—

An honourable member: The *Age*.

Mr LEWIS: Yes, that is right.

An honourable member interjecting:

Mr LEWIS: Definitely. Goodness me, one wonders if they might have been capable of inspiring sedition. All together there can be no reason why any member of this place will not vote for this proposition to be dealt with today so that the government can then act appropriately by including it in the Governor's speech for the purposes of the opening of parliament in a couple of months' time. I do not think we ought to wait and hang around here. If we are going to fix this, we will not have a better opportunity for a long time. There can be absolutely no grounds for any member believing that government ought to have control of the parliament or the members of parliament, especially when the members of parliament have a cap on that global allowance. It is not as though it is a bottomless pit. If we spend it irresponsibly or if we get our priorities wrong, even though they are regarded as responsible decisions, that will be on our heads, and it is our competence that is then at stake. We do not need to be wet-nursed by Big Brother in some government agency. We need to be accountable. If we cannot make the right decisions, then it will be on our heads and our electorates will unload us individual by individual. They will not see us as fit to represent them and manage their affairs if we cannot manage our own responsibly.

I commend the member for Fisher for bringing the motion to the House, and I wish it swift passage. I trust that there will not be prevarication or the kind of obfuscation that I have been subjected to on motions that I have had before this House from time to time over the last 20 or so years. I know that the sort of obfuscation to which I have been subjected today and in recent months is no different from the sort of thing that was said about me by Don Ferguson or Kevin Hamilton in the fullness of debate; by Susan Lenehan or even young Mr Klunder on occasions. In one instance, he put his foot in it, because he argued just the opposite to the reality. I am not fussed about it. I simply say, 'Let us get on with it.'

Mr MEIER (Goyder): I will speak to this motion now not so much to discuss the merits one way or the other but partly to comment on what the member for Hammond said—that he would hope that it would be dealt with expeditiously and there would be no prevarication on it. It is all very fine for him to say it. I must admit that, when I first came into this House many years ago now, I remember a bill being brought before us and read a first time, and it was then adjourned. I asked a senior opposition shadow minister, 'What on earth is going on? Let's deal with it here and now. Come on! If we are here to debate legislation, let's get it over and done with.' That shadow minister said to me, 'You will learn, honourable member, that appropriate discussion has to occur. We have to consult with people outside this parliament to determine what our party position will be and whether we will be supporting the government.' Of course, when I was shadow minister for a while I learned that the one week we used to have was often insufficient, and I would seek to have a two-week period for consultation. I am sure the member for Hammond appreciates that pretty well all these motions need to be taken back to the respective parties.

Mr Lewis interjecting:

Mr MEIER: It is all very well for Independents; they can make the decision there and then. I can assure the honourable member that it will be taken back and due consideration given to it. In that respect, I am a little disappointed that we were not able to vote on the previous motion regarding the free syringes. I knew that the government had made a commitment in the last budget, but I was not sure that it covered all the aspects mentioned in the motion. On checking it (unfortunately that information came to me only as the member for Hammond was finishing his comments) I found that the government has already provided all that. There should not be a problem once we get back to it next time. On this matter, I have not been able to undertake consultation through the party channels. I am certain that the opposition would not have put it to its caucus at this stage, so likewise it will have to consider it.

As the member for Hammond would know, he needs not only the government members but also the opposition members to support this, if there is be a change in the way the House of Assembly electorate global allowances and associated resources are administered in the parliament. I hope the honourable member understands it. I am sure he does, given that he was a member of the party for more years than I have been a member of the party in the parliamentary arena. I hope that an appropriate course of action will be undertaken through the parliamentary process, possibly in the next week of sitting.

Debate adjourned.

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

CONSUMER AND BUSINESS AFFAIRS

In reply to **Ms THOMPSON (Reynell)** 6 April.

The Hon. I.F. EVANS: The Minister for Consumer Affairs has provided the following information:

Further to the information forwarded on prosecutions disciplinary actions and assurances, the Office of Consumer and Business Affairs ('OCBA') is currently not in a position where it can easily provide particulars of statistics of administrative resolutions beyond the number of assurances issued under the Fair Trading Act. This process would involve some level of review of the files over the period. OCBA is currently taking steps to utilise technology to improve its reporting ability and provide further more detailed enforcement statistics.

From 1991 to 1994 the OCBA approach to compliance utilised administrative resolutions under the assurance provisions of the Fair Trading Act and disciplinary action concerning licensee traders. There was also heavier emphasis on prosecutions.

The compliance approach over the period from 1994 to 1997 altered, so that, where possible, OCBA would work with traders and industry to achieve compliance with legislation through education and advice. If this approach failed and the trader continued to offend then formal warnings would be given. If the behaviour continued then legal sanctions would be imposed.

During this time in consultation with industry new legislation was introduced including:

- Plumbers Gas fitters and Electricians Act 1995;
- Building Work Contractors Act 1995; and
- Uniform Consumer Credit Act 1995.

An education oriented approach was highly desirable during the implementation of these Acts.

An internal OCBA evaluation of the outcomes and the effectiveness of the approach to compliance was conducted in 1997 and a move toward more active compliance followed. A specialist unit was established for compliance activities. Administrative resolutions under the Fair Trading Act and warnings continued and were increased. There was a move toward increasing the number of prosecutions and disciplinary actions that OCBA initiated.

Since 1997 enforcement has been applied proportionately and appropriately to alleged offences. Where appropriate:

- education is used to terminate conduct and prevent further breaches;
- written and oral warnings are issued;
- unlicensed traders are encouraged to become licensed;
- assurances under the Fair Trading Act are obtained;
- disciplinary action is taken against licensed persons;
- prosecution action is taken.

In July 1999 the compliance unit was moved into the newly formed corporate affairs and compliance branch of OCBA.

OCBA is currently taking steps to further enhance its compliance activities through a co-ordinated approach by:

- establishing clear internal referral and investigation systems;
- establishing clear priorities for compliance;
- using technology to improve its record keeping systems;
- establishing clear guidelines for the use of appropriate compliance methods, including expiation notices;
- improving its liaison with industry groups.

ELECTRICITY, NATIONAL MARKET

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

Leave granted.

The Hon. J.W. OLSEN: I have sought leave to make a ministerial statement in relation to the power industry in South Australia, and I table a copy of the State Government Electricity Task Force final report, which I have just recently received. Members will recall that in March this year I established the State Government Electricity Task Force to look at issues of particular concern to South Australia as it relates to the national electricity market. The committee, chaired by Mr John Easton (who is also the chair of the Electricity Supply Industry Planning Council), was specifically asked to examine the rules of the national electricity market and its impact on South Australia; review the design and model of the current market system; and recommend what action needs to be taken to improve the operations of the market, specifically relating to South Australia. Further, I established a technical advisory panel to provide advice and underpin the work of the task force.

On 1 June I received the interim report from the task force. I have now received the final report from the task force. I indicated to the member for Hart in the estimates committee that I would table and release that report at the earliest opportunity, and I do so today. The government has considered its recommendations. It is quite clear, and has been for some time, that the national electricity market is not working as it ought to work. I think it is fair to say that there is a general acceptance of that fact. I make the point that this is not just South Australia's assessment. Victoria, New South Wales and Queensland have all supported South Australia's stance because they are also experiencing problems with the national electricity market. As a government, we have focused our efforts on dealing with the issues that have arisen as a result of market deficiencies and identifying measures which can be taken to reduce the impact of rising electricity prices on about 2 100 of some 75 000 businesses. We have had to consider a range of measures—measures which will not damage us in the future but which are long-term solutions which provide security of supply at competitive international prices for business.

I am pleased that the task force and its panel of industry experts agreed with that view. Many of the recommendations outlined in this report are in place or under way. It is fair to say that everyone expected greater benefits from the national electricity market model agreed to some 10 years ago. The concept proposed by the then Prime Minister Keating was for a sharing of resources across jurisdictions to maximise efficiencies and reduce massive government outlays at cost to taxpayers. However, it is no secret that the benefits outlined and expected at the time of the agreement are yet to flow through to the state, as the market has not matured and therefore there are insufficient—

Mr Foley interjecting:

The SPEAKER: Order! The member for Hart will remain silent.

The Hon. J.W. OLSEN: —competitive forces to impact on prices. Having said that, I firmly believe that, given time to mature, the market will deliver the expected benefits to consumers. Importantly, the government will do all it can to ensure that that is the case. It is why I sought to have the issue placed on the national agenda when the nation's leaders met last month. It is why we sought and obtained the establishment of an urgent review into rebidding practices of generators so that any changes could be implemented in time for the coming summer. The review will also consider whether a planned increase in the maximum pool price for electricity from $5 0000 to $10 000 per megawatt hour should be stopped.

It is why we sought and obtained a September deadline for NEMMCO's decision on the South Australia New South Wales interconnector project. It is why we successfully argued for a November deadline for NEMMCO's decision on the 400 megawatt New South Wales to Victoria interconnector. It is why we sought and gained the establishment of a ministerial council of all affected states to oversee the market, to regain some policy control over the framework for the market. It is why I sought ACCC assessment of whether unconscionable conduct was being pursued by some industry participants. It is why we fast tracked Pelican Point and facilitated a number of new peaking plant investments to be in place in part by the end of the year. It is why we fast tracked the underground Murraylink interconnector through the Riverland, and that is now estimated to be operating by April next year.

At a local level, we as a government have been liaising closely with retailers and generators to identify any measures which may reduce the impact of rising electricity prices on South Australian business. One of these initiatives has been the decision by AGL to offer rebates of up to $37.5 million—

Mr Conlon interjecting:

The SPEAKER: Order, the member for Elder!

The Hon. J.W. OLSEN:—to South Australian businesses. This announcement followed a series of discussions between the retailer and me.

The Hon. W.A. Matthew interjecting:

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

The Hon. J.W. OLSEN: The government has also worked with AGL to provide contestable customers with more time to make important decisions in relation to contract options. Initiatives such as these, although welcome, are ultimately short-term measures, and only additional generation and interstate interconnection will have a long-term impact on prices. To this end, the government has worked extremely hard to ensure that South Australia has sufficient generation capacity to meet our ever increasing demands for this coming summer and into the future.

Over the past two years South Australia's generation capacity has increased by more than 30 per cent. More importantly, NEMMCO's latest statement of opportunity document has confirmed that South Australia should have enough power supply to avoid supply-related blackouts this

summer. The report indicates that if only half the proposed projects are completed there will still be enough reserve power capacity to get through summer. This is welcome news for all power customers and vindicates the government's efforts to encourage extra generation and interconnection for South Australia by fast-tracking projects such as the Pelican Point power station.

It is fact—and the task force makes this point—that business customers in this state have been contestable since January 2000. It is also a fact that many of the businesses are facing increases in the cost of their power. However, it is an important fact to note—as the report does—that some of the existing tariffs were based on historical, and frequently government and hence taxpayer subsidised, decisions and therefore did not necessarily directly reflect the true cost of supply to each customer.

The task force makes the point that business customers have had 18 months' grace to address their supply needs, and many took no action to secure their supplies in the grace period made available to them. It is also worth noting that, despite the spurious claims of some, the report notes that the average increase for customers contracting with AGL, compared to the grace period tariff, was around 30 to 35 per cent. As well, of those customers who have signed contracts, 90 per cent have incurred a contract price of 50 per cent or less and 70 per cent of customers have experienced increases of 40 per cent or less. By comparison, I have been advised of two large South Australian companies which have recently renegotiated their power requirements in New South Wales under their government owned utilities. One company in two locations in country New South Wales has had an increase of 34 per cent and 28 per cent respectively. BHP management also advised, at a recent electricity conference, that it was facing a 50 per cent price increase at its Newcastle plant. Having said that, the government is still not satisfied that there is true competition in what is, essentially, an immature market. That is why we have already put in place many of the measures recommended by the task force.

As I said earlier, the task force did not offer quick fix solutions. In fact, there is no simple single solution to this issue. If there were, we obviously would have implemented it months ago. The task force did look at possible options to alleviate the immediate problems facing the 2 100 businesses in this state. However, it concluded that, based on all of the information available to it, intervention to alter the wholesale or retail prices would not be an effective move. It also believed, as the government does, that as the retail market develops, and with 40 per cent of contestable load now being met through business customers signing contracts with retailers other than AGL, further development of maturity of the market should be supported. The government accepts that view. However, we reserve the option to review this situation in 12 months' time.

Electricity retailers have factored in a certain risk percentage into their pricing structure—that is prudent commercial behaviour. However, the government believes that with the measures already adopted and those outlined in this report substantial risk will be eliminated. On that basis, we believe the benefits ought to be passed on to business consumers. To ensure this is the case, the government will, in 12 months, assess the market to ensure that the benefits have been passed on to business customers.

The House would be aware that, with government support, Business SA has established a program to offer financial incentives for business customers to manage their demand in order to reduce their power costs. We have accepted a recommendation that a group be established, with representation from industry, community and government, to identify demand reductions for times of peak demand.

On the issue of full retail contestability, due in this state in January 2003, I have already indicated that the government is not prepared at this stage to commit to this time frame. I am not prepared to commit to a time frame until maturity is achieved. The report suggests that the government should review the arrangements adopted in Victoria and New South Wales when they move to full contestability in 2002. We will do this, and I stress, South Australia will not be committing to the timetable of 2003 unless we are fully satisfied that customers will not be adversely affected. The report also calls on the government to conduct a review to ensure the efficient use of gas at times of supply shortfall. We accept this in principle, and we will also consider removing the regulatory duplication at the state level in the gas and electricity industries.

The report raises the issue of electricity demand, finding that demand in South Australia is growing much faster than expected. This is due, in part, to the steady economic growth and expansion in our industrial sector—one of the downsides, if you like, of a state on the move; a reverse positive. The report concludes that we need new generation capacity to ensure security of supply—and as I mentioned earlier, there are several new generation plant proposals for the state, as outlined by NEMMCO. The report recommends, and the government agrees, that a review be conducted of interconnector approval, of ACCC interconnector revenue setting and local regulatory and licensing processing. In part, this is already under way, as I outlined earlier.

The report also recommends that NEMMCO be asked to examine the potential to remove interconnector constraints as part of its annual planning process and that this review be reported in the statement of opportunities. I note on a separate but associated cost issue for South Australian businesses that payroll tax reduction of $22.5 million, WorkCover cost/benefit to business of $108 million, and FID abolition of $66 million, will see about $200 million of business costs eliminated over last financial year and this financial year.

The task force has made an extremely valuable contribution to the future of the competitive market in South Australia. It remains of deep concern to the government that the benefits it had been led to believe could be delivered by the market have not so far eventuated. However, it also shows that with the correct parameters in place it will happen. It must happen. I commend the report to the House.

Members interjecting:

The SPEAKER: Order!

PAPER TABLED

The following paper was laid on the table:

By the Minister for Employment and Training (Hon. M.K. Brindal)—

Employment Council's Report: Pointing to the Future—Response of the South Australian Government.

QUESTION TIME

ELECTRICITY, PRICE

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Premier. Which of the government's $100 million-plus electricity consultants advised him that delaying signing a contract with an electricity retailer would mean that cheaper energy prices could be secured closer to the 1 July deadline; and is that why the government failed adequately to urge businesses to sign contracts last year? On 7 April this year, the Minister for Administrative Services (Hon. Robert Lawson) told the media:

> Expert advice indicated that electricity companies will have a greater capacity for new contracts after the summer peak finishes, and it would have been poor business to negotiate a contract during the summer period when power prices are at their peak.

Today, your electricity task force said that many businesses are now facing higher power prices because businesses took no action to secure their supplies in the grace period made available to them during 2000.

The Hon. J.W. OLSEN (Premier): There are two aspects to the leader's question. First, as it relates to the 18 month period from January 2000 to 1 July 2001, my understanding—and I will check this—is that there were two written communications to the proposed contestable customers drawing their attention to the market—

The Hon. M.D. Rann interjecting:

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

The Hon. J.W. OLSEN: In addition, I will ascertain how many—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The leader will not ignore the chair, either.

The Hon. J.W. OLSEN: —seminars were put in place to explain the operations of the market to—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I warn the leader for flouting the chair.

The Hon. J.W. OLSEN: In addition, as my ministerial statement just indicated to the House, many, including the government, expected the market to behave differently from the way in which we have seen it unfold. The task force report identifies that fact, and I referred to it just a moment ago in my ministerial statement.

Members interjecting:

The SPEAKER: Order! I caution the leader for continuing to ignore the chair. It will lead to a consequence that he will not like.

MURRAYLINK INTERCONNECTOR

The Hon. G.M. GUNN (Stuart): Can the Premier update the House on the progress of the Murraylink interconnector and the benefits that may flow therefrom?

Members interjecting:

The Hon. J.W. OLSEN (Premier): I thank the member for his question, but I would like to respond to the interjection from the Leader of the Opposition. What about—

Members interjecting:

The SPEAKER: Order! The Premier will resume his seat. The chair is not going to sit here this afternoon and put up with scattergun interjections across the chamber. I warn the member for Hart and, if other members are warned, it will go further. Just let the lessons please sink in for this afternoon.

The Hon. J.W. OLSEN: I cannot let the interjection of the Leader of the Opposition go unchallenged. What he conveniently forgets, as the budget papers identified, is that we have saved $297 million gross interest outlays. That is what has been put in place for the benefit of South Australians long term. Importantly, reducing debt—reducing interest bills—has enabled us to commit additional funds to education, health, law and order, and to the clean-up of the Murray-Darling Basin and Murray River.

We have the capacity now to reinvest in rebuilding the infrastructure of our state, and we do not have to put it on the bankcard. Those opposite just simply put the debt there, put it in place and let future generations pay. We are in the fortunate position of having low interest rates in this country at the moment. Can you remember, because I can, back a few years ago, 20 to 22 per cent interest rates for small business? That was the Labor legacy. What would the $297 million gross interest savings be if interest was not at 6 per cent but 22 per cent? Well, we would not be investing in schools, hospitals, roads and law and order. It would all be paying financial institutions interstate and overseas. That is the reconfiguration and stability of financial management that has been put in place.

To return back to the member's question, as to Murraylink, the underground interconnector that will deliver some 220 megawatts of additional electricity capacity, I am pleased to advise the House that the cable arrived in Port Melbourne last week and has now been transported to Mildura, which is on the Victorian end of the project. I can advise the House that the cable roll-out will start very soon and is expected to be operating by April next year. In fact, it would have been operating prior to that had there not be appeals on the Victorian side of the border against the route of this proposal. That appeal on the Victorian side of the border, as I am advised, meant that the Murraylink proponents missed their slot for production of cable internationally and then had to go to the end of the queue to get their cable produced, and that has meant the delay.

The government is serious about addressing this shortage of capacity. We are tackling it in a twofold way. I reaffirm to the House that approximately 30 per cent of additional generating capacity has been put in place in the last two years. That is in stark contrast to what was put in place in the previous 15 years. I well remember pursuing Pelican Point against the opposition of those opposite, including the member for Hart. I wonder what the position might have been in South Australia now had we not pushed ahead despite their opposition and protest with Pelican Point. What dire straits would South Australia have been in?

Former governments made no investment in generating capacity—none at all. What do we have from the Labor Party in addressing this important issue? It is important to businesses in our state. I was interested to note, and somewhat surprised at, what the member for Hart had to say at a recent electricity forum in Adelaide. Whilst the ALP would have you believe that they want to get into bed with business and their champions, commenting on the issue of electricity price increases, the member for Hart sent a clear warning to businesses. He said:

> Businesses need not wait anticipating a handout from a Labor government to deal with their electricity prices.

He went on to say:

> Businesses can't come running to government every time there is a problem.

Here is the Labor Party, it has clearly put their position on the deck. It will not move anywhere and not do anything to address the issue and the problem and look after business interests in our state.

Members interjecting:

The Hon. J.W. OLSEN: Clearly, the member for Hart has a slightly different view from the Leader of the Opposition in these matters. The leader wants us to address the issues for business but the member for Hart says to business, 'Don't come to us; you are out on your own. We are not going to address the issue. We are not interested in it.' Well, let the business community know full well what the member for Hart's narrow view is of this issue. As I indicated to the House just a moment ago, we are seeing in New South Wales, under the Labor government owned power utilities, increases—

Members interjecting:

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

The Hon. J.W. OLSEN: —in electricity of the average that we are seeing, because the task force report indicates that the average increase is 30 to 35 per cent and that is what we are seeing applied in New South Wales at this moment. The member for Hart says, 'Well, the base is different.' I would ask the member for Hart to go back to history. Come on, Johnny-come-lately, go back to history. Go back to history and have a look at the fact that the generating costs in South Australia have been higher than in the other states. Why? And this has been under Liberal and Labor governments during that period of time, I hasten to add—the Dunstan government. During that period, we relied on low-grade brown coal from Leigh Creek to be carted 200-odd kilometres to the generating source. We took gas out of Moomba to go 1 000-plus kilometres to the gas-fired generating plants in Adelaide. New South Wales and Victoria have black coal and the mine site is the generator site. They do not have these transport costs and the cost structures that we have in place. So, the base in New South Wales and Victoria has traditionally been quite different from the base in South Australia—and it is no different today.

Members interjecting:

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

The Hon. J.W. OLSEN: The point is that, with our new gas-fired and combined cycles—

Members interjecting:

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

Members interjecting:

The SPEAKER: Order! I caution members that I will not tolerate this behaviour. Members seem to think that at some time or other that they can continue on. I have warned the member for Bragg and the member for Elder. I ask members to get on with question time as we would expect by the forms of the House.

The Hon. J.W. OLSEN: I was making the point that despite this disadvantage we are now moving to combined gas cycle power generation in this plant, which is the most modern of its type in the world, that is bringing about—from an environmental perspective—less impact on greenhouse than we are seeing in New South Wales and Victoria. Whilst there might be a cost disadvantage because of the fuel source, we are playing a greater role and part in reducing greenhouse emissions. The other factor addressed by the report that previous Labor governments did not do anything about, was the competitive alternative gas sources supplied to South Australia.

In the past, we have had one source of gas for generating electricity, and about 40 per cent of our generation comes from gas out of the Moomba fields. We have, with the discoveries in the Otway Basin in recent times, large gas supplies. We now have two proponents that I know of who have publicly announced their position; the Minister for Mines and Energy might be aware of others. A 670-kilometre gas pipeline from Melbourne to Adelaide bringing these other reserves, and that means competitive gas for 40 per cent generation, not a monopoly position in the future, but competitive gas, that underpins the confidence of international boards to make major capital decisions about investing in new generating capacity to meet what is a growing demand. I have indicated to the House previously that we have something like a four-fold increase over projections of demand in our market. I can well remember the graphs given to me and, no doubt, the opposition when it was in government, that the growth curve in demand for electricity in this state was 1 to 2 per cent or of that order.

In recent times we have seen a four-fold increase above that. That has compounded the issue and the problems that are emerging in the market today. As I said in my ministerial statement and in my answer to the Leader of the Opposition, a number of steps have to be put in place collectively so that we impact against this pricing mechanism. As I have indicated to the House, the risk factors to be taken out of this pricing mechanism we want passed onto business consumers in South Australia. In addition to that, we will not commit to a full contestable market on 1 January 2003 at this stage.

ELECTRICITY, PRICE

Mr FOLEY (Hart): My question is directed to the Premier.

Members interjecting:

Mr FOLEY: If the Premier had built Riverlink, we wouldn't be facing these price increases today. My question is directed to the Premier—the Premier who failed to give us cheaper power.

Members interjecting:

The SPEAKER: Order! The honourable member will ask his question.

An honourable member interjecting:

Mr FOLEY: I wanted more interconnection actually, Wayne. Does the Premier accept responsibility for the fact that his mistakes as both minister for electricity and as Premier of this state have resulted in South Australian businesses facing power price increases averaging 35 per cent and in some cases as high as 90 per cent? When announcing privatisation of—

An honourable member interjecting:

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

Mr FOLEY: Thank you, sir.

Members interjecting:

The SPEAKER: Order!

Mr FOLEY: It was Dorothy, sir, with a deep voice. When announcing privatisation on 17 February 1998, the Premier said:

> Our research indicates that the fierce competition between private suppliers always results in prices dropping.

On 11 April 1996, when he was the then electricity minister, the now Premier said that South Australia should be part of the national market to 'ensure that, for residential, commercial and industrial purposes, we have the cheapest electricity of any state in Australia'. On 9 May 1996, the now Premier

enthusiastically announced that our state would be the lead legislator for the national electricity market and that 'South Australia will be well placed to enter the national electricity market'. Your mistake, Premier; you have given us high prices.

The SPEAKER: Order! Leave is withdrawn.

The Hon. J.W. OLSEN (Premier): The member for Hart just simply cannot contain himself. Let me put some facts on the table. Obviously, the member for Hart has not read the full evidence put before the Economic and Finance Committee yesterday or he chooses today to ignore several pages of evidence put before the Economic and Finance Committee. He wants to ignore the last five or six pages of TransGrid's submission because it simply destroys his argument. TransGrid has said in evidence that on 30 July 1999 it—this is TransGrid; this is the New South Wales instrumentality—

An honourable member: The government body.

The Hon. J.W. OLSEN: The government body—wrote to NEMMCO and requested of it that it suspend deliberation of its application pending completion of the code review. Who did stop the review of the interlink with New South Wales? No less than the New South Wales Labor government's instrumentality, TransGrid. Here it is in black and white. This now puts the lie to what the member for Hart has been constantly saying. It puts the lie to the defence of the member for Hart and the Labor opposition.

Clearly, it establishes it. Then, it was not until March this year that TransGrid requested that NEMMCO recommence the evaluation. Seven months later they asked, 'Can you recommence the evaluation?' But, they had not done their evaluation to submit for evaluating, so they waited another seven months while TransGrid actually did the work they should have done and could have done in the interim to present the case. So, it sat at NEMMCO because TransGrid had not presented the case.

It is no wonder that the member for Hart has gone back to reading his *Financial Review*. I can understand why he has gone quiet and I can understand that his *Financial Review* is the best place to bury his head: because TransGrid's evidence, at last, has clearly indicated the circumstances in relation to the interconnector.

The other fact is that, had TransGrid wanted this to be processed in a timely way, it would have proceeded in relation to all those approvals for planning—such as access through national parks and going through properties—and getting the support of governments traversing this line. But have they done all their homework? No, they have not. That is why TransGrid says that the earliest it could deliver such a line would be in about two 2 years, 2¼ years or 2½ years from now.

Let us get some facts back into this debate. I know that it does not accord with the political stunts that the member for Hart engages in from time to time and does not support the member for Hart's political one-upmanship, but what we are talking about here are facts and supply and supporting generating capacity in the state that will look after this state's interests.

There is another aspect of this. In making policy decisions related to this market, it is important not to have a short-term fix that creates a long-term problem. It would be unconscionable for any government to fix something in a 12 month period that created in a time line of three, five and eight years a lack of generating capacity to meet the needs of industry at that time. That is why policy decisions in this area are so finely balanced. There are competing advantages and disadvantages with respective decisions and policy settings, and that is why there is no single, simple solution. I note that the Labor Party has not proposed one, either.

PRISONS, ALLEGATIONS

Mr CONDOUS (Colton): My question is directed to the Minister for Police, Correctional Services and Emergency Services. Given statements by the member for Peake outlining numerous allegations about issues within the Correctional Services Department, can the minister inform the House what investigation he has done into these allegations and what the facts actually are?

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I appreciate the honourable member's question and the short answer is: yes, I have. As a result of the allegations raised initially in estimates committee some two weeks ago, I told the honourable member for Peake that, if he had serious evidence to support these allegations, to bring it forward and I would have a full and thorough investigation into them. Again, the answer is that so far he has not brought any substantial evidence to me to be investigated.

Two days ago, the honourable member for Peake raised some other questions, and I would like to go through the answers as a result of the investigation. First, the honourable member claimed that a social worker had been having an affair with a prisoner, and he nods his head to again acknowledge that that was his allegation. There has been an instance where a social worker was put on a week's special leave, and a thorough investigation occurred regarding a prisoner who is now in New South Wales. The allegations were not about a sexual affair but, rather, about letters and phone calls and also about supply of contraband. There was a thorough investigation into that, and the department says that there was no evidence whatsoever of those things occurring.

So, the member for Peake was wrong there. He then raised points concerning Liddy and claimed that there was a 24-hour guard around the prisoner Liddy. I wish to advise the House that there is no 24-hour guard in front of Mr Liddy's cell, so again the member for Peake was wrong. He then claimed that a prisoner in the prison system at Yatala had a laptop, a mobile phone and a modem—three pieces of equipment in the one prisoner's cell.

Mr Koutsantonis interjecting:

The SPEAKER: Order, the member for Peake.

The Hon. R.L. BROKENSHIRE: As was reported in the press several weeks ago, the fact was that a modem and a phone were picked up in a prisoner's cell as a result of investigations by the department, in which it did a very good job. That has been publicly acknowledged. The modem was checked out to determine whether it had ever been used or could be used on the internet and, after a thorough check, the answer is that it had not been used and could not be used. Again, the member for Peake was wrong.

The member for Peake then went on to make some serious allegations about doubling up. Many times in this chamber and elsewhere I have talked about the fact that there is some doubling up in prisons. Why? Because after the Aboriginal deaths in custody inquiry it was recommended that doubling up of prisoners be considered as a way of protecting those prisoners. I wonder whether the member for Peake would like to come to my office and read a recent briefing concerning a prisoner who was prevented from committing suicide because, by virtue of the fact that they were doubled up, the

other person in the cell heard some strange noises during the night, realised things were wrong and pressed the emergency button. What is wrong with doubling up in the interest of preventing Aboriginal deaths in custody? He was wrong again. There were then allegations about the kitchen.

Members interjecting:

The SPEAKER: Order! Members on my right will come to order.

The Hon. R.L. BROKENSHIRE: There were then allegations from the member for Peake about the kitchens and the fact that the department makes the decisions on prisoners with transmissible diseases going into the kitchens. When I checked on that, I found that the fact of the matter is that health officers, not departmental prison officers, advise whether any precautions are needed for prisoners with transmissible diseases working in kitchens. He claimed that lock-downs had been required. The answer is that no lock-downs were required as a result of these prisoners working in the kitchens. Again, the member for Peake is wrong.

Mr Koutsantonis interjecting:

The SPEAKER: Order! The member for Peake is warned.

The Hon. R.L. BROKENSHIRE: To go further into this, what seriously concerns me is that, if they could be substantiated, these allegations would be very serious and as minister for that department I would want a thorough investigation into them. What disappoints me is that under parliamentary privilege we have seen the member for Peake raise serious allegations on which my department has said he is wrong on every count, including his claim that if a prisoner were found with cannabis it would not be confiscated.

Mr Koutsantonis interjecting:

The Hon. R.L. BROKENSHIRE: Yes, you did.

Mr Koutsantonis interjecting:

The SPEAKER: The member for Peake is warned for the second time.

The Hon. R.L. BROKENSHIRE: The member for Peake also claimed that not only would the cannabis not be confiscated but also there would be no penalty. The fact is that again the member for Peake is wrong. As minister, I do not mind being put under scrutiny, as the government is put under scrutiny every day. That is part of our job. But, given that the opposition is saying to the voters of South Australia that it is possibly a potential government, it is time members opposite were also put under scrutiny and, to use the words of the Leader of the Opposition in this House, came out of coward's castle. Why are they using parliamentary privilege for scurrilous allegations? We saw it with the member for Hart's allegations over the $14 000 grants program—and what happened there? They were also unsubstantiated. We saw the Leader of the Opposition in this House yesterday again have a cheap snipe at the emergency services levy. With respect to that issue (and it is all very relevant to this point), the Leader of the Opposition was very happy to put out—

Mr CLARKE: Sir, I rise on a point of order. I refer to standing order 98. The minister is starting to debate the answer to the question rather than answering the substance of the question.

Members interjecting:

The SPEAKER: Order! The chair understands the point of order. The minister is starting to move into debate. He has not quite developed any argument in that respect. If he does, he will be stopped.

Mr Clarke interjecting:

The SPEAKER: Order! I ask the minister to come back to the original question that was asked of him.

The Hon. R.L. BROKENSHIRE: It is time that the opposition was put under the same scrutiny as the government. I say to the member for Peake (who said he would apologise—I challenged him to apologise by 2 o'clock today and, guess what: he has not done so) to go and put these facts to the police for investigation, bring the facts to my CEO or bring them to my office and, if he has the facts, I promise that there will be a thorough investigation. If he is not prepared to go to the police or my CEO, or to come to me personally with the facts, I ask him here and now to apologise and not to misuse any further parliamentary privilege in this House. It is an absolute disgrace.

TOTALISATOR AGENCY BOARD

Mr WRIGHT (Lee): Will the Minister for Government Enterprises guarantee to this House that the racing industry will still receive both an $18.5 million up front payment and a further $41 million a year in each of the first three years following the privatisation of the TAB—or is the government negotiating a cut to either of these figures in an effort to sell the TAB? It was a condition of the sale of the South Australian TAB that the racing industry would receive an up-front payment of $18.5 million from the sale. In addition, racing agreed to the sale on the basis that it would also receive $41 million a year from the private TAB operator in the first three years after the sale. Minister, a guarantee: yes or no?

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): The member for Lee knows full well that there was another condition in all that, and that was that a sale price, such that the taxpayer was getting value for the sale, was a prerequisite. I have never made any comment about any of these matters pre-sale: however, I will be extremely comfortable in doing so when the process is finished.

PARTNERSHIPS 21

Mr WILLIAMS (MacKillop): Will the Minister for Education and Children's Services detail to the House how disadvantaged schools, in particular, will benefit under local school management?

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): I thank the member for MacKillop for his question, because community response to local management in this state has been nothing short of absolutely staggering. Some eight out of every 10 schools and kindergartens in this state are now in Partnerships 21. I would have to say that this is one of the most successful changes to our education system in this state in decades, without any doubt. It is individual students who are reaping the benefits of Partnerships 21.

In particular, Partnerships 21 has attracted additional funds for disadvantaged students. Disadvantaged students fall into the following categories: Aboriginal students, students with disabilities and those from low socioeconomic backgrounds. The additional support directed to those students of low socioeconomic background was endorsed just this morning by a well respected educator in this state, Dr Tony Shinkfield. As Dr Shinkfield points out in his letter to the editor which appears in this morning's *Advertiser*, 'there is a strong and growing commitment through Partnerships 21. . . [to target] resources to the most needy'. It comes as no surprise that, in the face of such widespread support, the Labor Party and the

AEU have had to revisit their opposition to the scheme, because only yesterday the self-proclaimed education premier could barely admit that the best bits of Partnerships 21 would be part of Labor's own education policy. This is the same flawed model, as he scathingly attested to his AEU friends in their bunker just last year.

I look forward to hearing the details of Labor's plan, because I am wondering what he will call it. Will he call it 'Collaboration 22'; or will it be called some other weak Labor cliche such as 'By the year 2002, no school shall be without Partnerships 21'? The opposition is a legend at borrowing other people's ideas, because its feeble policy is built on plans that this government has already put in place. When it is not copying from its own backyard, it copies from another backyard—to the Blair backyard, for instance—and picks up some social policy from that area.

Opposition members might be interested to know that their mates in the AEU are also endorsing the government's policy. Recently, the languishing president said on ABC radio, 'I have a lot of faith in local decision making.' That was interesting, given his rampant opposition to Partnerships 21 over the last 18 months. I can see why the critics are changing their tune: because who would not want to adopt local management when its benefits are so pronounced? One only has to visit P21 schools and talk to the principals, the teachers and the parents to see just exactly what the benefits are.

Let us take just one factor: the additional staffing that has occurred since P21 came into operation. Some 81 additional teachers and 547 SSO staff have been hired since P21 came into operation. This is because of the additional resources going into these disadvantaged schools through P21. It is helping to lower class sizes and it is helping schools to have an hour of literacy and an hour of numeracy every morning. Indeed, it is giving schools the flexibility to do exactly that.

The leader is still trying to have a bet each way with the parents of South Australia on local management, because he will not confirm or deny parents' claims that he will make P21 compulsory. How interesting. He says that my claims are just laughable, but who is laughing when the Labor Party is adopting our policies. Laughing? On this side of the House, we are rolling in the aisles.

Members interjecting:

The SPEAKER: Order!

Mr Conlon interjecting:

The SPEAKER: Order, the member for Elder!

TOTALISATOR AGENCY BOARD

Mr WRIGHT (Lee): Now that we know the racing industry has no guarantee, will the Minister for Government Enterprises rule out any reduction in the tax rate for the new TAB owner, and will he also rule out any other taxpayer funded concessions or subsidies being offered to the preferred bidder for the TAB? The opposition has been advised that, in a last ditch effort to sell the TAB, the government has opened up negotiations on the tax rate, despite earlier assurances that the tax take for the state from a privatised TAB would remain the same.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): As I have replied in the estimates committee to very similar questions, I will not—

Mr Wright interjecting:

The Hon. M.H. ARMITAGE: Well sir, I am actually really pleased that the member for Lee said that in the estimates committee I said nothing, because that is particularly appropriately what I should be saying about the sale at this time. That is exactly what I should be saying to ensure that there are no issues of probity or concerns or anything like that in the sale process. So I hate to disappoint the member for Lee once more, but I will not put the sale process or the current discussions in any jeopardy by giving details or by confirming or denying anything.

However, the simple fact is that the member for Lee knows one thing. He probably knows more than one thing, but he knows one thing about this, and that is that there is only one way that the TAB can be sold, and that is with the agreement of the racing industry.

HOSPITALS, LYELL McEWIN

Mr SCALZI (Hartley): Can the Minister for Human Services outline to the House a number of the unique factors of the Lyell McEwin redevelopment project?

The Hon. DEAN BROWN (Minister for Human Services): Yesterday morning we had a function out at the Lyell McEwin hospital.

Mr Wright interjecting:

The SPEAKER: Order, the member for Lee!

The Hon. DEAN BROWN: The member for Elizabeth came along to that function. I was delighted to welcome her to the function at which it was acknowledged that work is now starting on the redevelopment of the Lyell McEwin Hospital. This government has committed to a redevelopment in the first stage worth $87.4 million. That redevelopment is unique in a number of ways.

First, it expands the bed capacity at Lyell McEwin to take account of the growth in the northern suburbs. An extra 70 beds will be provided at the hospital, whilst there will be increased surgery capacity, increased levels of ambulatory care, day surgery, day-care facilities, expanded x-ray and imaging facilities, expanded laboratory services, improved access, reduced waiting times, improved potential to make sure there is reduced cross-infection within the hospital itself, and there will be improved facilities for women and children within the service at Lyell McEwin.

Here is a huge new development, and in many ways the construction phase is unique indeed. One of the initiatives is that any subcontractor who goes on site must employ at least one apprentice for every six workers on site. Overall, there must be at least one trainee or apprentice for every ten workers on the entire site. Those people are being recruited from within the northern suburbs where at all possible.

Another unique initiative is the extent to which the development itself is ecologically sustainable. For instance, although there is very substantial demolition work being undertaken, the objective put in the contract for the demolition contractor requires, if at all possible, no landfill and for all material to be recycled. In fact, much of the concrete that will come from the demolition will be crushed and re-used on site. Another unique initiative in terms of the ecology is the minimal use of PVC within the new construction. The light switches, for instance, will be made in South Australia but not from PVC material.

Out of this, we will find that there will be a vast improvement in health services at the Lyell McEwin hospital for the people of the northern suburbs. There will be this unique construction project, and I was delighted as I said, that the member for Elizabeth was present, because I know that she is waiting to commend the government on being able to do

something which Labor failed to do in the 11 years that it was in government.

GOVERNMENT OFFICE SPACE

Ms THOMPSON (Reynell): Can the Minister for Government Enterprises advise whether there is any office space owned or leased by the government that is presently unoccupied, and can the minister advise the approximate numbers of instances and square metres involved, if any? The opposition has been contacted about instances where members of the public believe that government-leased office space is vacant, with the Ports Corp building being an example of a large building being vacant, or partially vacant, for several years at a time when the value of an asset potentially involved in a sale would be enhanced if it were fully leased.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): The Ports Corp building is a particularly interesting example of where fools rush in where angels fear to tread. The Ports Corp building is one of the integral buildings in the redevelopment of Port Adelaide. It has been specifically kept vacant so that the large redevelopment, for which the government is being applauded, will be able to occur in a large grand plan vision. Whilst a number of approaches were made to me when I was the minister responsible for the government vacancies to do something or other for this building or this space of land, or whatever, we always said no; we want to make sure that there is an opportunity for the creativity of the private sector to do a grand plan, and to do it properly, in what is the last undeveloped port in Australia.

Approximately two weeks ago, the member for Hart was one of 200 people down there applauding the government's strategy. So, that is why, in that particular instance, there may well have been some vacant buildings. However, I am not actually the minister responsible for government buildings: I happen to know that because of my responsibility, as Minister for Government Enterprises, for Ports Corp. I will refer the question to Minister Lawson and get an answer.

WASTE MANAGEMENT COMMITTEE

The Hon. D.C. WOTTON (Heysen): My question is directed to the Minister for Environment and Heritage. Can the minister update the House on the future role and functions of the South Australian Waste Management Committee?

The Hon. I.F. EVANS (Minister for Environment and Heritage): The Interim Waste Management Committee was formed in 1998. Part of its charter, of course, was to look at long-term waste strategies for the state and to also recommend new institutional or more permanent arrangements for the Waste Management Committee. Members might be aware that, in the Adelaide metropolitan area, about 1 million tonnes of waste is disposed to landfill every year. We are pleased to say that, through a whole range of different policies and activities both inside and outside government, that amount is slowly but surely reducing, but there is certainly more work to be done. Policies to help reduce that waste include such things as kerbside recycling; container deposit legislation, which is a big success story in South Australia—and the House will recall that it is being expanded next year; and the composting of organic waste. Of course, we also have a new waste policy out for consultation.

Four principal stakeholders were involved in developing the structure of the new waste management committee: KESAB, local government, business and the EPA. We have decided to rename the Interim Waste Management Committee the Waste and Resource Management Committee and restructure both its make-up and focus. It will now be a seven member committee under sections 6 and 17 of the Environment Protection Act. It will be chaired by a member of the Environment Protection Authority, with representation made up of one person from local government, one from business, two from the community and two members of government departments (one from Environment and one from Industry and Trade).

The reason it has been called the Waste and Resource Management Committee is that we want to concentrate not only on the waste side of the agenda but also on the resource side. We think there are some very good opportunities for industry in South Australia to grow their businesses and employment through the resource side of the agenda and, therefore, reduce the amount going to landfill. A simple example involves trying to get businesses to focus on production techniques that use less packaging, which would mean less packaging going to landfill, ultimately providing an environmental benefit as well as a cost or profit benefit for business. So, I understand that the advertisements will go in this weekend. I bring it to the attention of the House. If they have community members who might be interested in being involved in the Waste and Resource Management Committee here is an opportunity for them to get involved at that level.

COMPUTER SITE SOLUTIONS

Ms HURLEY (Deputy Leader of the Opposition): My question is directed to the Premier. What is the total value of government contracts awarded since 1995 to the firm Computer Site Solutions, formerly known as Computer Site Services; who awarded the contracts; and were they all the result of a public tender? The opposition has been informed that CSS has substantial government contracts, including cabling for the ministerial and parliamentary computer system. CSS is a relatively small company located in Orsmond Street, Hindmarsh. According to its own corporate donations document, this company is the third biggest donor to the Liberal Party, making regular payments of more than $20 000. Since 1995, CSS has donated $132 000 to the Liberal Party.

The Hon. J.W. OLSEN (Premier): I presume the member is talking federally. I do not know what the contracts are. It is not a matter that is in my direct area of portfolio responsibility, but I would be more than happy to get the information for the member.

TOURISM, STATE

The Hon. G.A. INGERSON (Bragg): Will the Minister for Tourism advise the House what effects the low Australian dollar is having on visitation to South Australia?

The Hon. J. HALL (Minister for Tourism): I thank the member for Bragg for that question, because it has an interesting answer in which I am sure members of the House will be interested. The low Australian dollar is having a twofold benefit to the tourism industry in this state, one of which is significantly increased numbers of international visitors. However, importantly, the other aspect and benefit

is the substantially increased number of domestic visitors choosing to holiday at home and see Australia first.

In the 12 months to June 2000, our state attracted more than 350 000 international visitors, and for the first time we topped more than 5 million visitor nights. The reason that is incredibly significant is that our increase in numbers was up 12 per cent over the previous 12 months, and that compared to a national increase of just 9 per cent. The number of visitor nights was up 14 per cent over the previous 12 months, against the 9 per cent rise nationally. The other aspect to that—and it puts it into context—is that in less than 10 years the number of international visitors to South Australia has gone from 204 000 to 352 000. That is quite an extraordinary increase and something of which we ought to be proud. The Tourism Commission has set 500 000 international visitors as its objective until the end of 2002.

The reason why the low Australian dollar is also having an effect on our domestic visitor numbers is that Australians are more generally now looking at the importance of getting good value for money. There is absolutely no question that from the Australian tourist industry's perspective people are seeing that the product in our own country, and particularly in South Australia, is very competitive and, of course, of high quality. Certainly, the numbers and increases here are extremely significant. The great thing about that is that it is not only increasing the dollars in terms of economic activity in our state but it is also employing significantly more people than it did just a few years ago.

As we know, late last year the Secrets campaign moved into Queensland, and the number of visitors attributed to Secrets is more than 50 000, and we are looking forward with interest to the increased numbers that we get out of south-east Queensland. We have recorded a 14 per cent rise in interstate visitors in the year to December 2000, which is the highest increase of all of the states and is more than double the national increase, which was 6.5 percent. I think we should be very proud of that. Our visitor nights have also risen by 14 per cent compared with a 3 per cent increase nationally. I think if you put some of these figures into perspective, the intrastate market in tourism is worth just over $1 billion annually, and that is, of course, very important.

However, what is of concern to us—and we hope that the low Australian dollar helps us redress this imbalance—is that South Australians are still spending about $900 million travelling outside of our borders. From our perspective, we believe that our important objective over the next 12 months is to rectify that and to encourage more South Australians to holiday at home and to take advantage of the fact that the value they get in South Australia is very good. We have set a target of 20 per cent, although I am told that 10 per cent is more realistic in the first 12 months. I think the benefit is clear. So, whilst I understand that there are some people who do not benefit from the low Australian dollar, certainly the tourism industry in this state does.

ADELAIDE BANK

Ms HURLEY (Deputy Leader of the Opposition): My question is to the Premier. Is the Adelaide Bank given any special access to Olsen government ministers which is not available to other financial institutions? The government has organised for the Premier and senior ministers to attend a series of cocktail parties and dinners. Next Tuesday night the Premier is due to attend a special dinner for major donors in the Adelaide Bank boardroom with four guests to be organised by the government and 10 more guests organised by Barry Fitzpatrick, the bank's CEO. Official documents lodged with the Australian Electoral Commission show that Adelaide Bank also directly donated $50 000 to the Liberals' last federal campaign and has contributed yet another $50 000 to a Liberal Party maintenance fund. They have also promised another $50 000 for the next campaign.

Members interjecting:

The SPEAKER: Order! The Premier has been called.

The Hon. J.W. OLSEN (Premier): We might get the other list out and compare the two lists. If we are going to go tit for tat, I am more than happy to do that. The answer to the question, at least as I understood it, is: no.

MINERALS, PROSPECTING

Mrs PENFOLD (Flinders): Can the Minister for Minerals and Energy inform the House what the government has done to promote the mineral prospectivity of South Australia?

The Hon. W.A. MATTHEW (Minister for Minerals and Energy): I thank the member for Flinders for her very sensible question. It is nice to have a member turn question time back in that direction again. The member for Flinders's passion and support for the minerals industry, of course, is well known in this chamber.

I am delighted to advise parliament in response to the member's question that it is now one year since the government announced its three-year, $8 million resources initiative to encourage greater exploration by the minerals industry in this state. I am pleased to be able to advise the chamber that considerable progress has been made during that 12-month period in addressing priority objectives. Members may recall that, in particular, the main objectives were: improving access to land for resource development; stimulating vibrant exploration activity; and developing a more supportive and responsive government. That was a very necessary thing to include as part of that review because that is not something that has happened for the minerals sector under former Labor governments. The Resources Industry Development Board has been—

Mr Foley: Geomagnetic surveys?

The Hon. W.A. MATTHEW: I am sure that the member for Hart, if he listens, will find this interesting because he knows, full well, that Labor governments, during their times in office, have not been supportive of the minerals industry. The Resources Industry Development Board has been—

Members interjecting:

The SPEAKER: Order! The Minister for Minerals and Energy has the call.

The Hon. W.A. MATTHEW: The Resources Industry Development Board has been established to help advise government, and drive involvement by the industry in furthering its opportunities in South Australia. That has been chaired by respected industry leader, Ian Gould, and it has been very successful in starting to provide some good strategic advice to government on appropriate directions. Further, it has enhanced its efforts by establishing three important subcommittees to involve further areas of industry in important issues relating to exploration enhancement, land access and infrastructure. Collaborative work between my Office for Minerals and Energy Resources and other agencies—particularly, the Department for Environment, Heritage and Aboriginal Affairs and the Attorney-General's Depart-

ment, is progressing issues relating to land access as a matter of urgency.

This year has seen the development of the digital Aboriginal heritage sites database and spatial topographic map index of traditional Aboriginal authority. That has happened within my colleague's department and through the office for aboriginal affairs which is assisting enormously in issues relating to land access. The Native Title (South Australia) (Miscellaneous) Amendment Bill was passed by parliament, ensuring that this state's alternative scheme under which native claims can been lodged is consistent with the commonwealth's Native Title Act. The Native Title (South Australia) (Validation and Confirmation) Bill was also passed by parliament, confirming that certain perpetual and miscellaneous leases extinguished native title at the time they were granted. Importantly, indigenous land use agreements negotiations have continued, and these aim to address native title and heritage issues for explorers and miners in relation to low impact exploration activities and work site clearances.

These changes and negotiations have, importantly, been refocused following funding changes, with smaller groups developing more specific area agreements. The government is, indeed, optimistic that these will be used as templates to assist native title claimants and other developers—including mining companies, pastoralists and local government—reduce the time taken to reach agreement throughout regional Australia. If Labor members care to compare that progress with the progress being made on the same issues by Labor governments in other states of Australia, they will find a marked difference in the rate of progress and, as a government, we will be demonstrating that in the very near future with some significant breakthroughs in negotiations as new mining opportunities are undertaken following successful agreements with indigenous peoples.

The four-year targeted exploration initiative known as the TEISA program continues to deliver on a number of areas in our state. A number of ventures are now up and running and operational and I look forward to reporting full details of those to the House on another occasion.

FRUIT FLY

The Hon. R.G. KERIN (Minister for Primary Industries and Resources): I seek leave to make a ministerial statement.

Leave granted.

The Hon. R.G. KERIN: South Australia's fruit fly free status ensures that horticultural producers have access to markets currently worth about $100 million annually, while the community also benefits through easily grown produce in home gardens and lower use of pesticides in the suburban environment.

Eradication programs have been conducted for 50 years and are an integral part of maintaining this situation. The 2000-01 eradication campaign to combat outbreaks of Mediterranean fruit fly has involved more extensive chemical control and has raised issues regarding concerns for public safety and entry of private properties.

As minister, I have instigated a major independent review of the program to be conducted by PPK Environment and Infrastructure Pty Ltd. I have stressed the need to engage the community in discussion throughout the review process, and the formation of a community reference panel is a high priority in that regard. The review will analyse the strengths and weaknesses of the current program and opportunities to make improvements, as well as developing a strategy and key action steps to improve the fruit fly control program into the future. This independent review will also look at the technical basis and soundness in South Australia compared to world's best practice; operational procedures and the facts on chemicals used; communication with the community of the need for the campaign; what householders need to do to alleviate any risk of exposure to chemicals and observance of withholding periods; procedures, documentation and process improvement; staffing, supervision and training including occupational health, safety and welfare; organisation and management; hotline and responsiveness to public contact; community and local government relations during operations; risks of impact on people, pets, birds and the environment; and the role and effectiveness of prevention activities, including publicity and awareness activities.

The community reference panel will bring together community members and local government, the horticultural industry, gardening experts, a community veterinarian and public health official. A small group of experts in entomology and pesticide use and a representative from the PIRSA pest eradication unit will be available to provide information and advice as requested. This panel will provide feedback, information, advice and ideas and direct input and recommendations to the review. The panel will be convened by Mr Barry Windle, Executive Director Food and Fibre within Primary Industries. Members will be invited to participate as individuals and/or representatives of stakeholder groups. Letters have been sent to relevant community bodies and councils providing details of the review and inviting their involvement on the reference panel.

I also wish to advise the House that an independent review of health and safety practices and procedures of PIRSA's pest eradication unit has been undertaken by Richard Oliver International, and this report will be delivered to the Public Service Association this afternoon. This report will not be considered in isolation, and its findings will be incorporated as part of the overall information package provided to the review process for consideration along with a wide range of other relevant factors. In delivering the report, PIRSA has also provided an action plan which outlines their immediate and longer term responses to the issues raised. I wish to assure the House that every effort is being made to ensure that the fruit fly program meets the community's expectations at the same time as protecting our valuable fruit fly free status.

NAIDOC WEEK

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 NAIDOC Week 2001 begins this Sunday, 8 July, with a focus on how we can put into practice the ideals of reconciliation and the challenges and opportunities that this represents to all Australians. For some 20 years now, NAIDOC Week celebrations have promoted an understanding of Aboriginal and Torres Strait Islander culture and history while encouraging the participation of both indigenous and non-indigenous Australians to share in, become aware of and be proud of the

culture of Australia's original people. NAIDOC Week celebrations have again been promoted throughout the state and will continue to celebrate the contribution of Aboriginal people, the continuation of Aboriginal culture and acknowledge the role of indigenous history over the past 50 years in the identity of Australia as a nation.

This year I will represent the government at the annual NAIDOC in the North flag raising ceremony at Davoren Park and will also attend a South Australian Aboriginal Education and Training Advisory Committee culture awareness seminar. In addition, I will present the NAIDOC in the North community awards, while the Premier will once again be hosting the annual NAIDOC Week reception honouring the contribution of Aboriginal people to this state. I will also represent the Premier at the celebrations marking the 30th anniversary of the Aboriginal flag in Victoria Square this Sunday. The Aboriginal flag was flown for the first time right here in Adelaide's Victoria Square on 12 July in 1971. Today the flag is recognised by and is symbolic to Aboriginal people. It is a powerful and uniting symbol of identity for Aboriginal people throughout Australia and also provides a strong message that Aboriginal and non-Aboriginal people can live in harmony.

This government has taken up the challenge to work with Aboriginal communities and organisations across the state for the further development of practical reconciliation and improving the health and well-being of Aboriginal people in South Australia. A major step towards this goal was achieved with the recent signing of a joint communique between the state government and the Aboriginal and Torres Strait Islander Commission, which sets out the priorities for Aboriginal affairs in this state. To improve outcomes in priority areas, ATSIC and the South Australian government have agreed to undertake specific initiatives for joint action in accordance with a detailed partnering agreement to be developed and agreed to by ATSIC and the state government by 31 October this year. We recognise the importance of working in partnership with Aboriginal people in achieving improved outcomes. The initiatives will be implemented in cooperation with Aboriginal communities, regional councils and the ATSIC Commissioner in South Australia as well as the appropriate state, commonwealth and local government agencies.

I would like to take this opportunity to commend NAIDOC South Australia and other local communities which have organised celebrations and activities for NAIDOC Week. I encourage all South Australians to join in the celebrations of NAIDOC Week and to honour the contributions of Aboriginal people to our community.

PRISONS, ALLEGATIONS

Mr KOUTSANTONIS (Peake): I seek leave to make a personal explanation.

Leave granted.

Mr KOUTSANTONIS: In response to a question from the member for Colton, the Minister for Correctional Services claimed in his answer that I had accused prisoner Keogh of having three pieces of contraband. In my speech yesterday I said that prisoner Keogh had access to a SIM card and mobile phone and that prisoner Collins had access to a laptop computer, although the correctional services department had full knowledge that this prisoner had a laptop with a modem. I made it very clear that the laptop computer with modem was supplied to prisoner Collins by the Department of Correctional Services and was not contraband.

GRIEVANCE DEBATE

The Hon. M.D. RANN (Leader of the Opposition): The biggest issue facing this state is the electricity price crisis of this government's own making, yet today we have received the government's much vaunted electricity task force report which offers no hope, no way forward, no plans and no policies for dealing with an electricity crisis of the Premier's own making. While the government appears to be trying to play catch-up with Labor's 15-point plan and with this report and the Premier's lame responses to opposition questions today, it appears that he has given up even trying. There is next to nothing in this report that gives hope of lower prices in the future for South Australian businesses and consumers. It is an attempt to cover up this government's culpability for price rises for businesses of up to 100 per cent over what they were last week.

It is this Premier who is responsible for the fact that South Australian businesses now face power prices increasing at an average of 30 to 35 per cent. He admitted that today, but he did not admit his own responsibility for breaking his clear promise to the people of this state that he would never privatise electricity and then for being the lead legislator—the man who boasted that South Australia would get cheaper electricity prices if we entered the national electricity market. Let us go back to the Premier's own words. When announcing privatisation on 17 February 1998, after telling electricity workers in Port Augusta that he could look them in the eye and that he would pledge never to sell our electricity assets, this is what the Premier said:

> . . . our research indicates that the fierce competition between private suppliers always results in prices dropping.

His research says that prices will always drop after privatisation—and this is the man who privatised water. On the same day the Premier claimed it was his duty to privatise electricity to save South Australians from higher prices. He said he was saving South Australians from higher prices. Now he says it is not his fault. In his response in his ministerial statement today, we saw the Premier duck and weave and wriggle and wiggle but never once accept the blame for an electricity pricing crisis of his own making. It was this Premier who chose to privatise electricity and break his word to the people of this state, and it was this Premier who signed up to the national electricity market and said it would save us in power prices. Now he says it is not his fault but the fault of the national electricity market. The fact is that John Olsen was the key supporter of the national electricity market, and he cannot hide from his own words.

On 11 April 1996, while he was the electricity minister, the present Premier John Olsen said that South Australia should be part of the national market to '. . . ensure that for residential, commercial and industrial purposes we have the cheapest electricity of any state in Australia'. The Premier then went on to brag about the fact that our state, and he as minister, the architect, would be the lead legislator for setting up the new national electricity market, and South Australia would be well placed to enter the NEM.

The one person who did not accept responsibility for the electricity crisis that this state now faces is the person who created it: John Olsen. It was John Olsen's decision to privatise electricity. It was John Olsen who decided to sign up to the national electricity market, and he said that both

these courses of action would save us in terms of lower electricity prices. In fact, we do not have the lowest prices in Australia: we have the highest prices in the national electricity market. John Olsen misled the people of South Australia, and businesses are now in the firing line, with small businesses and families next.

But it turns out that even given the massive incompetence of the Olsen-Lucas government and the ruin that its privatisation and failure to prepare for the national market has delivered South Australians, business in this state would still have been better off had the government not continued to mislead us about where power prices were going. As we pointed out today, it was minister Lawson who said that delaying the securing of a contestable contract with an electricity retailer would mean that cheaper prices could be secured closer to the 1 July deadline.

Time expired.

Mr SCALZI (Hartley): Today I wish to talk about education, not the usual argument that we hear in this chamber about state education versus private education and funding. Rather, I want to highlight how successful education as a whole is here in South Australia.

I place on the record how impressed I was by the state finals of Rostrum held in this chamber on 30 June. I know that I speak for the Hon. Graham Ingerson (member for Bragg), minister Mark Brindal, the Hon. Sandra Kanck, and Jack Snelling (member for Playford), who were here to witness a great evening when we saw the talents of our young people first hand. I would like to congratulate the state President of Rostrum (Malcolm Hill) and all the organisers, parents, judges, staff, and teachers of the various schools for the great work that they put into ensuring that the final that we witnessed here was such a success.

Both private and public school systems certainly deserve to be commended, for education as a whole is certainly up there with the best in Australia. I always try to attend as many functions as I can involving young people. As a former school teacher, I have an interest in education, and I have a continuing interest in young people, because that is where our future lies. We must support young people today, and anyone who witnessed the speeches by those young people would have realised how much talent was amongst them.

I am sure the member for Playford would agree with me that there is no doubt that some of these very talented young people will be in this chamber in the future. I was particularly interested in the evening because one of the finalists, Sarah Abraham, who attends Norwood Morialta High School, was to attend. It is an excellent school and, as it is in my electorate, I take a particular interest in it. I attend as many of the school council meetings as I can, and I know the excellent work that takes place at that school. I commend the principal, Sue McMillan, and all the staff and councillors at the school for the excellent work they do for our young people.

According to the 1998 report, the Rostrum Voice of Youth started in the ACT prior to 1973. It has been conducted in other states and territories in Australia, in addition to the ACT, since 1975. All states and territories, except for Western Australia and the Northern Territory, have participated. South Australia first took part in 1978. Entrants are from secondary schools. The total number of official entrants in the 2001 competition was 358 students. In the junior competition there were 50 males and 136 females, and in the senior competition there were 47 males and 125 females. There were 85 government school students and 101 non-government school students in the junior competition. In the senior competition there were 90 government students and 82 non-government students.

Some 78 schools participated in the 2001 competition. The names of the schools involved in the whole competition are unknown, but there were over 350 students, which is certainly something to be proud of. One can imagine how much work goes into the organisation of such a competition. In the junior competition, the SA finalists were Preeya Maharaj from Walford Anglican School, and I commend her on her excellent speeches that evening. In the senior competition the finalist was Matthew Clayfield from Mount Gambier High School, who was the senior winner. Both the junior and the senior winners will represent South Australia. I commend all those involved, especially Sara Ibrahim of Norwood Morialta, for taking part in the competition.

Time expired.

Ms KEY (Hanson): This afternoon I would like to talk about the issue of training within the public sector. It was quite instructive during the estimates examination in the training area to hear the minister's explanation for closing down an industry training advisory board. Great concern was raised by different members of the Public Administration Industry Training Advisory Board (PAITAB) when they found out, basically through a leak to me, that their industry board was to be wound down. The minister admitted in the estimates examination on 21 June that he had made this decision on 12 May. He certainly did not shy away from the fact that the decision had been made, and that he had entered into no consultation whatsoever, with either the members of the board or the staff, or the stakeholders in those industries. I was very concerned that, on the one hand, we heard about how important training is to South Australia but, on the other hand, this government is not prepared to practise what it preaches or to fulfil the rhetoric that is announced in this House by having a training plan and, in fact, a board dedicated to making sure that training progresses in the state public sector, the local government area and the emergency public safety areas in South Australia.

One of the claims that the minister made in the estimates examination was that the PAITAB hardly ever met and that most of the time it met it was inquorate. Having followed up on these allegations, I am advised by the chair of the PAITAB that, in fact, over six years there were three inquorate meetings. So, I am not really sure where the minister is obtaining his information. It sounds to me as though some of these stories have been used to justify a very bad decision, and that consultation has not taken place with the people who have been doing work over a long period of time.

I am also advised that this ITAB is so well regarded that certain amounts of project money had been handed over to the ITAB to look at the issue of training for people who work in the public safety area. There also had been a grant from local government to take over specific training program development with regard to that arena and, because the banking and finance industry does not have an ITAB (which, I think, is an oversight in itself), the finance and banking sector had asked this PAITAB to develop a training module and program for it.

My other concern is that, within the public sector (and I am referring to the state public sector), no real agenda is being followed by this government, despite the fact that the PAITAB has asked the government on a number of occasions

to make sure that there is a plan for training within the state public sector, and now we find that the only organisation that has been campaigning for at least the past six years on this issue has been closed down. My information is that, because of the financial responsibilities attached to members of the PAITAB, and also their responsibilities as directors, on 4 July the board decided to, in fact, dissolve the PAITAB, and this will be effective from 20 July.

Basically, what has happened is, that for all the work that has been done by the members and also by the staff and contractors associated with this industry training advisory board, they have been given very little notice, there has been no consultation and, from what we can work out, there is no plan of action about how the areas that have been taken up in the past six years by this Industry Training Council will be fulfilled.

Time expired.

Mrs PENFOLD (Flinders): Recently I attended the year 2001 graduations for the Adelaide Institute of TAFE's AIT Tourism Course, where it was my privilege to hear some outstanding success stories. AIT Tourism is a classic example of how TAFE is an essential part of the state's economic development. At the graduation, I saw the coming together of graduate staff of AIT and the tourism industry. The key industry leaders praised the ability of the Adelaide institute's programs to provide leaders for tomorrow—a fact that has already been proven, with graduates filling many management positions across the industry. Industry leaders also spoke of how AIT Tourism works in partnership with it to help it do business. I believe that much of the excellent work that AIT Tourism, an Australian first, is doing in building a strong and progressive tourism industry work force in South Australia goes unnoticed, and I thank Mr Sandy McClure, the manager of Tourism and International Language, for helping me to gather these facts for the House.

AIT Tourism was the first general tourism training institution in Australia. It has built quite a reputation for very close tourism industry liaison and employment for students. AIT Tourism operates courses from certificate level through to the only accredited degree offered in South Australia, the Bachelor of Business (Tourism Management). The scope of courses offered is business based, with specialisation in retail travel, tour guiding, convention and events, tour operators and wholesalers and languages. Statistics have been kept from the first courses to show the number of graduates in full-time work within the tourism industry within 12 months of completion of the course. AIT Tourism has maintained an 87 per cent rate for graduates in full-time employment in the tourism industry over the last 15 years. The remaining 13 per cent have gone on to further study or are working on a casual basis or working outside the tourism industry. AIT Tourism graduates now make up a large percentage of the young tourism professionals within the state and beyond. More than 30 per cent of the South Australian Tourism Commission are graduates of the program, and this is substantially higher, at 80 per cent, for the Adelaide Convention and Tourism Authority.

There would be few tourism businesses in South Australia that have not had contact with or employed a graduate from this exceptional institution. AIT Tourism has set up a past student network of graduates from the program. It holds a database of members and employment opportunities sent direct to AIT by employers. This has resulted in the placement of graduates in full-time positions at no cost to the graduate, except for a $35 joining fee.

We are able to track graduates as they change positions through the same network. AIT is the state's largest training centre, with the tourism program taking an active role, along with Tourism Training SA, to gain employment for indigenous South Australians in a wide range of tourism professions. Contribution to the tourism industry of South Australia by AIT Tourism has included assistance in major conferences and events, staffing the Rundle Mall information booth, supporting new tourism businesses—for example, Malaysian Airlines Call Centre in the areas of employment and training—and research for a wide range of organisations, including Adelaide Airports Limited. If the total hours were calculated against a cost of, say, $15 per hour, the contribution in money terms would be about $320 000 a year.

AIT Tourism has negotiated a program of industry placement and graduate scholarships within the tourism industry to allow students to help develop a practical approach to their work. Rodney Twiss, of North Adelaide Heritage Apartments, stated that AIT Tourism graduates were able to be productive in the workplace within a few weeks compared with the usual period of three to six months for others whom he had employed. The graduate scholarship program provides fully paid work in a range of countries, including Australia, working in tourism businesses which market and sell Australian tourism products. It is clear that having South Australians in these positions creates a far greater flow to our international markets of information on the South Australian tourism product.

International activity complements the domestic program, resulting in South Australian students working with people from a wide range of countries and cultures. A graduate of Adelaide Institute of TAFE established one of the largest adventure tourism companies in Iceland. In 2000, AIT Tourism won a contract to train Oman tourism executives in tourism management, which did two things: first, it brought much needed funds into the institute; and, secondly, it provided ongoing business links with Oman.

Time expired.

Ms BEDFORD (Florey): Tomorrow in Modbury we will see the closure of the Legal Services Commission office on Smart Road. Modbury has had an office of the Legal Services Commission since 1985 and, although it moved location in 1992, its presence in what I am told is the second largest metropolitan regional centre has been continuous for those 16 years, despite the funding cutbacks that have seen the service struggle to keep pace with the demands placed upon it by a society seeking increases in litigation in almost every part of our way of life, not to mention the demands of family law as a result of the changing ways relationships are viewed these days.

As background, every person in South Australia knows that they are required to live under and obey the law. Every person is also entitled to use the law to protect his or her rights and interests. If some members of the community but not others have access to the protection of the law, then people are denied justice and the law itself inevitably becomes unfair. The Legal Services Commission is jointly funded by both the South Australian and commonwealth governments. The commission was established in 1977 to increase access to legal services for those people who cannot afford to pay for private legal representation. This mandate is spelt out in the Legal Services Commission Act, which

gives the commission broad powers and responsibilities to work towards equality before the law for all South Australians.

When I heard that the Modbury office was closing—via the grapevine and not through official communications, as I might have hoped—I made a few inquiries and found out that some 12 months ago the Legal Services Commission had conducted a review looking at the operations of its regional offices, the result being changes for the Modbury office and also the Port Adelaide office—although I will not be speaking about the latter today. I accept that the Legal Services Commission is making changes in an attempt to effect efficiencies. However, I have grave concerns whether they will improve services—rationalisations of this nature usually do not.

In relation to the communities involved, while I accept that the commission may need to expand its services to areas of population growth around the state, I would put it to members that the population of the Modbury area has not diminished, nor has its demand for legal services. I will be seeking further information from the Attorney-General with regard to the reason for the rationalisation and I hope to report back to the House at a later stage. I imagine that what we are really seeing in this exercise is simply the slicing of the pie into much smaller pieces. The residents of the Modbury area will be watching and, should any diminution of services result, we will be letting the relevant people know that they have not met their obligations.

In our case in the Modbury area, new, smaller chambers will be established at Holden Hill closer to the courts, and this is perhaps the most obvious innovation with positive connotations. I note from the commission's media release of 25 June that it will be aiming to maintain and improve telephone advice services and that face-to-face interviews (by appointment) will also continue, and both will remain as free services. From Monday 9 July an outreach service will operate from the Tea Tree Gully Community Health Service at 77 Smart Road, opposite Tea Tree Plaza at the O-Bahn end of the complex. I have been assured that very few people expect to see a lawyer immediately, and people who make an appointment will have prompt access to all services previously provided at the old office.

I was also concerned to note in that media release that family law will be delivered via the Elizabeth office. I will be seeking clarification of this point, because the fast growing area of family law is a legal minefield and it should be available much closer to where people live in our regional centres—not everyone has access to transport. Unless the office at Elizabeth has an increase in staff, it will certainly have its services stretched and it will struggle to meet the increased demand created by the people from the Modbury area. I commend the staff of the Legal Services Commission for their dedication, care of and commitment to the people whom they serve. They do a wonderful job in what can often be very difficult circumstances. It cannot be denied that, if you require legal advice, obviously you are facing a stressful situation and time in your life. It is important for us to recognise that it is imperative to ensure equity of access to all, therefore ensuring that true justice can be done as well as being seen to be done.

The Hon. D.C. WOTTON (Heysen): Some weeks ago in this chamber I raised my concerns regarding what was then the Minister for Transport and Urban Planning's draft Mount Lofty Ranges watershed PAR. I am raising this matter again today, because I feel that I need to put my ongoing concerns on the record. When speaking on this matter previously, I emphasised—and I do again today—my understanding of the significance of the Mount Lofty catchment. Having been a minister for environment, which included at the time responsibility for the state's water resources, I am very conscious of the need to protect the quality of our water within this catchment, which is of vital importance to metropolitan Adelaide. I am also a great advocate for sustainable development wherever it may be, but, in particular, in such a sensitive area as the Mount Lofty catchment.

I have lived in the Adelaide Hills all my life. I know the watershed like the back of my hand and, as a local member of an electorate that takes in a large area of the watershed catchment, I have received a lot of representation from constituents regarding this PAR. The final document has now been released by the minister and I have to say that I am bitterly disappointed, to say the least. I feel that my representation and that of so many other people who know and understand the hills has been given very little consideration, if any at all. We find that only 10 of the existing or approved wineries in the watershed can apply for an expansion for annual crushes of up to 2 000 tonnes, recognising that they may or may not be successful with their application.

The other vineyard owners—and their are those who have obtained outstanding national and international success with their wines—planning to operate their own wineries (and, in my opinion, have done the right thing) who now find that it is most unlikely that they will be able to go ahead. The Adelaide Hills wine region is gaining increasing awareness as a producer of premium cool climate wines. This is extending into the wine tourism arena, with many visitors keen to experience the Adelaide Hills wine industry first-hand. The state's planning strategy talks about the need to ensure that the best quality agricultural land in the Mount Lofty Ranges is retained. Viticulture is helping to ensure that good agricultural land is preserved, and has done wonders for the hills.

The strategy also gives recognition to the continuing need for improvement and adjustment within the region to enhance its economic contribution to the state. Surely, viticulture in the hills is a significant part in achieving that. I agree with the minister when she says that we want to strike a responsible balance between competing development and environmental issues. But we just cannot turn the watershed into a glorified national park, even though I know that is what the Democrats want to achieve.

I strongly support the wine industry as it continues to push for the consideration of further winery applications and assessment on merit, and I emphasise the word 'merit'. I am very strongly of the opinion that all applications to establish new wineries should be assessed on merit and not restricted to a limited list. There have been too many examples where development applications in the hills have been rejected on the basis that that development would be detrimental to water quality when, mainly as a result of the persistence of the developer, it has been found after more detailed assessment that that was not the case.

We are told that over the next 12 months a risk assessment study will be undertaken by the EPA of all development in the area. I would have thought that there was more than enough evidence available now to be able to determine the impact of a winery, for example, on a catchment and, in particular, how we are able to deal with waste produced by wineries. We only need look at countries such as Israel to see

how they are dealing very effectively with the treatment of waste products. And if we are not in a similar position, we need to be asking why.

Finally, and very importantly, this PAR impacts far wider than the wine industry and will significantly restrict the growth of tourism in the Adelaide Hills. As in many other regions, the wine and tourism industries have a natural affinity and share mutual benefits, largely through the growth of the wine tourism sector in South Australia. We do not predict that the Adelaide Hills will become another Barossa or McLaren Vale and we have no plans to target mass wine tourism. In contrast, the Adelaide Hills should be marketed as a premium wine region offering high yield wine tourists a quality and boutique experience. The benefits of the wine tourism industry for the local economy are far reaching.

JOINT COMMITTEE ON DAIRY REGULATION

The Legislative Council transmitted the following resolution in which it requested the concurrence of the House of Assembly:

1. That, in the opinion of this Council, a joint committee be appointed to inquire into and report on the impact of dairy deregulation on the industry in South Australia and, in so doing, consider—
   (a) Was deregulation managed in a fair and equitable manner?
   (b) What has been the impact of deregulation on the industry in South Australia?
   (c) What is the future prognosis for the deregulated industry?
   (d) Other relevant matters.

2. That, in the event of a joint committee being appointed, the Legislative Council be represented thereon by three members, of whom two shall form a quorum of Council members necessary to be present at all sittings of the committee.

3. That this Council permits the joint committee to authorise the disclosure or publication, as it thinks fit, of any evidence or documents presented to the committee prior to such evidence being reported to the Council.

WATERWORKS (COMMERCIAL LAND RATING) AMENDMENT BILL

The Hon. M.H. ARMITAGE (Minister for Government Enterprises) obtained leave and introduced a bill for an act to amend the Waterworks Act 1932. Read a first time.

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

That this bill be now read a second time.

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

Leave granted.

The purpose of this Bill is to amend the *Waterworks Act 1932* to change the basis on which water bills are determined for commercial lands.

Under the *Waterworks Act*, water bills comprise an annual supply charge to reflect the availability of supply and a charge for water consumption based on the volume of water supplied. Most customers pay a fixed annual supply charge and any water consumed is charged at the applicable water rate. However, charges for commercial lands differ from other lands. The supply charge for commercial lands is determined on the basis of the capital value of the land, subject to a minimum. The supply charge is credited against the water consumption rate (the volume of water supplied to the land multiplied by the applicable water rate). This supply charge credit is commonly referred to as the 'free water allowance'. Consumption over and above the free water allowance is charged at the applicable water rate.

This free water allowance was identified as being inconsistent with consumption based pricing which is a basic principle of the National Competition Policy reform agenda. Consequently, an undertaking was given to the National Competition Council to phase out the free water allowance for commercial land to ensure the State receives the Second Tranche competition payments from the Federal Government.

The *Waterworks (Commercial Land Rating) Amendment Bill* removes the free water allowance resulting in full volumetric pricing for water. This would be achieved on a revenue neutral basis. The rate applied to calculate the supply charge for commercial lands will be reduced to offset the increase in water use revenues.

This proposal will lower the total water bill for over 50 per cent of commercial customers. There is a need to moderate the impact of the reform on customers with bill increases. Consequently, a transition arrangement is proposed whereby water bills for all commercial customers will gradually move to the new charging structure over five years. The transition pricing arrangement involves applying a discounted price to water consumed up to a volume determined each year. Water consumption above this level would be priced at the applicable water rate. It is proposed that the discount would be progressively reduced and then eliminated in 2006-07. The quantity of water that qualifies for the discount would be a function of each customer's supply charge. To achieve a smooth transition, the Bill provides for a positive adjustment to the calculation of the quantity of discounted water in order to compensate for the reducing supply charge.

As these proposals are intended to fulfil an undertaking the State has given in relation to the National Competition Policy, I commend the bill to the house.

Explanation of clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 65B—Composition of rates

This clause amends section 65B of the principal Act by removing the provision for crediting the supply charge in respect of commercial land against the water consumption rate after the 2001-2002 financial year.

Clause 3: Insertion of s. 65D

This clause inserts new section 65D. The effect of this section is to direct the reader to the Schedule of the Act for transitional provisions for the amendments made by the Bill.

Clause 4: Amendment of Schedule—Transitional Provisions

This clause adds transitional provisions to the Schedule of the Act. They provide for the discounting of part of the water consumption rate in each of the 4 years following financial year 2001-2002. The part of the rate to be discounted differs in each year and is determined by the formula set out in subclause (2) of new clause 2 of the Schedule. The amount of the discount reduces with each succeeding year in accordance with subclause (3).

Ms HURLEY secured the adjournment of the debate.

LAND AGENTS (REGISTRATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 June. Page 1833.)

Mr ATKINSON (Spence): The bill was once controversial, but the Attorney-General's sensible compromise has brought about a revised deal that all parties in the parliament can now support. If the Labor opposition had not supported the Real Estate Institute and its members by indicating that it would vote against the bill, this compromise would never have happened.

The bill is about lowering the barriers to entering the land agent trade. Lawyers are the keenest to be credentialled. The history of the bill is as follows. In 1995, when Paul Keating was Prime Minister, the Council of Australian Governments agreed on a national competition policy. As part of that policy, state governments promised to review state legislation that might restrict competition. The principles of the policy were that state legislation should not restrict competition unless the benefits of the restriction to the public outweighed the costs and the objectives of the legislation could be achieved only by restricting competition. Accordingly, the government established a review panel to study the Land Agents Act and the Conveyancing Act in light of these

principles. The panel consisted of staff of the Office of Consumer and Business Affairs and one independent member, who was a lawyer.

In December 1999, the final report of the national competition policy review of the Land Agents Act was handed down. This report recommended that a lawyer qualified in appraisal of real estate could be registered as a land agent. The state government was keen to change the law to allow this, not just on its own merits but because the federal government pays large sums of money to state governments that fulfil competition review recommendations. In July last year, the bill was introduced in another place. The Real Estate Institute then complained about what it called the government's fast-tracking of lawyers into real estate. The bill lapsed during the winter hibernation of parliament and was reintroduced by the Attorney-General in the spring. When asked about the Real Estate Institute's criticism of the bill by a government backbencher, the Attorney said that the REI's letter to MPs was defamatory. The REI's response to the review was as follows:

> How does the state government justify that a person with only legal and appraisal qualifications will provide to the consumers competent real estate services without possessing skills in marketing, selling, auctioneering, advertising, property management, and other skills which the regulations of the act require a land agent to possess at present.

In November, I issued a statement calling on the Liberal government to postpone its plans to have lawyers who had passed an eight-hour course on appraisal credentialled as land agents.

The Labor opposition, together with the Democrats, in another place proposed an amendment to the principal act to remove from the Commissioner for Consumer and Business Affairs his discretion to credential applicants as land agents. We proposed to substitute rules whereby parliament would govern that discretion. This forced the Attorney-General, in November, to appoint a second review panel, this time with a representative from the real estate trade, Mr Cliff Hawkins. When the Attorney-General is forced to do something that he does not want to do, or does not believe in, he usually goes down fighting, as he did on this occasion. He said:

> I have no reason to believe that the panel got it wrong in its final report, nor do I give any weight to the criticism of the Real Estate Institute of South Australia that the panel did not have a land agent on it.

He went on later to say:

> I find it offensive—

the Attorney-General is more offended than any other member of either house of parliament—

> to suggest that they have not been unbiased. The process was open and there was extensive consultation with extensive opportunity for submissions to be made, and the Real Estate Institute of South Australia took those opportunities.

I have to say that it is characteristic of the Australian Labor Party that when we do not have the numbers we take it on the chin. I do not know why—it might be our trade union background. When we do not have the numbers we just cop it; we give in and take what is coming to us. But the Attorney feels compelled to deny that he does not have the numbers; to deny that he has been rolled; to deny that he is changing his mind even when he is in the process of showing the Council that he is changing his mind.

At that time, my principal concerns were not about lawyers becoming land agents (some had already qualified and 18 applications were pending) but with vertical integration of land agents with conveyancing in a law firm, and lawyers having an unwarranted fast track to being credentialled as land agents. Accordingly, the parliamentary Labor Party, in November, resolved to file an amendment to the Conveyancers (Registration) Amendment Bill to try to preserve the rule against vertical integration of conveyancers with land agents. This is a proposed safeguard with which I hope we will persist.

In March, the review panel that the Attorney did not want, that was reviewing a process and an outcome that the Attorney claimed was flawless, made recommendations different from the originals. The new recommendation was as follows:

> The qualifications held by an admitted legal practitioner, or a person entitled to admission in South Australia, in combination with demonstrated skills in:
>
> 1. Appraisal; and
> 2. Undertaking property sales by private treaty and conducting property sales by auction, limited to the discrete areas of: listing process from first call to final signature; marketable features of residential properties which may have an effect on the sale/lease price and/or marketability of a property; the common types of selling/leasing agencies used in the context of the South Australian market; understanding the costings and procedures for all methods of sale; and understanding that one method may be more suitable for a particular property than another method; should be accepted in satisfaction of the requirements under section 8(1)(a) of the Land Agents Act 1994.

The Attorney meekly accepted this radically different recommendation. The Real Estate Institute was happy. The opposition is happy and we support the bill.

It should be noted that, on its face, the bill is not about the matters I have discussed in my remarks so far. Its provisions are about offences of dishonesty. Section 8(1)(b) of the principal act provides that a person may not be registered as a land agent if he or she has ever been convicted of an offence of dishonesty. One would have thought that this was suitable protection for the consumer. The Attorney argues that the category of offences of dishonesty are very wide. The first review panel decided that this provision was unduly restrictive of competition and argued that such people should not be permanently excluded from the trade if their conviction was in a summary jurisdiction as distinct from being an offence of dishonesty so serious as to be handled on indictment in the District Court or Supreme Court. Thus, clause 4 of the bill provides that if one is convicted of a summary offence of dishonesty, one is prohibited from being registered as a land agent for 10 years. If one is convicted of an offence of dishonesty on indictment, one is barred from being registered as a land agent for life. The opposition, after some internal discussion, acquiesced. I would just add that this is one of the more modest competition review outcomes.

A second amendment is that to the definition of 'legal practitioner' to bring it into line with the current definition in the Legal Practitioners Act. This means that the term embraces interstate lawyers and companies that hold practising certificates. The opposition will not stand in the way of this amendment. It is important to note that the government did not need the bill to do what it wanted with lawyers and the real estate trade. It could have been achieved by an administrative directive to the Commissioner for Consumer and Business Affairs. It is yet another example of the parliamentary dangers to a government when it opens up a principal act for minor amendment. Once the gate is open, opposition MPs and minor parties MPs may swarm through, as we have seen on this occasion. It is a lesson I shall not forget, should I serve as a minister of the Crown.

Mr HAMILTON-SMITH (Waite): I rise to speak in support of this bill. As my honourable colleague opposite, the member for Spence, has pointed out, it takes a step in the direction of uplifting the standards of propriety in the real estate industry. That is something on which this House's attention should focus. The bill comprises a number of clauses dealing with what is required before an estate agent can become registered, what standards are expected in the way of previous convictions and what penalties will apply for dishonest behaviour. In all those parts of the bill there are messages to the effect that government and this parliament are keen to see the real estate industry function ethically and in accordance with the standards that the public expects.

I foreshadow that in the months ahead I will raise concerns about other aspects of this problem of professional standards within the real estate industry. I am quite convinced that the vast majority of real estate agents conduct themselves and their affairs in the most ethical and appropriate of ways. However, from anecdotal evidence I have received from constituents and also from just a general review of the media and from moving about in the community, one comes across cases of alleged inappropriate behaviour. As a consequence, I read with interest in today's *Australian* a report on page 3 of a recent court case in Melbourne, headed '"Home auctions rigged," says watchdog'. The article outlines the circumstances of a defamation court case in Victoria involving a claim by a prospective purchaser that a real estate agent dishonestly handled the auction at a particular sale. The article describes Melbourne as 'real estate's con city, where phantom bidders are common and regulation of auctions is scarce'. It goes on to explain that a magistrate in Victoria said that contrived bids were fraudulent. It would appear that pressure is growing on the Victorian government to review regulations surrounding vendor bidding in the state.

The defamation case, brought by the real estate agent against a buyer's advocate who had claimed that the agent was accepting dummy bids, was dismissed by the court. Magistrate Colin Macleod rejected the defamation claim, saying that Mr Fletcher, the agent concerned, did use misleading, deceptive and fraudulent bidding procedures when he admitted that he had pulled bids from a tree during the auction. The article is an interesting read, and I commend it to members of the House and bring to their attention that the various states have different regulations and different laws in place with respect to protecting both vendors and purchasers during the auction process. Apparently in Victoria there is virtually no regulation, even though anything up to 1 100 auctions a week are conducted.

In New South Wales the law requires that one vendor bid be permitted. Of course, in Sydney you can have anything up to 250 auctions in a weekend. Interestingly, many auctions are generally confined to within 10 kilometres of the CBD. It seems that you are not that popular as you move away from the city where the demand perhaps slackens off a little. In Western Australia, three vendor bids are permitted, and up to 4 000 auctions are conducted a year. In Queensland all bidders, including the vendor, can bid but must be identified at the auction. In Tasmania, there is virtually no regulation, and in South Australia there is also virtually no regulation. I raise this on behalf of my constituents as a matter of concern.

One would hope that purchasers are not being forced to pay unnecessarily high prices at auctions as a consequence of selling agents behaving in a way that is perhaps not illegal or dishonest but a little woolly, shall we say, in fairness to prospective purchasers. Clearly in these matters vendors hope to secure the best possible price for their property, and purchasers hope to secure the best possible purchase price. However, this is a process that can be manipulated, and at times people come away feeling a little aggrieved as both vendors and purchasers. That is quite apparent. One has only to talk to someone who has been through the auction process and has missed out on a property a few times and seen a property passed in at auction, only to be offered it afterwards. Things go on which a lot of my constituents feel are inappropriate and could be improved upon.

It is a matter that this parliament and the government ought to pick up. To that end, I have taken up the matter with the Attorney-General, who I understand is considering it. I have also taken up the matter with the Real Estate Institute and sought its advice. Clearly, many people are involved in this; many people have an interest. One would want to proceed only after having spoken to all the interested parties in the broadest possible way to ensure that, if there is a need for regulation or some form of legislative action, it is fair and balanced for all involved—for real estate agents, potential vendors and potential purchasers. I believe—and from messages I am getting from constituents they believe this, too—that it is something we ought to at least examine, and it is appropriate for me to raise it in the context of this bill.

Another issue of concern concerning the way the industry operates is whether it is unfair for possible purchasers when they are inspecting houses open for auction not to be provided with some sort of advice or guidance on the condition of the house involving a pest report or a building inspection. Everyone is aware that the principle of caveat emptor (buyer beware) applies in the matter of real estate sales and purchases. It is really up to the purchaser to do his or her own research to look into a prospective sale. The vendor is under no obligation to highlight or point out any potential problems with the property; both sides have to go about the process using their own commonsense and exercising their own due diligence.

However, the popularity of the auction process, particularly in today's vibrant real estate market, brings about instances where, often, vendors may finish up attending half a dozen or more auctions before they finally secure a property at the price they can afford. Of course, the problem is that by purchase through treaty they would have an opportunity to arrange a building and pest inspection with some confidence that it will result in an offer and a sale and that they will then be able to negotiate a purchase. Conversely, if they go to an auction they do not have a clue whether they will be the successful bidder on the day. They can only be sure that they will be there with a number of other potential bidders and—given the points that I made earlier about the woolliness of the auction process, at times—they are sailing into uncertain waters in respect of whether or not they will be the successful bidder. They recognise that they could have to go to a number of auctions before finally purchasing a home. If they are to pay the very high price—which can be hundreds and hundreds of dollars—for a building inspection and hundreds of dollars again for a pest inspection, of course, they could spend thousands of dollars before they finally secure a home that they want. Not only that, but the fact that they have arranged for a building and pest inspection gives an indication to the agent that they are an interested party because they have been prepared to spend money on the property and it confirms to the agent and to the vendor that there is interest

which, of course, can then be used to jig up the price and encourage higher bids on the day.

All of that, many would argue, is quite a fair and legitimate market process at work, and I have no philosophical objection to that. Auctions have been a fact of life in this state since its inception and will continue to be. I have no philosophical issue with that. I wonder whether this House can find a way to regulate the process so that it is fairer for all parties. Is there a way, for example, for us to require, where a vendor has decided that they want to go to auction with the objective of securing the highest possible price—a quite fair objective—that they then accept an undertaking to provide, at their expense, a pest and building report, perhaps from a separate list of independent people maintained by a separate authority—perhaps the Real Estate Institute or some other body of approved persons—to avoid collusion and to give some confidence that there has not been a set-up, if you like, between the vendor and the building inspector in relation to the pest report, so that when people go around they can at least have some guide as to whether the house is structurally sound or whether it has been attacked by termites, etc.

Of course, that would not waive their responsibility under caveat emptor to then do their own independently arranged building or pest report if they wished and, if they could not have total confidence in a pest or building report provided by the vendor, that is fine, but at least such a report might provide some comfort that it would be worth looking further into a particular prospective purchase. It might prevent the situation which I know is occurring in my constituency but also across the whole of Adelaide, where purchasers sail into an auction without having a building or pest inspection because they simply cannot afford one for every property that they attend, and they finish up possibly buying a property which they subsequently find has problems—which, of course, could have been avoided if it was a sale by private treaty or if some pointer had been given earlier that there might have been an issue that they should have looked into. I raise those two issues as matters of concern within the context of what we are trying to achieve by this bill, which is to uplift and upgrade the standard of business in the land agents' industry.

Thirdly, I raise the issue of the general disclosure of information by vendor to purchaser prior to any commitment to purchase. In some other states a more bountiful supply of information by way of searches is provided and, in fact, is required by law to be provided in the form of a contract with attachments, well before a purchaser turns up at an auction or at an office to bid for a property. I wonder if there is some way that we can communicate with the industry and with other interested parties and look at what is happening interstate, look at what we are doing in South Australia and, maybe, find a better way of doing business to the benefit of all involved.

In conclusion, I support the bill. I am sure that the industry will also support it. It will make the land agents' industry a better one, and I commend to the House the points I have raised in my address for further consideration. In so doing, I state my high regard for the real estate industry. It is a vital, colourful and interesting industry. There are a number of outstanding agents in my constituency in Waite who do a fabulous job helping people to get the best possible price for their homes and also helping purchasers to find homes at an affordable price. They are a great group of people. Because they are such a great group of people, it is vitally important that we do not allow an individual or one particular player that may be—as the case I quoted from Victoria has shown—conducting auctions in perhaps a slightly misleading way to damage the vast bulk of the industry which is doing an absolutely outstanding and professional job each day, as I speak.

That is my contribution. I look forward to an opportunity in the future for something more to be brought to the House for consideration that might go even further towards improving the process of buying and selling a home.

The Hon. R.G. KERIN (Deputy Premier): I thank the member for Spence and the opposition for their support of the bill, and also the member for Waite for his comments. While it is not an enormous change, there has been much debate about the issues to do with the competition review relating to land agents' registration. It has been a vigorous debate, and I think virtually every member of parliament has been involved in discussions and correspondence with constituents and industry based on the issues that were raised.

There are three principal clauses. The first clause amends the definition of legal practitioner and extends the meaning to include companies that hold a practising certificate and also interstate legal practitioners who practise in this state. Clause 4 is an amendment which, in each case, changes the restriction on registration from not having been convicted of an offence of dishonesty to one of not having been convicted of an indictable offence of dishonesty or, during the 10 years preceding the application for registration, of a summary offence of dishonesty. Clause 5 does likewise but in relation to sales representatives. So, I thank members for their support of the bill and wish it a speedy passage.

Bill read a second time and taken through its remaining stages.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 June. Page 1861.)

Mr ATKINSON (Spence): The bill in its original form was one of the most controversial bills to come before the parliament in this session. The principal feature of the bill before it was split by the government was that it sought to enact state regulation of material uploaded to the internet from South Australia. It was originally a bill to try to regulate, on the established classification principles, internet content uploaded from South Australia and it was designed to protect children from pornography and other offensive material. The bill in its original form led to a classical censorship versus anti-censorship debate in parliament and within the parliamentary Labor Party, so it was good that the bill was split so that the censorship of the internet issue could be referred to a select committee of another place and the remainder of the bill, which was quite modest, could be sent on to our House. My comments from now on will be restricted to the bill as it appears before the House.

The first aspect of the bill deals with what can happen when many unclassified items are seized in a police raid. The bill permits a prosecution for breaches of the act without every item claimed to be in breach of the act first being classified. The fees for classification range from $100 to $130 for a publication and range from $510 to $2 590 for a film. The bill proposes that the prosecution serve the defence with

a notice asserting that the items would be classified in a certain category, and then it is for the defence to respond, either accepting the asserted classifications or disputing the classifications. If the defence disputes the classifications, then the defence will pay the cost of classifying the unclassified material. So, an unclassified item will not now have to be classified before a prosecution is commenced. It is already an offence to sell an unclassified item, even if it would have been classified G.

The second aspect of the bill is that, where a raid discovers a large number of products and the defendant is convicted on 10 or more different products, all the items seized in the raid are forfeit, not just the 10 products. The ball is then in the defendant's court. He or she can apply to recover the products about which there is no conviction. The defence must establish that the products would have been classified lower than X or RC, that is, 'refused classification,' which is the most serious offensive material. A third aspect of the bill is that, whereas now all offences must be prosecuted, less grave offences may now be expiated. A fourth aspect of the bill which is not deserving of opposition support and which will not receive opposition support in the event that this bill goes to committee, is the schedule which converts divisional penalties to maximum penalties. Many times I have commented that the opposition opposes the removal of divisional penalties from the statute book and their replacement by fixed maximum penalties. I hope the Attorney-General's Department is well prepared for a change of government, because that is one of the first policies we will reverse.

A fifth aspect of the bill is its tightening of the provisions that allow a child under 15 to see a film classified MA15+ if accompanied by a parent or guardian. The act lets the parent or guardian be temporarily absent from the cinema. Alas, the government has been told that the provision has been abused by parents accompanying their children into the cinema but then leaving to return only at the end of the film. The government is right to change this so that parents and guardians be required to stay with their child other than for temporary absences to use facilities in the cinema. A sixth amendment introduces a presumption that a person who has made three or more copies of a film, book, magazine, video or computer game intended to sell or exhibit the item. The presumption may be rebutted by defence evidence. The opposition supports those changes.

The Hon. R.G. KERIN (Deputy Premier): I thank the member for Spence again for his support of the bulk of the bill. As he said, the bill we have here is different from when it started, because it has been split, and we eagerly await the rest of the bill to clear committee in another place and come to us. The member gave a pretty good explanation of the major changes within the bill. Once again I thank him for his support, and we await the rest of the bill to come to this House.

Bill read a second time and taken through its remaining stages.

ADJOURNMENT

At 4.38 p.m. the House adjourned until Thursday 24 July at 2 p.m.

Corrigenda:

Estimates Committee B—

Page 109—Column 1—Delete all dollar signs.

Page 110—Column 2—

Line 31—Insert single quote mark before 'relates'.

Line 33—Insert single quote mark after 'department'.

Page 111—Column 2—Line 38—For 'electricity' read 'utility'.

Page 112—Column 1—Lines 55, 56, 59, 60 and 61—Delete all dollar signs.

HOUSE OF ASSEMBLY

Tuesday 3 July 2001

QUESTIONS ON NOTICE

HERITAGE FUNDING

87. **Mr HILL:**

1. How much was budgeted and expended for land acquisition for nature reserves during each of the past three financial years, which land was acquired and in each case, at what cost?

2. What is the total value of government projects submitted for National Heritage Trust funding under the National Revenue Scheme during each of the past three financial years?

3. Which government projects have been submitted but not funded under the scheme and if any, what are their budgeted values?

The Hon. I.F. EVANS: I have been advised as follows.

1. The state government has allocated the necessary funds each year to make the following applications for land acquisitions under the National Reserve System Program of the Natural Heritage Trust. The table below details the land acquired, its area, the year of purchase, and the total cost (which, as part of the Natural Heritage Trust application, includes establishment costs for surveying and fencing). It should be noted that the Nature Foundation SA Inc, a philanthropic non-government organisation, has made significant contributions towards these purchases.

Project submitted to NHT	Area (ha)	Year	Cost
Constitution of Mokota Conservation Park	464	1998-99	436,000
Additions to Mount Brown Conservation Park	352	1998-99	55,000
Additions to Mark Oliphant Conservation Park	10	1998-99	110,000
Constitution of Caroona Creek Conservation Park	1,692	1998-99	141,000
Constitution of Carpenter Rocks Conservation Park	32	1998-99	53,762
Constitution of Baudin Conservation Park	293	1998-99	294,000
Constitution of Gawler Ranges National Park (ex Paney Station)	120,000	1999-2000	1,716,000
Constitution of Poonthie Ruwie Conservation Park	241	1999-2000	26,667
Constitution of Lake St Clair Conservation Park	92	2000-01	78,000
Additions to Gawler Ranges National Park (ex Scrubby Peak)	46,500	2000-01	230,000
Totals	170,624		3,440,529

2. The total value of the projects submitted for funding has amounted to $3,440,529.

3. Only one land purchase was not supported by the Natural Heritage Trust, which was $110,000 to purchase a ten hectare addition to Mark Oliphant Conservation Park. This was subsequently purchased using funds from the state government and the Nature Foundation SA Inc.

NATIVE DUCKS

91. **Mrs GERAGHTY:** How many permits have been issued to landholders along the River Murray to shoot native ducks to reduce crop or produce loss in each year since 1995 and part year to 31 March 2001?

The Hon. I.F. EVANS: I have been advised as follows:

The number of permits issued to landholders along the River Murray to shoot native ducks to reduce crop or pasture loss in each year since 1995 is as follows. The figure for the first three months of 2001 is not available until it has been collated centrally at the end of the year.

1995 25
1996 46
1997 40
1998 43
1999 35
2000 19

RAINWATER TANKS

117. **Mr HILL:** What is the policy in relation to rainwater tanks situated on Housing Trust properties, does the Trust remove existing tanks when the properties are retenanted and if so, why and is this policy consistent with the government's water policy?

The Hon. DEAN BROWN: In general, the Housing Trust does not provide rainwater tanks to new housing except in locations where a good quality reticulated water supply is not available.

Existing rental dwellings with rainwater tank facilities located in areas provided with a good quality reticulated water supply (these being the greater metropolitan area and surrounding districts along with the Mid-North through to Port Augusta, Whyalla and the south East of the State) are treated on the following basis:

- where a sitting tenant has an existing rainwater tank and that tank becomes unserviceable, those tenants will have the option of having the rainwater tank facility replaced for the duration of the tenancy; and
- where a dwelling becomes vacant and the existing rainwater tank has a limited serviceable life, the tank will be removed before reoccupation. Serviceable tanks removed from vacancies are used to replace sitting tenants' unserviceable tanks.

Apart from rainwater tanks, through its environmental policy, the Trust has adopted a number of practices to encourage and assist its tenants in water conservation as follows:

- when renovating older homes or replacing broken fittings, the Trust installs dual flush toilet cisterns, low flow shower heads and sudsaver laundry troughs;
- water leaks, including leaking tap washers, are treated as high priority maintenance items and are generally repaired within 24 hours of being reported;
- the Trust focus in landscaping of its common garden areas is on reduced water requirements; and
- through its biennial garden competition, the Trust encourages water conservation principles and includes a separate award for dry gardens.

The South Australian government supports consideration of cost-effective methods for reducing water demand and for using alternative sources of water, including those that harvest rainwater. In assessing the viability of alternative water options and making decisions regarding potential alternatives, the Government encourages a holistic view, so that all benefits and costs, tangible or otherwise, are considered during decision-making processes. As a result, the measures adopted by the Trust are consistent with this policy.

HOUSING TRUST UNITS

Mr De LAINE: Will security screens be installed to the external doors and windows of those Housing Trust units in the Woodville Gardens area which are occupied by elderly tenants who have been subjected to repeat break ins and home invasions and if so, when?

The Hon. DEAN BROWN: Yes. The group of units in question at Third Avenue and Danvers Grove, Woodville Gardens, were constructed several years ago and have been occupied by elderly tenants from the parks redevelopment area. Because of resident concerns and illegal property entry, the Trust will install window locks on the sliding windows. A control order will be placed with a

locksmith this month. The increased security measures do not include external security screens.