HOUSE OF ASSEMBLY

Wednesday 28 November 2001

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

HOSPITALS, NOARLUNGA

A petition signed by 483 residents of South Australia, requesting that the House urge the government to fund intensive care facilities at Noarlunga Hospital, was presented by the Hon. R.L. Brokenshire.

Petition received.

HANSARD CORRIGENDUM

Mr LEWIS (Hammond): On a point of order, can I ask the Speaker if he has had reference made to him from the inquiry I made of the Deputy Speaker yesterday about the matter of the corrigendum inserted in *Hansard* and the original record inserted in *Hansard*, by leave, by the Minister for Water Resources, where on pages 2667 and 2849 of *Hansard* those two records appear, and how they came to be incorporated in the record in that manner, what the implication is and what the differences are?

The SPEAKER: The member for Hammond has asked about a matter relating to a point of order that he raised yesterday. I was not in the chair at the time, and about an hour ago and I received some preliminary advice which I pass on to the House:

> The corrigendum at page 2849 of *Hansard* deletes the second reading explanation relating to the Statutes Amendment (Road Safety Initiatives) Bill that had been inserted by the Minister for Water Resources (page 2667). This correction was made because the division had been provided with the incorrect second reading explanation. The division was notified of the error and the correct second reading explanation was provided to the division after the weekly volume had been printed.

I would add to that explanation: if I could urge ministers, when they are providing hard copies of second reading speeches, to ensure in the future that they are currently correct.

Mr LEWIS: On a further point of order, given that second reading explanations, once incorporated in the record, become the reference point for courts for the determination of the meaning of the law if there is any ambiguity about it, how will anybody in future, when they look up the original second reading speech in our House on this matter, know that at a later page there is a reference repealing that and replacing it with a corrigendum? How can we avoid the confusion that might arise in a court action in the Supreme Court?

The SPEAKER: I think the member has raised a very valid point. This afternoon I will have a discussion with the Hansard leader to see whether some insertion can be put in the weekly permanent volume so that that fact can be picked up.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Government Enterprises (Hon. M.H. Armitage)—

National Road Transport Commission—Report, 2000-01
Capital Expenditure and Maintenance Deed—Port of Port Adelaide, Port Giles and Port Wallaroo
Port Lease for Klein Point
Port Lease for Port Adelaide
Port Lease for Port Giles
Port Lease for Port Lincoln
Port Lease for Port Pirie
Port Lease for Thevenard
Port Lease for Wallaroo
Probity Auditor's Final Report—Divestment of South Australian Ports Corporation, 2001
South Australian Ports Business and Asset Sale Agreement—Volume 1, 2 and 3
South Australian Ports (Disposal of Maritime Assets) Act 2000 (SA)—Ministerial Determination—Fixed Assets
South Australian Ports (Disposal of Maritime Assets) Act 2000 (SA)—Ministerial Direction—Assets
South Australian Ports (Disposal of Maritime Assets) Act 2000 (SA)—Tripartite Deed—Maritime

By the Minister for Police, Correctional Services and Emergency Services (Hon. R.L. Brokenshire)—

South Australian Country Fire Service—Report, 2000-01.

ECONOMIC AND FINANCE COMMITTEE

The Hon. G.M. GUNN (Stuart): I bring up the 37th report of the committee, on the South Australian energy market, and move:

That the report be received.

Motion carried.

The Hon. DEAN BROWN (Deputy Premier): I move:

That the report be published.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE

Mr CONDOUS (Colton): I bring up the 35th report of the committee and move:

That the report be received.

Motion carried.

QUESTION TIME

THOMSON, Ms V.

Mr CONLON (Elder): My question is directed to the Premier. When did the Premier become aware of attempts by the former Premier's Chief of Staff, Ms Vicki Thomson, to convert her accrued sick leave to annual leave just two days before the resignation of the former Premier, a move that would have secured her an additional substantial lump sum payment on her termination? Can the Premier assure the House that no variations were made to any ministerial staff contracts in the lead-up to Mr Olsen's resignation?

Members interjecting:

Mr CONLON: I don't think you should be defending this, mate.

Members interjecting:

The SPEAKER: Order!

Mr CONLON: Documents supplied to the Economic and Finance Committee by the Commissioner for Public Employment indicate that Ms Thomson sought to renegotiate her contract two days before John Olsen resigned as Premier and some days after the Premier's office had received the Clayton report. A letter from Commissioner Paul Case reveals an email which his office received from Ms Thomson's personal assistant and which read:

Vicki Thomson wishes to renegotiate her contract to convert her sick leave to annual leave. Does she need a minute signed by the Premier to do this, or what is the procedure? Can you please advise urgently? Thanks.

Mr Case advised against such an action, stating it would not be normal practice in either the public or private sectors. Mr Case sought advice from the Crown Solicitor's office which read in part:

The departure from industrial standards is considered so significant that it might constitute an offence under section 251 of the Criminal Law Consolidation Act. An offence under that section of the act is punishable by a prison sentence of up to seven years.

The Hon. R.G. KERIN (Premier): I became aware of this issue when I heard that a couple of people in the Labor Party were drumming it up. I then asked the question and what I found out is that—

An honourable member interjecting:

The Hon. R.G. KERIN: No—it was a question that was asked by an assistant to the former Chief of Staff. The question was asked and the answer came back 'No', and that was the end of the matter.

Members interjecting:

The SPEAKER: Order, the member for Elder and the member for Bragg!

EDUCATION, INNOVATION

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

Members interjecting:

The SPEAKER: Order, the member for Bragg! The member for Colton has the call.

Members interjecting:

The SPEAKER: Order! I caution the member for Elder. He has been called to order.

Mr CONDOUS: Thank you, Mr Speaker. Will the minister provide details of education innovations which the Liberal government has introduced into South Australian schools and which are reaping outstanding benefits for our students?

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): It would give me a great deal of pleasure to provide details, because I can give numerous examples. The member refers to the report in the *Australian* today—and yes, the *Australian* today, in well-defined categories of excellence, published the second in a series of articles naming the top 10 schools across the nation. The House will remember that yesterday five South Australian schools were named in the top 10 schools in the nation in a category of sustained and dramatic improvement. Today, two more South Australian schools are named in the top 10 Australian schools that 'have implemented a striking innovation tailored carefully to the needs of their students'.

The *Australian* goes on to describe such a school as one that exemplifies all that is good about our education system. Grant High School in Mount Gambier was recognised in the top 10 because of its leading edge in vocational education programs for its students. The outcome of this program is second to none: 34 students have gained apprenticeships in Mount Gambier. The skills gained from this program—skills honed alongside the wider community in facilities for the aged care centre and new playground equipment for young people—benefit both the school and the community.

Indeed, Gawler High School, in my very own electorate I am proud to say, featured in the top 10 Australian schools in relation to its creation of Gawler Enterprise House. This project allowed students, many of whom might have rejected school or might have been rejected by a school, to learn and gain the valuable skills of building maintenance, tourism and horticulture. It provided them with a direct opportunity to pursue those disciplines.

Parents of students who undertook that program came up to me and said that their children would not be in school now if it was not for the program. In fact, I will always remember the mother of five boys who came up to me. The young fellow who was in the program was the youngest of those five, the first four not having gone to school past the age of 15 years. This was the last son and the only one who had gone to school past the age of 15, and all because of this program. That mother said to me, 'My young lad would be on the street if it wasn't for this program'—that is the success of these sorts of programs.

The record of the Liberal government does not end there because this House well knows the many successes of P21, which is recognised as world's best practice in resource allocation to schools and the involvement of parents and communities in decision making. The Australian Maths and Science School is a leading edge senior secondary school, which will become the state and national focus for science teaching, teacher preparation and research. The Technology School of the Future, Discovery schools, e-education and the sa.edu network are all world-class innovations in IT support for our schools.

I will slow down a little, because I know that members opposite grapple and struggle with the notion of innovation: we on this side know that it is not a philosophy that is well understood or practised over there. Indeed, for the opposition innovation is more an apparition than reality. Think about it: what innovations has Labor ever come up with? I ask you. Well, I have to admit, I am struggling now myself. The point is that Labor's wishing well of policies looks very dark and empty—so shallow, in fact, that the leader barely finds anything he can throw into the opposition bucket. In fact, his visits to Labor's well of hope are in vain. One could see that only last week, when again he showed how devoid of policy and innovation he was when he launched his new campaign for dealing with truants. His new 'get tough' policy had a certain ring of familiarity to it; in fact, it looked pretty much like existing policy and practice. But how would the leader know? This is not the first time that the leader has shown that he really does not have a clue about what is happening in schools and he does not have a clue about current policy; in fact, he does not have much of a clue about education.

That is not a very auspicious start for a would-be education premier. In fact, he must apply four basic rules—and I will be brief. Back to basics: rule No. 1 in school—do your homework; rule No. 2—no cheating (and that means no stealing other people's policies and claiming them as your own, noodle nation included); rule No. 3—learn to count, because you may need to count the numbers sooner than you think; and rule No. 4, learn to read so that you can read the writing on the wall. Given the leader's reluctance to learn those lessons, obviously I need to spell out what is current policy. For the record and for the leader's benefit, I point out that the police are already empowered under the Education Act to pick up students they suspect of truanting or who are truanting and return them to their school or home.

For the record, all schools are currently required to mark the roll daily; schools already have very clear guidelines and procedures for following up absent students; and the Educa-

tion Department has a memorandum of understanding with both the police and Family and Youth Services dealing with truants. How could the self-proclaimed education Premier not know this? Surely he spoke to the shadow education spokesperson. Did he, Trish; did he speak to you? Surely the Labor Party is not split on this one but, if they are, I can understand why. Finally, because we have never seen programs of innovation from the opposition, for the record let me reveal what innovation means: bright ideas, renewal, creation and state of the art, sadly all things foreign to members opposite, save for the now homeless member for Ross Smith, who has seen the light by quitting the party.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

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

THOMSON, Ms V.

Mr CONLON (Elder): He is such a beast, that Buckby, isn't he? Sir—

Members interjecting:

The SPEAKER: Order!

Mr CONLON: They are very rude, sir. Will the Premier now inquire as to whether the former Premier was aware of and endorsed Ms Thomson's attempt—

The Hon. G.M. Gunn interjecting:

The SPEAKER: Order, the member for Stuart!

The Hon. G.A. Ingerson interjecting:

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

Mr CONLON: Will the Premier now inquire as to whether the former Premier was aware of and endorsed Ms Thomson's attempt to secure a termination payout in excess of ordinary standards; and will he now table the full details of the payouts made to all staffers who resigned or whose services were terminated in the wake of the Clayton inquiry, including—

Members interjecting:

The SPEAKER: Order! The member for Elder.

Mr CONLON: —including—

The Hon. M.K. Brindal interjecting:

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

Mr CONLON: —the payouts to Vicki Thomson and Alex Kennedy? The email sent to the Commissioner for Public Employment from Ms Thomson's office two days before the Premier's resignation asks whether Ms Thomson needs a minute from the Premier to convert her sick leave to annual leave and asks for urgent advice.

The Hon. G.M. Gunn: Read on, Patrick.

Mr CONLON: I have read it all—I can read.

The Hon. G.M. Gunn interjecting:

The SPEAKER: Order!

The Hon. R.G. KERIN (Premier): I basically answered this question last time. The situation was that the member—

Mr Conlon interjecting:

The Hon. R.G. KERIN: I have read the email, and the way I read it at the time was that it was basically asking whether or not a contract could be altered—

Mr Conlon interjecting:

The Hon. R.G. KERIN: No—whether or not a contract could be altered—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. R.G. KERIN: —to convert sick days to annual leave. The answer, as I said, was 'No.'

Members interjecting:

The SPEAKER: Order! I just caution members collectively. You have been brought to order. You are not compelled to wait for three warnings. I will not keep putting up with the interjections today.

BIOTECHNOLOGY INDUSTRY

Mr SCALZI (Hartley): Can the Premier update the House on any progress that has been made to develop South Australia's biotechnology industry by increasing the number of bioscience companies?

The Hon. R.G. KERIN (Premier): I thank the member for Hartley for the question—and the answer this time will be longer than 'No.' There is no doubt that the biotech industry really is one of the smart industries of the future and holds a lot of promise for South Australia. It is about turning ideas into income. It makes the most of our research findings here. We have had a very strong R&D base for many years in South Australia. We have been a national leader in research and also in medical breakthroughs, and being able to commercialise those here in South Australia rather than interstate or overseas really does create some opportunities for us and keeps jobs within the state.

I am pleased to report that in the six months between June, when we released a strategy on bioinnovation, and the end of this year we will have set up five new bioscience companies in South Australia. That is an exceptional performance and is certainly great news for the developing industry in the growing biotech precinct at Thebarton. We are working very closely with the universities and the medical bioscience sector also to establish a medical research institute in Adelaide.

Bioscience is an industry that is fast gaining ground internationally. Certainly, if one looks at the West Coast of America, in particular, one will see that the growth there is quite incredible: there are a lot of highly paid jobs. It is considered one of the key growth sectors for the future, and we are certainly keen to base a lot of our industries in the future on this smart technology and to make the most of that great research and development base that we have in South Australia. In South Australia we have the people with the right training; we have an internationally renowned education system; and we also have a very good infrastructure when it comes to bioscience. So, the foundations are already well in place for South Australia to become a leading national bioscience hub.

As I said, earlier this year, when we released the strategy, the hope was to establish a total of 50 companies over the next 10 years. It was estimated that this would create 2 400 jobs and lead to an investment of at least $600 million. The fact is that we have five companies in the first six months, and this is well ahead of schedule for what we need to achieve.

I was interested to note last week that the Leader of the Opposition put out a press release on innovation and, basically, there is a bit of photocopy there: largely, it is an endorsement of our strategy. The Leader talks about a 10 year plan, which we have in place. So, it is an endorsement of where we have gone, and we thank him for that.

We have a real opportunity to position ourselves as one of the key biotech players in the whole region. There is no doubt that that will create a lot of investment and economic growth but also, very importantly, a lot of very smart jobs to

keep clever young South Australians here and give them an income that will allow them to enjoy the fantastic lifestyle that we offer here in South Australia.

ELECTRICITY, PRIVATISATION

Mr FOLEY (Hart): My question is directed to the Premier. As a key supporter of electricity privatisation in this state, is the Premier—

Members interjecting:

Mr FOLEY: What, he is not a supporter? As a key supporter of electricity privatisation, is the Premier aware of the problems faced by a South Australian company, Beverley Industries, resulting in loss of contracts interstate and jobs, and what will the government do to overcome the competitive disadvantage now faced by the company as a result of spiralling electricity prices?

An honourable member interjecting:

Mr FOLEY: I will tell you in a moment how many jobs. Beverley Industries is a foundry at Ottoway. Since July its power bills have risen by 67 per cent, from around $12 000 to $20 000 per month. This has caused the company to miss out on contracts to interstate firms worth $1.7 million. The company has shed 10 staff as a direct result of the power price increases and has also had to turn off lights during working hours and change its working hours, with staff having to begin work much earlier than had been the norm, to avoid peak electricity prices.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): The member for Hart would well know—

Members interjecting:

The SPEAKER: Order!

The Hon. M.H. ARMITAGE: The member for Hart would well know that Beverley Industries is engaged in litigation with the government through SA Water as he speaks. Accordingly, I am not prepared to make any comment on this.

Mr FOLEY: On a point of order, we know that this Premier will avoid any question about electricity, but this question—

Members interjecting:

The SPEAKER: Order! The member will resume his seat. Members on my right will remain silent while we are trying to get points of order sorted out. You do not contribute to the proceedings whatsoever. And it was not a point of order.

Mr FOLEY: My point of order—

The SPEAKER: What is your point of order?

Mr FOLEY: My point of order is simply that this was a question to the Premier regarding—

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

Mr FOLEY: Sir, you haven't heard the point of order.

The SPEAKER: I heard enough of the point of order—

Mr FOLEY: You haven't heard any of the point of order, sir.

The SPEAKER: All right, proceed.

Mr FOLEY: The point of order is simply this: that it was a question to the Premier concerning electricity prices. The minister has no responsibility for this issue. He has no ministerial responsibility: the Premier does.

The SPEAKER: There is no point of order.

Members interjecting:

The SPEAKER: Order! The chair will just make the observation that it was very clear at the beginning of the member's explanation. He knows and I know where he was leading, and there was no point of order.

Mr FOLEY: On a point of order, sir, can you please advise the parliament what ministerial responsibility the Minister for Government Enterprises has for electricity prices?

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

The Hon. M.H. ARMITAGE: As I indicated, as the member for Hart well knows, Beverley Industries is engaged in litigation at the moment. Accordingly, we are unable to make any comment and I do not intend to do so, other than to say—

Mr CONLON: On a point of order, sir, can you explain how the minister can decline to answer a question about electricity prices because of litigation on another subject—or is he not required to answer questions?

The SPEAKER: Order! Members know that ministers can choose however they answer questions. I cannot put words into the mouth of the minister.

The Hon. M.H. ARMITAGE: What I will say is that if the member for Hart had asked the appropriate questions and found out who has paid what bills and who owes what money, he would not be asking this question.

Members interjecting:

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

Members interjecting:

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

HUMAN SERVICES TECHNOLOGY

Mrs PENFOLD (Flinders): Will the Deputy Premier, the Minister for Human Services, tell the House about the government's use of innovative technology and projects in the human services area to better serve people and families in South Australia?

The Hon. DEAN BROWN (Deputy Premier): The Department of Human Services and the various hospitals and other agencies that come under it have worked very hard to make sure that we create an area of innovation that will be a leader here in Australia and, in many cases, a leader throughout the world. I would like to give some examples, because we see the innovation as being a key part of the development of this state and the way in which we can deliver more effective services to the people of South Australia.

Just last week I announced that the Hanson Cancer Centre, which is part of the Royal Adelaide Hospital and the IMVS, received a $500 000 grant from the Detmold family to set up the Detmold Family Imaging Centre. That is being backed with another $500 000 from the IMVS to allow the purchase of what is probably the best cell sorter anywhere in the world as part of the flow cytometry research at the Hanson Centre. This will allow now the identification of specific cancers and as a result of that those involved will be able to decide what is the most appropriate treatment for those particular cancers. I had not appreciated that specific variations occur in the cancer cells, even though they may be lumped into one type of cancer, and therefore you are able to achieve through genetic assessment of those cells what is the most appropriate treatment. That will make the flow cytometry research area at the IMVS and the Hanson Cancer Centre one of the best available certainly in Australia.

A second example is the work being undertaken at the IMVS where they have set up a spinal research centre. It is

the only spinal research centre in the world outside the United States of America which can insert artificial disks into the spinal column of humans and, as a result of that, overcome crushed disks. That is a huge breakthrough. It is part of clinical trials being carried out. It received funding from the United States of America and again is seen as one of the most advanced areas of technology in spinal research anywhere in the world.

A third example is the use of the OACIS system in our major hospitals. It is a computerised patient information system, which was first introduced in South Australia in 1996 and trialled there amongst the renal patients. It is now being flowed out to the rest of the public hospital system. It is the leader for the whole of Australia. The other states of Australia openly acknowledge that South Australia is about four to five years ahead of the rest of Australia in the public hospital system in terms of developing a computerised information system. The benefits of that for patients are enormous. It allows the transfer of information from one public hospital to another and makes sure that the records can be readily recalled where someone goes into a hospital on a number of different occasions, perhaps using slight variations of their name. One time it might be Mick Smith and the next time it might be Michael Smith. It allows clear identification of those people and quickly pulls up the medical records on the individual concerned.

The fourth example is what we call our South Australian computer solution system, which was first trialled in the Housing Trust and is now being rolled out to other areas of the Department of Human Services. This is a server-based computer network system. In other words, the software sits in the server and has dumb terminals linked to it. In the Housing Trust something like 450 dumb terminals were linked to the server. The benefits from that system have been huge. We are finding that there are 40 per cent savings compared to the use of PCs. In fact, the site has become such an important area of technology that it is now a world reference site in terms of what they call server-based computer networks or what some call thin client technology. We have been so impressed with the Housing Trust savings that we are now rolling it out into the community health area, and the first of those networks has already been opened.

The fifth area—and I take these five examples of what is going on across the whole department—is the superb research being carried out at the Women's and Children's Hospital in the human genome area, particularly by Prof. Grant Sutherland. Prof. Sutherland has now taken out two national awards. He was for two years President of the World Human Genome Society—an organisation based in Switzerland. He is an outstanding medical researcher. Already, because of the work that Prof. Grant Sutherland and his associates have carried out at the Women's and Children's Hospital, they have been able to spin that off into a company which has now raised $17 million or $18 million on the share market—a company called Bionomics—which is now contracting back research to the Women's and Children's Hospital on an annual basis.

They are five classic examples of how this state can be the innovative state and of how, coming out of the public sector, benefits can derive for the whole of the South Australian community. So, this government is proud of our innovation; we are proud of the fact that we give a high priority to new technology and ensure that it is there to the benefit of the state.

BEVERLEY INDUSTRIES

Mr FOLEY (Hart): My question is directed to the Minister for Government Enterprises. Given claims made by the Liberal government that there would be a South Australian-based international water industry, through the privatisation of our water, is the minister concerned that volumes of work promised to Beverley Industries, under contract by SA Water, have not been delivered and that jobs have been lost from the company as a result?

Beverley Industries has claimed that SA Water is in breach of promises made by the Liberal government during the privatisation of water. We understand that the company was guaranteed specific levels of contract work that have not eventuated, and we are advised that the company has had to lay off around 30 workers. On 12 April 1995, the then infrastructure minister and former Premier, John Olsen, said that the Beverley Industries contract was delivering:

> . . . economic development and, at the end of the day, that means more jobs for South Australians.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): As I have already mentioned, the dispute, if you like, between Beverley Industries and SA Water is the subject of court action. That court action relates to SA Water's contention that the member for Hart's information, which he has clearly got from Beverley Industries, is incorrect. Obviously, the courts will decide that. Let us go to the substance of the question, which dealt with—

Mr Foley interjecting:

The SPEAKER: Order, the member for Hart!

The Hon. M.H. ARMITAGE: —whether we promised something and whether we have delivered a vibrant water industry. I would suggest that maybe the member for Hart need not ask the government: he ought to ask the additional 2 200 people who have jobs as a direct result of the outsourcing or the economic development initiatives. There are 2 200 extra South Australians employed in the water industry as a direct result of the outsourcing and the economic development initiatives. So, why does not the member for Hart ask them whether we have a thriving water industry?

The water industry alliance is a group of people who are now thriving as part of an economically, internationally directed water industry. No longer are they inward looking; no longer are they trying to cut each other's lunch all the time. They are combining to win contracts internationally. Maybe the member for Hart should ask the members of the water industry alliance whether we now have an industry. Maybe the member for Hart has forgotten that the year before we came into government the E&WS made a loss of $45 million under the Labor government. I may be wrong—it may have been only $44 million. I am not sure, but it is certainly in that vicinity: a $40 million-plus loss. That meant that every South Australian was not only paying water rates but double-dipping into their own pockets to pay for your incompetence—a $45 million loss! Last year, SA Water returned a $200 million-plus profit, and that is a $200 million-plus turnaround annually in the fortunes of South Australia. I reckon that is pretty good.

Mr Foley interjecting:

The Hon. M.H. ARMITAGE: Maybe the future treasurer in a Labor government—God forbid—does not think that is a good idea. Maybe he does not think that is economic success. Well, God help South Australia if a $250 million turnaround is not an economic success. I found recently that

the SA water industry is actually training new and young people to come up and take the jobs as the industry expands.

An honourable member interjecting:

The Hon. M.H. ARMITAGE: Maybe the member for Hart would like to ask the trainees in the water industry, who have their eyes on some of the expanding jobs, whether they think we have an internationally focused and vibrant water industry. Since the outsourcing, we have provided clean filtered water to another 150 000 South Australians who were, frankly, totally ignored by the Labor Party when it was in government—150 000 extra South Australians! Perhaps the member for Hart would like to ask one of those 150 000 people whether they think that the water industry is good, bad or indifferent. Maybe the member for Hart would like to ask members in his own constituency, who are going to benefit from the fact that we are no longer putting sewage from the Port Adelaide waste water treatment plant into the Port River. How many times did the Labor government even promise to do that, let alone do it? Not once! Perhaps the member would like to ask the dolphins whether they think we have a good industry or not—obviously, they are going to benefit. Maybe the member for Hart would like to ask—

Members interjecting:

The SPEAKER: Order!

The Hon. M.H. ARMITAGE: —the vegetable and fruit growers out in the Bolivar area, in the fruit bowl, which benefits they get from the Bolivar waste water treatment program: they are benefiting to the tune of $80 million extra a year from using the water. There is a similar story down at the Christies Beach waste water treatment plant.

The Hon. R.L. Brokenshire interjecting:

The Hon. M.H. ARMITAGE: The member for Mawson would, I am sure, speak with the vignerons down in McLaren Vale. They would be absolutely thrilled. Maybe the member for Schubert would like to ask the people who are going to be using water which will flow from the BIL project, or others like that, whether they think we have a good water industry. Perhaps they would like to go and ask the people around Mount Pleasant, where we have put in a new water treatment plant using a specifically designed intellectual property called MIEX, which stands for magnetic ion exchange process, because that is not only going to provide filtered water but also will be an export industry for our water. I am sure that they would be glad to give the member for Hart an opinion.

Perhaps the honourable member would like to ask all the people who suffered during the water contamination crisis in Sydney, under the Labor government, under Bob Carr and his mates; and maybe he would like to ask those scientists, who came here to the Australian Water Quality Centre for advice and tests, whether they think we have a proper industry. It is absolutely evident that we have turned this industry around. We have changed it from an inwardly focused one to one that is now internationally focused. We have 2 200 extra employees in this vibrant industry, and the Labor Party would have us turn back the clock. It is a joke.

INFORMATION ECONOMY 2002

Mr HAMILTON-SMITH (Waite): As he is doing such a good job, I would like to refer my question to the Minister for Information Economy. I want a bit more of that! Could the minister advise the House how the Information Economy 2002, delivering the future strategy, is helping to build an innovative South Australia?

The Hon. M.H. ARMITAGE (Minister for Information Technology): I thank the member for Waite for his question, which allows me to go on and on about the success of the information economy and innovation in South Australia. As the member for Waite and members on this side of the House know, innovation is vital to South Australia's future, and a number of the commentators around Australia, and indeed around the world, who have looked at the IE2002: Delivering the Future strategy acknowledge that it is one of the most seminally innovative government documents that has ever been produced. Its goal, quite unashamedly, is to have South Australia as the most connected society on earth.

There are a number of projects to ensure that this comes to fruition. The first of those, and probably the most influential and most visible in the community, is the NetWorks for You program, which is an awareness program, with a very small element of training, in rural and regional South Australia. It facilitates awareness through the community supported network centres, of which there are about 200 throughout rural and regional South Australia. So far, up to the end of September 2001, 20 671 people had either been to a general awareness session or a one-on-one session. The rate at which rural South Australians are accessing the internet from home rose by 16.4 per cent to 26.9 per cent, which is the highest growth in rural Australia.

Another of the initiatives is the International Advisory Panel. I know the member for Kaurna attended a dinner for the International Advisory Panel and I am sure he would acknowledge that the International Advisory Panel was peopled with superstars from around the world. If I might add, he identified at the dinner the true bipartisan support, on behalf of the Leader of the Opposition, for the IE2002 initiatives and the IAP panel. The international panel comprises people such as Bob Bishop, Edwardstown born and brought up, now gone on to degrees all around the world; he is the chairman and chief executive officer of Silicon Graphics and many other things. He is a Port Power supporter, but he is a friend of mine so I am prepared to forgive that. It is shocking! I do not know how he got to be chair of the panel but he did. Ed Yang, whom we would all know as one of the people who brought EDS to town, is on the panel, as is Andy Thomas, a very famous South Australian; Dame Bridget Ogilvy, a key medical researcher, and Alex Allen, Tony Blair's former e-envoy, are also members. And so on. The first meeting was in July this year and they are returning in March 2002.

We have had a number of industry action plans to develop ways forward in the information economy for the IT&T industry, the construction industry, the water industry and the spatial industry. We are now working with a number of other industries with the Department of Industry and Trade. The Microsoft South Australian Government Innovation Centre has already been successful. Microsoft has its radar on this from around the world: it is the only one of its type in the world. We are building smart applications to improve the efficiency of the government sector. One of the three applications we have already developed is called Outpace, and was one of five applications featured worldwide in a Microsoft competition earlier this year. And the other two, OrgChartsDirect and eBoard, have also been very successfully developed.

Other innovations include the Smart State volunteers, which I know the minister for volunteers is completely supportive of, and the school based IT cadets program, which I know the minister for education fully supports; the Smart

State PC donation scheme, where we have given 600 plus computers to 325 community groups like the RSPCA, the rowing association and various community groups such as that (they all know it is a great bonus); the World Congress on IT, the olympics of the IT industry, is going to be here early next year; and ConnectSA that we talked about last week. We have some others coming up: the first ServiceSA shop which will revolutionise the provision of government services in the country will be launched soon. There is the launch of an e-business campaign, the IE Scorecard, and lots and lots of others. We on this side of the chamber understand the value of innovation. We have put out a statement which is recognised as being innovative and we are focussed on delivering so that South Australia can benefit.

HONEYMOON URANIUM MINE

Mr HILL (Kaurna): My question is directed to the Premier. What consideration did the government give to the environmental concerns identified by Senator Robert Hill in the rush to grant a mining licence to the Honeymoon uranium mine? Only two days ago, on 26 November, the outgoing federal Minister for the Environment, Senator Hill, said that he had received advice that there would be some migration of contaminated waste water from the mine in the underground aquifer.

The Hon. R.G. KERIN (Premier): The Minister for Mines and Energy is the one who grants that licence, and I know well the amount of work that has been done. The member talks of a 'rush', but the work on the Honeymoon mine has been done over an enormous length of time, and we have been privy all the way through to the work that has been done for the federal government. To say it is a rush ignores the years and years of work that has been done on Honeymoon: absolute years would have been spent on the development of it. What the member refers to about the aquifer is something we have been aware of for years. The work has been done over a long period of time and to say it was done in a rush ignores reality.

STEELE, Mrs JOYCE

Mrs HALL (Coles): My question is to the Deputy Premier in his role as Leader of the House. Can the Deputy Premier inform the House of the very significant contribution made by the late Mrs Joyce Steele who, as we know, was the first woman elected to this House. She was the first woman elected as the Whip in a South Australian Parliament and she was the first woman appointed to a cabinet in South Australia.

The Hon. DEAN BROWN (Deputy Premier): Earlier today, the Speaker, the Premier and a representative of the Leader of the Opposition launched a program which unveiled a portrait of the late Joyce Steele who, as the honourable member has said, was the first woman in this parliament—and I point out that, after women were given the right to both vote and stand for the parliament, it took 65 years for the first woman to be elected.

Joyce Steele was a trailblazer in terms of opening the way for women in this state. She became the first woman minister, being Minister for Education from 1968 to 1970. She was also Minister for Social Welfare, Aboriginal Affairs and Housing in 1970. Joyce Steele in fact trailblazed for women in other ways as well. She was the first woman announcer on the ABC in 1941, which shows the huge change that has taken place in out community in terms of its attitude to women since that time. She was an outstanding member from 1959 to 1973, firstly, for the electorate of Burnside and then for the seat of Davenport. I followed Joyce Steele as member and—

Mr Atkinson: Did she retire as a politician?

The Hon. DEAN BROWN: Yes, she did. I point out the enormous respect in which she was held within the electorate by people who had a great respect for the fact that she was a trailblazer for women in an area which took a fairly conservative approach towards women in terms of their role within the community. I also highlight the fact that she was seen within the education sector as an outstanding Minister for Education. The portrait by Robert Hannaford will now hang in this chamber on this wall.

Members interjecting:

The SPEAKER: Order! The Deputy Premier will resume his seat. I ask members to show some courtesy and respect to the question that has been asked and the delivery. There are members of the public in this chamber who are interested in this issue and the achievements of this particular woman, who was a former colleague of this House. I ask members to respect the subject matter before the House and let us hear it in silence.

The Hon. DEAN BROWN: It will hang as the first portrait of a woman in this chamber, and a very fitting portrait indeed. I pay tribute to Joyce Steele and what she did for the broader South Australian community. In addition to what I have said, she was the Vice President of the Phoenix Society and co-founder and President for 22 years of the South Australian Oral School for Deaf Children. She was President of the Australian Council for Rehabilitation of the Disabled and the Australian representative on the board of the International Society for the Welfare of Cripples, and so the list goes on. She was recognised with an OBE in the 1980s. And so we have a portrait of a woman which will hang in this place and which is a very fitting tribute indeed to Joyce Steele OBE, a pioneer for women in South Australia and especially in this state parliament.

PUBLIC LIABILITY INSURANCE

Mr LEWIS (Hammond): My question is directed to the Premier. Is his government willing to invoke an insurance scheme separate from but using the same policy model and actuarial staffing services as the compulsory third party insurance for motor vehicle accidents and provide an insurance service for the public liability of community service organisations, community service businesses, amateur sporting bodies, charities of community recreational activity and so on, then bundle up those policy risks and reinsure them externally so that the contingency of underlying risk exposure is covered, and pass on the savings to the community bodies involved? I am sure other members like me over recent times have had considerable correspondence from community organisations of various kinds complaining that they can no longer afford the public risk liability insurance premiums which they are being asked to pay to underwrite the costs of factors external even to this country, certainly this state, such as the 11 September events and similar things.

In one instance, I refer to some correspondence I received illustrating this point where just four years ago the public risk liability insurance for a community service group called Go-Kart Park Hire Karts Murray Bridge was only $2 500. Last

year it was $3 500; this year it is $7 500; and next year it will be over $15 000. The committee has said in its letter that they can no longer continue.

The Hon. I.F. EVANS (Minister for Recreation, Sport and Racing): The member for Hammond raises what is a serious issue now and what will certainly be a growing issue for the parliament to grapple with over the next 12 to 24 months. The example that the member for Hammond gives could be repeated manyfold in all the community not for profit sector across the state. It is for that reason that we have set up a volunteer risk management group or working party to look at this very issue. There are advertisements in today's paper and this week's media across the state inviting submissions from volunteer and not for profit organisations and, if any members wish to make a submission, then obviously we would welcome submissions from all members of parliament on behalf of their local groups.

Increased public liability insurance is a real issue facing the not for profit sector. The risk management working party is chaired by the Hon. Angus Redford from another place and comprises members including Lynn Parnell from the insurance industry, Dan Ryan from the Scouts Association and Kathy Stanton from Sport SA. The working party will look at the insurance question, not only involving the cost of the public liability insurance but also developing risk management strategies to educate the not for profit sector on how to reduce their liability risk and insurance costs.

A fairly good strategy is used in America, where there is now an industry funded group, a risk management unit which is funded by the industry and which runs American-wide risk management programs for the not for profit sector that helps drive down its insurance costs and educate its volunteers—its not for profit community—about its various liability risks. Like the member for Hammond, the government is very concerned about the rise in public liability insurance.

My understanding of it is that, as a general rule, over the past 12 to 18 months, for every dollar the insurance industry has collected on public liability it has been paying out about $1.20 or $1.25. Clearly, that is an issue for the insurance industry that has been, and will continue to be, passed on to public liability users. So, it is an issue that we need to address. That is why the government has tried to introduce volunteer protection legislation (which, I am pleased, went through the upper house yesterday); that is why the government has the risk management working party; and it is why we have the Office for Volunteers, so that we can address these issues, which are very real issues for the volunteer community. I thank the member for Hammond for the question, and I look forward to receiving his submission on behalf of his groups.

ELECTRICITY, ENERGY SAVING CAMPAIGN

The Hon. D.C. WOTTON (Heysen): Can the Minister for Minerals and Energy provide to the House details of the government's energy saving advertising campaign that is currently featuring in the daily media?

The Hon. W.A. MATTHEW (Minister for Minerals and Energy): I thank the member for Heysen for his question because, of course, this is an issue that the member for Heysen has continually brought to public attention during his time as a member of parliament. The member for Heysen, like many other members on this side, realises the importance of helping South Australians to save money and to save energy on heating and cooling their homes. I am sure that the member for Heysen was as disappointed as I and other of my colleagues on this side of the House when, despite a very positive campaign that has been run by the government, the opposition leader decided to play his usual negative, carping card, this time on 5DN radio.

The Hon. R.L. Brokenshire: What's changed?

The Hon. W.A. MATTHEW: As the Minister for Emergency Services asks, what has changed? On the Labor Party side, nothing. It disappoints me that the opposition leader, again, is not in the chamber to hear this, because it means that, yet again, he still will not hear. In the opposition leader's absence, as the opposition leader continues to play truant from parliament, I hope that his colleagues will at least pass on to him the content of what has been put forward. On talk-back radio on 21 November, Mike Rann told a caller on 5DN that the government's energy saving program was—and this is what he said:

> . . . telling people to turn off their airconditioner on the day they need their airconditioners.

That is what the opposition leader said on air, and that is blatantly untrue. For the opposition leader, or for any other member of the opposition, to claim that is blatantly untrue—and they know it.

Members interjecting:

The Hon. W.A. MATTHEW: Is the member for Hart saying it is not untrue?

Mr Foley: Absolutely.

The Hon. W.A. MATTHEW: Well, the member for Hart joins the opposition leader in also spreading untruths—he is cast in the same mould—for nothing could be further from the truth. If the opposition bothered to examine the campaign, if the member for Hart and the opposition leader bothered to read the advertisements in the paper and if the member for Hart and the opposition leader bothered to listen to the advertisements on the radio, they would hear that what this campaign is doing, consistent with other campaigns (indeed, campaigns that were also run when the Labor Party was in government) is helping South Australians to save money on energy costs. I would have thought that that is a good thing. That is something to be positive about—but not, it would seem, in the case of the opposition.

It is important to reflect on the fact that the average South Australian spends about $1 200 per annum on energy. So, there are significant opportunities for savings to occur. It is important that people realise just how easy it is to save money. Our advertising campaign focuses particularly on cooling of homes during the summer period. Our campaign points out that, for every one degree increase in the thermostat setting on an airconditioner, it is possible to save about 10 per cent on energy demands.

That is a pretty significant saving. We are advocating, as an example, that it is worth people setting their thermostats to about 25 degrees—not turn them off, as the opposition would say, but set the thermostat at 25 degrees. The member for Hart hears that? Set the thermostat for 25 degrees. By doing that there is the opportunity to save money and save energy, and that is a good thing. Also, an important part of the campaign to keep the home cool is the logical step of ensuring that a home is properly insulated. Proper insulation of the home can make it up to 10 degrees cooler on a summer day, which can reduce running costs of airconditioning by as much as 40 per cent.

Why would we focus on airconditioning? The reason is quite simple. Each year, around 10 000 airconditioning units

are added to the South Australian marketplace, and that is a significant number. It is fair to say that, under the prosperity sweeping our country under Liberal governments, more people are able to afford airconditioning. Something that was a hard to afford luxury when Labor was in power is now an affordable necessity for many people to enjoy a comfortable way of life. But a lot of people purchasing airconditioners find that they have not properly analysed the costs of running those units, and their power bills and energy demands jump.

We are advocating that it is not just a matter of installing an airconditioner but of looking at things that go round that unit and how that unit is used. Local government has also joined with the state government on this campaign. This campaign, which the opposition leader has criticised and which the member for Hart takes issue with, is joined by local government. For their part, local government bodies throughout the state are holding a series of seminars to educate people on ways in which to benefit from the sensible use of heating and cooling and sensible ways of making homes more energy efficient.

I pay tribute to my colleague in another place, the Hon. Diana Laidlaw, in her role as minister responsible for planning matters, unveiling publicly an energy star rating for construction of new homes: again, something that could only be of benefit to South Australians. I call on the opposition, in particular the member for Hart and the opposition leader, to focus on the government's campaign and, instead of carping, knocking and whingeing, to join us, as local government has joined us, in encouraging South Australians to responsibly utilise energy and save money for themselves.

SALMONELLA POISONING

Ms RANKINE (Wright): Can the Deputy Premier and Minister for Human Services tell the House what action was taken by the South Australian Health Commission to ensure public safety following confirmation of salmonella poisoning of customers at the Tuckerland restaurant at Modbury in October last year, resulting in the death of a local woman, and indicate why no public alert was issued? In October last year Ron and Ethel Jones dined at Tuckerland at Modbury. Within days Mrs Jones became violently ill, requiring hospitalisation, where she was diagnosed with salmonella poisoning. Mrs Jones died on 16 November.

A Mr and Mrs McCormack, also customers of Tuckerland, claimed on a recent *Today Tonight* program that they had also become ill after eating at this restaurant and had in fact notified local health authorities of problems at the restaurant the day before Mrs Jones ate there. Despite approximately a dozen people falling ill, no public alert was issued by either the local or the state health authorities.

The Hon. DEAN BROWN (Deputy Premier): I will have the matter investigated. I point out that normally public warnings occur only if poisoning can, first, be clearly identified back to a specific premises and, secondly, if the tests come through confirming the poisoning. Normally, it takes about a week to 10 days at least for those tests to come through. In terms of public warnings or closing down restaurants, we have a very firm policy.

Where a specific restaurant or any other outlet is identified, we immediately assess the risk to other people and take action with that restaurant. If it is appropriate to close it down, we do so. If it had been out of a particular batch of food, we try to trace where that batch of food would be and the source of the food originally that might have been served within that restaurant.

There are many thousands of cases of food poisoning every year, as the honourable member would realise. I cannot comment because I do not know the details of this case, but I will certainly investigate that. The procedure is that if someone has a complaint to make they make it to a local government body and, if that body believes there is evidence to take the matter further, it would notify the Public and Environmental Health Branch of the Department of Human Services. I will make sure that is always carried out. I must say that they have been extremely vigilant indeed.

We have now what is regarded as the best protocol in Australia set up as a result of Garibaldi, where every week every case of food poisoning notified by either government or private laboratories is notified through to the department. The results are assessed Wednesday night and they have a conference on those results on Thursday morning, as a result of which they decide what further action to take in terms of closing down any restaurant or identifying a potential source of food poisoning within the community.

I am only too happy to highlight to the honourable member the procedure which is in place and which is acknowledged. We pick up food poisonings that occur in other states of Australia in products consumed in this state. It is recognised that South Australia does it at least one week ahead of any other state of Australia. We have done that consistently in Victoria and Queensland where national food scares have arisen.

WOODEND PRIMARY SCHOOL

Mr LEWIS (Hammond): My question is to the Premier. In view of the fact that the Woodend Primary School has been constructed on land belonging to the crown and has cost over $4 million but was not referred to the Public Works Committee, does he now agree that, to allay any public concern that due process was followed and that the method of procurement of the work and the contracts which underlie it were sound, it would be a good idea to refer it to the parliamentary Economic and Finance Committee? People are telling me, as Chairman of the Public Works Committee, that this reflects badly on the government and on the member for Bright. I know that the member for Mitchell has also been approached by folk in the south-eastern suburbs who are curious to discover why or how the project came to be procured in this way, to such an extent that an independent parliamentary inquiry will be needed to satisfy everyone that the government's claims about those procedures were not only appropriate but were also desirable in the circumstances.

The Hon. R.G. KERIN (Premier): There is a series of claims there. I will take it away, investigate it and come back to the House.

WESTERN DOMICILIARY CARE SERVICE

The Hon. DEAN BROWN (Deputy Premier): I table a ministerial statement made by the Hon. R.D. Lawson in another place.

GRIEVANCE DEBATE

Ms RANKINE (Wright): On 10 October last year Ethel and Ron Jones ate at the Tuckerland restaurant at Modbury. As a result of dining at that restaurant, Mrs Jones became ill for a number of days, resulting in her admittance to St Andrew's Hospital. Mr Jones told me at that time that there were no public beds available for her hospitalisation. After only a few days Mrs Jones was released from hospital. At that time she still was not eating and had severe diarrhoea. In fact, she was so bad that her husband virtually had to support her getting into the car. Mr Jones could not manage with Mrs Jones at home, and the events of that weekend when he was nursing her are still the cause of great heartache to him. He continues to search for what he could have done better for his wife.

On hearing his story, I am sure that every reasonable person here would agree with me that it is not Mr Jones who should and could have done better: that responsibility lies with significant others. Mrs Jones was re-admitted to hospital on the Monday—this time to Calvary Hospital—where she stayed until she died on 16 November. This was a tragedy that could and should have been avoided; heartache that this family could have been spared.

As a result of a program aired on *Today Tonight*, we now know that this restaurant had been reported to the local health authorities the day before Mrs Jones ate there. When Mrs McCormack was interviewed on *Today Tonight*, she claimed that she found a dead fly cooked in her dessert; she had insects in her cup and other vessels. Her husband also became extremely ill and, at the time of the interview, had still not fully recovered—nearly 12 months later. They were rightly angry.

Approximately a dozen people became ill after eating at this restaurant and one has lost her life, yet no public alert was issued by the health authorities. The restaurant was charged with a very minor offence, pleaded guilty and was fined a minuscule amount of money. No coronial inquest into Mrs Jones's death was undertaken, and the certificate states that the cause of death was heart failure. I am sure that is true, but we would need to know what caused the heart failure. I have written to the Coroner and asked for an inquiry into her death, and I hope that he acquiesces in that request. Mr Jones is clearly unhappy. There are many questions that need answering in relation to this case. What action was taken to ensure public safety?

The minister referred to the Garibaldi scandal where, again, another innocent life was lost. In that case, we saw something like almost three weeks go by before a public alert was issued. We saw 23 children diagnosed with HUS, 20 of whom required dialysis. In his findings, the Coroner made some very important statements in relation to Nikki Robinson's case. He said:

> Legislative improvements will be useless unless they are thoroughly and rigorously enforced.

He continued:

> Those who are in breach of legislative requirements should be prosecuted energetically.

It seems that none of these things was done in relation to Tuckerland. The health authorities said that they could not find anything wrong when they inspected the premises. About a dozen people were seriously ill and one died, and yet they could not find anything seriously wrong at that restaurant. I wonder whether they were given advance notice of the inspection. The Coroner also stated:

> Enforcement authorities must be adequately resourced so that they can fulfil their roles.

Local health authorities are responsible for the hygiene of the premises, and the South Australian Health Commission is responsible for the fitness of the food. What did they do to ensure this? Could Mrs Jones have been saved? I am hopeful that the Coroner will agree to an inquest and look at serious issues such as why, for example, Mrs Jones was discharged from St Andrews Hospital whilst she was still extremely ill. Both Mr Jones and I have tried separately to obtain medical records from St Andrews and Calvary. He told me that he had been refused. I did not think that could be possible. If you pay to have your car repaired, you are entitled to a report. They paid a private hospital to look after Mrs Jones and were refused the medical documents. Calvary said that he could view them; St Andrews said that it wanted a court order before he could access them. I think that this is obscene, and it has absolutely nothing to do with the privacy of the patient. It is privacy to protect the hospital. Mrs Jones deserved better.

Time expired.

Mr HAMILTON-SMITH (Waite): I rise to address some issues raised earlier in question time by the member for Hart and the member for Elder in regard to the manner of entitlements due to the former personal assistant to the former Premier that were raised in the Economic and Finance Committee, as I have mentioned, as unsubstantiated allegations. I think the facts need to be clarified. The member for Hart strolled into the Economic and Finance Committee and, under parliamentary privilege, made totally unsubstantiated allegations that the former Premier had had some involvement in trying to renegotiate the entitlement package of his assistant, Vicki Thomson, and had somehow interfered with due process.

These allegations were made anonymously; he would not identify the source. They were (and have been found to be by evidence subsequently presented to the committee) completely and totally unfounded. But, of course, that was enough for the member for Hart, with majority support from the committee—because, as everyone knows, the government does not have control of the committee: it is completely under the control of the opposition—to initiate a chain of correspondence which has led to their coming in here today and asking questions trying to throw enough mud around in the hope that some of it will stick.

Some selective quoting was made of evidence given to the committee, and I would like to clarify some of the facts. There was an informal inquiry from Vicki Thomson's assistant, Janette Peucker, by email as follows:

> Michelle, can you check this out with Paul for me. Vicki Thomson wishes to renegotiate her contract to convert her sick leave to annual leave. Does she need a minute—

It goes on:

> Can you please advise. . . , thanks. Janette P.

It was an informal email, and it was not from Vicki Thomson; it was from her assistant, who obviously used her own language and approach to ask the question. It was an informal inquiry on behalf of someone about their entitlements, and something that goes on all the time. Most importantly, I will clarify some facts not mentioned by the member for Elder and

the member for Hart in the evidence subsequently tabled by Paul Case. It is very clear, and it states:

> No discussion occurred between the former Premier, myself or my staff.

It goes on:

> No adjustment was made to Ms Thomson's contract leading up to her contract termination about this or any other conditions of employment.

So, what do we have? Absolutely nothing but puff and wind from the opposition. We have selective quoting and an attempt to come into this place and muddy people's reputation further by asking questions, hoping that the media will take the bait and make up some sort of story that can be used to put a negative slant on the government.

If these allegations were not made under parliamentary privilege, it would probably result in legal action against the member who made them. They were completely unsubstantiated. In my view, they are an abuse of the Westminster system, and particularly an abuse of the Economic and Finance Committee, which had its genesis in public accounts. It is supposed to be a public accounts committee; it is supposed to be a committee designed to examine the public accounts and make responsible and valued recommendations and reports to the public and the parliament. Instead, it has been used by the opposition as a character assassination committee whereby fishing expeditions can be freely conducted on any matter with a purely political intent. Very few of these actions have the unanimous support of the committee. The other Liberal member and I invariably disagree, but the committee consistently goes off on these fishing trips. The whole idea is to bash, criticise, abuse, muddy people's reputation and score political points for the Labor Party to the detriment of this parliament and at the expense of its integrity, as well as the integrity of the Economic and Finance Committee.

This is a classic example of poor parliamentary practice. The facts have been inaccurately quoted by members opposite during question time today, and for the sake of this place I hope that the practices improve.

Time expired.

Ms WHITE (Taylor): In question time today, the Minister for Education claimed that his department was effectively dealing with the very troubling problem of absenteeism in our schools. The fact is that he is wrong, but I understand why he felt embarrassed enough to criticise Labor's policy to put $500 000 extra funding directly into schools to tackle this very disturbing problem. I understand the embarrassment, because for the last three years this government has been promising South Australians that it will do something about the problem.

Three years ago almost to the day, the then Premier announced a review into education, and nominated absenteeism as one of the issues that the government would tackle. However, three years later, over 6 000 submissions have been made, a portion of which are directly related to the community's concern on the rates of absenteeism in our schools, but nothing has been done; no legislation has been introduced into this House and the panels that have been promised to be set up to deal with this issue by the minister still have not eventuated. That is a sorry state of affairs.

South Australian schoolchildren are missing far too much school, and a large proportion of them are dropping out early. New government figures released by the minister's own department, his office of review, show that last year, on average, 8 per cent of children who were enrolled full-time at our public schools were absent every day. That is around 14 000 children absent every day. But, in fact, the figures showed that the average South Australian child misses one day's school per fortnight, and that is only what is reported to the department. Over the compulsory years of a child's schooling, that equates to over 1 full year of tuition missed by the average South Australian child.

In our most disadvantaged high schools, the average child misses one day's school out of every three days. To give the House some figures, in our category 1 schools (they are our most disadvantaged high schools), year 8 attendance levels are only 69 per cent; year 9 levels are 62 per cent; year 10, 73 per cent; year 11, 69 per cent; and in year 12 they drop off to 55 per cent. Our category 2 schools do marginally better, but they are still a problem; in year 8 there is only 86 per cent attendance; in year 9, 84 per cent; in year 10, 82 per cent; in year 11, 85 per cent and in year 12, 87 per cent. These are appalling statistics, and they show a strong correlation between those schools with high rates of student absenteeism and schools that have high student drop-out rates.

These shocking statistics that have been released by the Department of Education, Training and Employment also show that in 25 per cent of our public high schools fewer than half the students complete year 12—in a quarter of our high schools, fewer than half the students complete year 12; and in 5 per cent of our high schools only three out of every 10 finish school. Sir, I seek leave to insert in *Hansard* a statistical table which details the large variation between schools in this state.

The SPEAKER: Can the member assure the chair that this is purely statistical?

Ms WHITE: Yes, sir.

Leave granted.

Apparent Retention Rates in Government Schools Showing Large Variation Between Schools

	8 to 12	8 to 10	10 to 12
	%	%	%
5 percentile	34	41	43
25 percentile	46	82	59
50 percentile	61	90	68
75 percentile	75	98	85
95 percentile	103	108	110

In this table, the percentile measures in the left-hand column refer to the proportion of government schools which have a school retention rate equal to or worse than the figure displayed.

Ms WHITE: All the research shows that children who leave school early, without taking on further training, are at high risk of becoming long-term unemployed. But at the moment, there are only 11 attendance officers across the whole state to deal with the truancy amongst 174 000 public school students in South Australia. While there are genuine reasons for students to be absent, a lot of the accepted excuses by the department are something like, 'I had to go shopping for a pair of trousers.'

We have just committed $500 000 extra resources directly to schools to tackle this as a first step to address the appalling drop-out rate, because if children are not in school they are not learning too much. It does not matter what programs you put in the school, or what resources: if the children are not there in the first place, they are not getting too much benefit. We see this as a first step.

Time expired.

Mr SCALZI (Hartley): It is a pity that the member for Hart, Mr Kevin Foley, is not in the chamber today, because I am rising in reference to his grievance speech yesterday in which he accused me in the following terms:

> I would like to speak today on a matter that has been troubling me now for some months. It involves the misrepresentation and dishonest politics by the member for Hartley, Joe Scalzi. I think it is important to put on the record now some very important facts.

One must note that he keeps on saying 'the member for Hartley, Joe Scalzi', breaching standing orders, because he wants to have on the record a speech that the Labor candidate for Hartley can use. This is misrepresentation on a very important issue: he has misrepresented my communication with the community. In his speech yesterday, the member for Hart went on to say:

> . . . the member for Bragg best listen, because it is time that the role of Joe Scalzi is uncovered and exposed for all the residents and the electorate of Hartley. Mr Scalzi, the member for Hartley, has tried to give the impression, in order to mislead the public, that an important meeting of the Public Works Committee of this parliament was the committee that would either approve or not approve the construction of a new facility for JP Morgan at Payneham. I am here to reveal today that the committee that made that absolute in-concrete decision to site the JP Morgan facility was the Industries Development Committee of this parliament many months earlier. I know that is so, because I am a member of that committee.

The member for Hart judges other members according to his own standards. I would like to read two letters, one from Mr Kevin Duke, convener of the Payneham Residents and Ratepayers Action Group, and the other one from Mr Dennis Henschke, Chairperson of the Payneham Residents and Ratepayers Action Group. It is important that I read these because it is those constituents whom I have been continuously representing to the Norwood Payneham St Peters Council, and to the government. The first letter reads:

> Mr Joe Scalzi, MP for Hartley, has always made it perfectly clear [that] to members of the Payneham Residents and Ratepayers Action Group and other residents that the parliamentary works advisory committee does not have the power to stop the project going ahead. It is an advisory committee only, able to present recommendations to parliament. Mr Scalzi has made it clear that neither the government nor the council bothered to consult with him prior to deciding to offer this site to JP Morgan. Had they done so, he would have advised them to stay away from that site.

I have said that publicly; if I had a vote on the council, I would have voted against that site. The other letter reads:

> Dear Joe,
>
> I wish to confirm that in my discussion with you concerning the Payneham Civic Centre site, the principal points covered were:
>
> a. The inadequacy of the consultative processes used by council;
>
> b. The inappropriateness of the site selected;
>
> c. The role of the Public Works Committee in the overall approval process.
>
> I clearly recall that at no time was opposition to the JP Morgan project, per se, an issue and feel that you have not misled the community on the role of the Public Works Committee in this matter.
>
> Yours truly,
>
> Dennis Henschke, Chairperson, Payneham Residents and Ratepayers Action Group

Perhaps the member for Hart, in speaking yesterday and taking a cheap shot, has insulted the community, the ratepayers association and the Public Works Committee. But, then again, the member for Hart, when the ElectraNet proposal came before the Public Works Committee, when he knew that cabinet had approved the Pelican Point Power Station and that the Public Works Committee, as he stated in his grievance speech yesterday, had no power to stop the project, what did he do? He brought the protesters to the Public Works Committee to show that, as a local member, he was behind them. What a hypocrite! It was a cheap shot, because he knows that the Labor candidate for Hartley has been silent on this issue. Where has he been?

Time expired.

Mrs GERAGHTY (Torrens): Last week, the Minister for Administrative Services announced that new fireworks regulations would come into effect on 1 December. The regulations will ban the personal use and sale of fireworks and displays will be limited to those that will be conducted by licensed pyrotechnicians. The regulation note goes on to say that where illegal use occurs police may now issue expiation notices.

The irresponsible people who have sold fireworks, and those who let off illegal fireworks at all hours of the day and night, regardless of the season, have only themselves to blame for these regulations. While there were retail outlets which were responsible and which adhered to the legislative requirements, there were those that did not and they, and those people who sold illegally, fuelled the black market fireworks operations, which caused a great deal of stress to many people in the community.

Over the last few years residents throughout the metropolitan areas have inundated local government, police and members of parliament with thousands of complaints about fire damage; other damage to property from skyrockets which were landing over shadecloth and other parts of their property; fireworks that were thrown at people from moving vehicles; grass fires; and the huge number of pets that were traumatised. There were many reports of pets going to extraordinary lengths to get out of their homes: some were injured and some were killed. Many householders had enormous vet bills—one I know of well in excess of $1 000. Those pets that did get loose and were uninjured were then captured by dog catchers, which lead to responsible pet owners incurring hefty fines. The councils in the main did not waive those fines.

Very often all this occurred because fireworks were let off illegally or because a householder had not been informed by their neighbours that fireworks were going to be let off, giving any pet owner time to make alternative arrangements to care for their pet. Incredibly, fireworks were being let off even when we were experiencing a very dry summer, and in South Australia we all know the threat of bushfire.

I am very glad to see that common sense has prevailed and that the government has finally put a stop to the reckless use of fireworks. Of course, the government would have the public believe that it instigated these regulations. The fact is that that is very far from reality: the government did not initiate this. On behalf of irate, worried and harassed residents, my colleagues and I—and I make particular mention of the member for Mitchell—have continually raised this issue in the parliament and requested the government act before a major tragedy occurred. The former Minister for Administrative Services, the member for Adelaide, and the current minister have dragged their feet on this issue. For more than three years South Australians have had to endure the nightmare and dangers posed by illegal fireworks and by the irresponsible use of fireworks.

The state government was brought to heel on this issue by strong community action and demands. There have been thousands of complaints from families and over 13 000 people signed the petition. The people who signed the petition and the citizens who collected signatures on those petitions are those who can really take the credit for the new fireworks

regulations. I congratulate those people for their public peaceful community action and particularly for their persistence. It is the average mum and dad, the pet owner, the senior citizen who demanded that the government stop pussyfooting around and act to protect our health, property, pets and strategic industry such as our primary industries in the rural sector, which are vulnerable to the dangers posed by the irresponsible use of fireworks.

I have heard reports that some people who have recently bought fireworks from a retail outlet have been virtually given the fireworks and then have been told that they would be able to let them off without restriction after 1 December. This type of misinformation is most disturbing and absolutely irresponsible on the part of the person or persons who are selling those fireworks and giving out that information. It is very important that the government embark upon an informative public education campaign to advise the public of the new regulations that are coming in on 1 December and to clearly explain that it will be illegal to sell or to let off fireworks by anyone other than an accredited pyrotechnician or, in the case of remote areas, a permit will be issued where no pyrotechnician is available. It is essential that a public campaign be mounted so that every member of our community understands what the regulations are. Then, when they have a complaint and they ring the police, finally the police will go out there and deal with the issue immediately.

Mrs MAYWALD (Chaffey): I refer today to education in the Riverland. I raise the issue specifically because of a report on the *Riverland Today* program on Monday this week which referred to a report issued by National Economics into the state of the regions. It is a report entitled State of the Regions: 2001. That report did not look favourably upon the Riverland in respect of its education achievements and particularly tertiary education, and I wanted to bring to the attention of the House and to put on the record the great job the Riverland is doing in education and indicate that this report and the use of statistics does not necessarily reflect what is actually happening in the real world. The State of the Regions: 2001 report identifies the Riverland region as a region that is lacking in education: this is definitely not the case. We have in the last—

An honourable member interjecting:

Mrs MAYWALD: Very clever people. It also tried to link the economic opportunities to the education abilities within a region, and the report concentrated on tertiary qualification and compared regions such as the Riverland with Canberra. Whilst I respect that there are a lot of tertiary educated people in Canberra who mostly work within the Public Service, I doubt that many of them would actually be able to work as effectively in the Riverland and be as productive as the people in the Riverland.

We currently have a number of programs in place. One of those that has been very successful over the last three years is the vocational and education training program, which is headed by a gentleman by the name of Dave Bender, who has done a remarkable job in the region in just three years. We now have 350 students placed within the workforce in the region while still completing their SACE certificates in high school. As part of their high school SACE certificate, they are undertaking training out there in the workforce—in real jobs, learning real work ethics and learning that there are all sorts of career opportunities that can be provided to them other than a tertiary education career path.

That program is supported by a school industry Links group, of which I am proud to be one of the founding members: I am still a member of that committee. It is chaired by a Mr Bob Twyford, who has an enormous commitment to providing education opportunities for children within our region. Those 350 students are benefiting directly from having contact with people in their communities and the real workplace. We also have organisations such as the Horticultural Council, which is undertaking its own training programs in horticulture.

I would like to talk about a particular traineeship that epitomises what can be done in education and that going to Year 12 and tertiary education is not the only career path. A young man by the name of Nick Ormsby was having tremendous problems dealing with school: he had significant learning disabilities and he was unable to deal with the structured learning environment of school. He was, however, very clever with his hands and he was someone who had a lot to offer in other areas. His parents made the very brave decision to look at opportunities for him when he was aged only 14½ years of age. They decided to take him out of school and place him in a traineeship.

Nick started in a traineeship in the Riverland with a fruit grower. The first day that he went out to the property he was shown three motor bikes and he was told that the new one was his. The eyes lit up. But he had a responsibility. He needed to look after it and to make sure that it was always fitted with the irrigation replacement parts necessary to keep the stocks up to date.

Right from that first day, as the gentleman from the Horticultural Council who manages the traineeships, John Chase, said, 'You saw Nick's eyes light up.' That has been an extremely successful traineeship, and I had the pleasure of being present when he graduated from his traineeship in the last two weeks. Nick has finished level 2 and is now going on to start level 3. He has a real future and his personal confidence has grown dramatically.

We also have a tremendous program which was established by the Rotary Club—the Apprentice and Trainee of the Year Awards—and which has proved to be extremely successful. There are also opportunities in medical training through Flinders University: we take third year medical students into the Riverland and they work with the general practitioners for a year. It gives them a taste of rural medicine with the intent that they may come back and practise in the country. We also received $12 million of federal money recently to establish a Clinical School of Medicine in the region: that is a fantastic effort. So all is not gloom and doom.

Time expired.

JOINT COMMITTEE ON IMPACT OF DAIRY DEREGULATION ON THE INDUSTRY IN SOUTH AUSTRALIA

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

That the joint committee have leave to sit during the sitting of the House today.

Motion carried.

PUBLIC WORKS COMMITTEE: SOUTHERN FOOD FACTORY

Mr LEWIS (Hammond): I move:

That the 162nd report of the committee, on the Southern Food Factory—Proposed French Fry Processing Facility—Final Report, be noted.

Mr McEWEN (Gordon): I move to amend the motion, as follows:

Delete the word 'noted' and insert the words 'referred back to the committee for further consideration'.

Since this committee report was first tabled, a number of people have contacted my office expressing reservations about whether or not all the material relevant to this matter has been addressed by the standing committee—matters in relation to the source of seed stock; the ability of the South-East to produce the required potato input; whether land capability statements have been properly addressed; whether the markets exist; and even whether the amount of money being asked for would be satisfactory to build a processing factory that would be required to process the amount of material being suggested.

I do not have a view on the matter but, as concerns have been raised, it is appropriate that the committee look further at the issue. It might have, and it simply might not have been captured in the report, but certainly the report that was tabled does not, I believe, satisfy all the questions that are appropriately being asked. So, to that end, it is appropriate that the committee be given another opportunity to review the matter.

Amendment carried; motion as amended carried.

SOCIAL DEVELOPMENT COMMITTEE: BIOTECHNOLOGY

Mr SCALZI (Hartley): I move:

That the 15th report of the committee, on an inquiry into Biotechnology—Part 2—Food Production, be noted.

This is the second part of the biotechnology inquiry, and it has the same reference as referred to in the first report: to investigate and make recommendation to the parliament in relation to the rapidly expanding area of biotechnology in the context of its likely social impact on South Australians. As explained previously, as a result of discussions with experts in the biotechnology field, it was decided that there were two main areas to be addressed. The first report, which was tabled in August, provided information on biotechnology and health. This report deals specifically with the production of foodstuffs.

The committee made 17 recommendations in the areas of regulations, food, agriculture, environmental safety, ethical issues, and public debate and education. The area of concentration was developments made possible by gene technology, or genetically modified foods. The intention was to produce a report that will provide members of parliament and the public with an overview of major issues of use of modern biotechnology in the production of food.

The hearings commenced on 9 February this year. The committee heard evidence from 20 witnesses and received 28 written submissions ranging from experts in health and plant sciences, ethicists, representatives of grower organisations, regulatory bodies, commercial organisations and concerned members of the public. Food production is a major contributor to the South Australian economy and the effects of biotechnology are worthy of investigation. In 1999-2000, the value of farm gate production was $3.3 billion and agricultural exports were valued at $2.7 billion. The committee found that there was less agreement in the food production area than in the health area.

The major areas of research in relation to crops were their resistance to disease, pesticide tolerance, herbicide tolerance, frost tolerance and increased fertility. Work is also being done on producing crops with greater salt tolerance and reduced water requirements. We also heard that, in the future, foods will be able to be produced with higher vitamin and protein content. No genetically modified food crops are in commercial production in South Australia and are not likely to be for three years or so. The major area of contention was whether there were any adverse effects on human health and the environment from growing and consuming GM food. In the health area, antibiotic resistant marker genes have been used to track novel DNA.

There is a fear that that may lead to human antibiotic resistance. The committee was advised that the researchers had undertaken to cease this practice. There is also a fear that novel allergen could be transferred such that a food that was perfectly safe in its conventional form could cause allergic reactions in its modified form. For example, brazil nut allergen had been transferred along with brazil nut protein into soya beans. This meant that anyone eating that soya bean who had an allergy to brazil nuts would have had an allergic reaction. However, the transfer was discovered and the development of the soya bean was halted. There have been no validated cases of a genetically modified food approved for human consumption causing an allergic reaction.

Australia has a strict regulatory framework in place to protect us against potential dangers. Australian food standards are developed through the Australia New Zealand Food Authority (ANZFA), whose procedures are rigorous, especially where GM foods are concerned. Several witnesses voiced criticisms of ANZFA's procedures, including the criticism that it did no testing of its own, relying on data supplied by applicants for approval. Each of the criticisms raised was put to representatives of ANZFA, who travelled to Adelaide to provide evidence to the committee, and each was answered in some detail. We were very appreciative of their evidence.

In addition to ANZFA, protection is afforded through the Gene Technology Act, which came into force on 22 June this year, establishing the Office of Gene Technology Regulator. The role of the office is to protect both humans and the environment from any potential dangers associated with GMOs by identifying any risks and setting standards for dealing with GMOs. The office sets all conditions of licence approval, accreditation and certification for all dealings with genetically modified organisms, and it sets conditions for the monitoring of sites both during and after trials. Only GMOs approved by the Office of the Gene Technology Regulator are allowed; and this covers all live, viable genetically modified organisms, including plants, animals, bacteria and viruses.

The committee heard from a number of witnesses and received several submissions about breaches of regulations set by the then Interim Office of Gene Technology Regulator. These breaches were proved and criticisms should not be dismissed—they were under the interim voluntary system. Under the new act, the regulator has greater powers. In relation to labelling, the public should have the right to choose whether or not to consume genetically modified foods. It requires meaningful labelling of foodstuffs. New standards will come into effect in December. However, it is still a controversial area. An issue which was raised was that food prepared at the point of sale would not require labelling. Examples include restaurant food and unwrapped food on a grocery shelf, which constitutes about 50 per cent of food

consumed in Australia. Witnesses both supporting and opposing GM food supported clear labelling of food, and of course the committee agreed because there is no question that the public should be informed.

Among the environmental issues raised was the potential for GM plants to cross with related plants to create super weeds. Also raised was the potential for adverse effects on soil ecology and reduction in biodiversity. Supporters did not deny that there could be risks, but they needed to be assessed and managed. It was also pointed out that there were environmental benefits, for example, reduced herbicide and pesticide use, the potential for less erosion from less tillage of the soil and more efficient use of the land. Evidence received on the economic benefits of genetically modified crops was conflicting. We heard of instances of both increased and decreased yields and of savings to growers on pesticide being offset by the increased cost of seed. Economic realities will determine whether or not genetically modified crops will succeed.

An important issue for South Australia was marketability. Again, we received conflicting evidence on the acceptability of genetically modified crops in our export markets. Witnesses appearing before the committee were in favour of a five year moratorium on the growing of any GM crops in South Australia. The Eyre Peninsula task force called for the establishment of a GM free zone. In part, these calls were based on the suggestion that some of the largest markets, particularly Japan, were resistant to GM foods and that by growing GM crops South Australia would lose its clean green image and valuable markets. On the other hand, the immediate past President of the Australian Grains Council believed that, while there may be some short-term gain from remaining GM free, in the long term South Australia will become internationally non-competitive.

The committee found that there was insufficient evidence to support either argument. We have called for work to be done on the feasibility and legal practicalities of establishing GM free zones and for research to be undertaken to gauge local and international consumer sentiments towards GM foods, production sectors that may be at risk and the potential for niche markets for primary produce. It is very important to make clear that this is not an easy issue. There are opposing sides and there is a need to have greater support for education in this very important area so that we can encourage balanced debate on all issues involved and increased commitment for science education, because to make statements and to head in a particular way without proper research and without balancing the advantages and disadvantages of genetically modified crops obviously would not be in the best interests of the South Australian economy, the community and Australia in general.

Motion carried.

SELECT COMMITTEE ON DETE FUNDED SCHOOLS

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

That the time for bringing up the report of the select committee be extended until Wednesday 13 February 2002.

Motion carried.

SELECT COMMITTEE ON PETROL, DIESEL AND LPG PRICING

Mr McEWEN (Gordon) brought up the interim report of the select committee, together with the minutes of proceedings and evidence, and moved:

That the report be received.

Motion carried.

Mr McEWEN: I move:

That the report be noted.

I wish to thank my committee members, the members for Schubert, Goyder, Napier and Giles and, certainly, the parliamentary officer Rick Crump, the research officers Paul McKinnon and Rod Anderson, and the *Hansard* staff—who, I might add, tend to have a very difficult job in reporting on committees of this nature, simply because of the facilities within which we meet. I think that is something that this House ought to take some note of in the future.

The committee received over 70 submissions and took evidence from 31 witnesses. We are today bringing to the attention of the House an interim report and, although it is interim, it is extensive. The reason for the committee's bringing the report to the House today is that we wish to circulate it to all those who gave evidence and to others who may have an interest in it, so that they can be part of the final report. Obviously, this is a way in which to fill in the loop before the report is tabled in parliament.

I might add that the structure of our report is a little different from the terms of reference of the select committee. I think that we have taken a novel approach in terms of structuring our report. The terms of reference were: how the minimum wholesale price is determined; if this price is applied equitably to all distributors and retailers; oil companies' practice and process of discounting and rebating, and to whom it applies and which types of businesses are eligible; who owns and who controls retail outlets in South Australia, and what proportion of them are at arms-length from wholesalers; and, obviously, the catch-all—any other related costing and pricing issues.

As I have indicated, we are not reporting directly as per those terms of reference, because much of what we discovered overlapped. So, we have structured the interim report around 10 main headings: refining, wholesaling, distribution, retailing, competition, regional communities, price fluctuations, cross-subsidies, LPG pricing, petrol fuels environment and regulatory intervention.

Mr Lewis interjecting:

Mr McEWEN: The member for Hammond asks, 'What about LPG pricing?' I know that the member for Hammond will read the interim report and will respond in writing to the committee, and we will find that a valuable and useful thing to do, as will others. But it is important, as part of tabling the interim report, to bring a couple of matters to the attention of the House. The first is that the non-tax component of petrol in Australia is the cheapest in the OECD. We have very cheap fuel in a very competitive market. Even when one adds in the tax component, we are the third cheapest in the OECD.

So, as much as there are some significant issues around pricing, distribution, security of supply and other related matters, it is important to recognise that our stepping off point is to be one of the cheapest in the world. Notwithstanding that, there are many matters that we reflect on in the 34 issues that we have identified under the 10 main headings. I do not

think it is appropriate to dwell on them at length at this time, because in our final report we will analyse them in detail. However, I think it is appropriate for me to make a couple of comments.

One of the most significant concerns to the consumer, in the city in particular, is the spikiness in pricing. There are times when fuel is sold below the wholesale price and, at other times, obviously, sold well above the wholesale price, so there is cross-subsidisation over time. It is our belief, and it is the belief of many who gave evidence, that that is not an appropriate marketing cycle. There are some ways in which to address that matter, and one would be to legislate that people cannot sell below the wholesale price. That is dealt with in another model. We allude to it briefly in the report, and we will need to develop it further in the final report.

The other issue is cross-subsidisation by geography—whether profits in the country are used, in part, to subsidise losses in the city at the bottom of the price cycle. Again, there is some evidence that that is happening and, again, the MTA indicated that, if we went down the path of controlling retailing, we could reduce the price in the country. I am sorry that you find it so boring, sir. But doze on.

The evidence of the MTA was that, in those circumstances, you could bring down the price in the country by between 3¢ and 5¢ without changing at all the price in the city. So, it is important that we understand the concerns in terms of price fluctuations and price disparity between regional areas and the city as being two of the most significant concerns of the consumers.

Security of supply is another concern. We have to make sure that fuel is always available in close proximity to the consumer in rural communities. If we put too much pressure on pricing cycles, it may become uneconomic to do that and we will have another significant issue on our hands, because our society cannot function without having secure access, obviously, to hydrocarbons—to these fuels.

The issue of competition is an interesting one, because we have vertically integrated companies competing, perhaps unfairly, with those people who want to be involved in but part of the overall distribution network. Here I allude to discounters who want to be able to buy at a fair price and then narrow their margins by limiting some of the other services that they provide—and, again, we have taken some evidence on that matter.

In bringing the interim report to the attention of the House, I simply ask that members take the opportunity to read the interim report and look at the 34 issues with which we have dealt under the 10 main headings and take the opportunity to bring that back to the select committee as we prepare our final report. While members of the House are doing that, we will be circulating our interim report widely, certainly to all those who have given evidence or brought matters to the attention of the committee, again, asking them to comment further now so that, hopefully, at the end of the day, we will bring back to the House a report that is well researched in terms of making fundamental changes.

The risk in doing it too quickly is obvious when one looks at what happened in Western Australia, where they rushed in to find solutions, which have now not worked—and, to a lesser extent, in Victoria, where, again, I think they legislated in haste, and have not, in so doing, solved all the problems.

It is not the committee's wish to cause further uncertainty in the marketplace by rushing to legislative solutions. It is our wish to address the concerns that have been brought to our attention in a way that is sustainable and does not create some unintended consequences. I commend the report to the House.

Mr VENNING (Schubert): As a member of the committee, I wish to speak very briefly in support of the interim report. It has been a very interesting and complicated select committee. I want to congratulate the Chairman, because he has taken on a lot of the more difficult issues. He has spoken to our witnesses, and he had to sort his way through what was sometimes quite a complicated mire—some could say a smokescreen deliberately put up there by some of the interests in the fuel reselling game.

I also congratulate the other members and the staff, particularly Mr Rick Crump, who has done a very good job, considering that members came and went and not all of us attended all the meetings. We were certainly kept informed of proceedings and well briefed. When we started this select committee, the price of fuel was nudging $1 per litre, and today the price is well below 80¢.

Mr McEwen: Not that we can take credit for that.

Mr VENNING: We are not claiming credit, but it is interesting that that has happened while we have been deliberating. While we are not claiming credit, we certainly did ask the relevant questions of the fuel industry representatives who came to us, and some of them were quite uncomfortable when it came to discussing some of these very pertinent issues. I found it very educational, especially when acts of parliament relating to the industry were involved, particularly the Sites Act, an act of parliament that provides for prohibitions involving the country regions; and also the Retail Outlets Board, which affects so much of what we do.

We thought when we first started sitting: 'This is easy—we'll just abolish both of these.' But it turns out that it is a lot more complicated than that. The price of LPG came under great scrutiny in this report. The member for Giles is here, and during the committee sittings the question was always asked: 'How come the people of Whyalla pay more for their LPG than do the people in Adelaide?' As we know, LPG basically starts its life just outside Whyalla, at Port Bonython. But the gas that comes from Port Bonython is not the same as you buy in your propane bottle: it is actually added to and configured here in Adelaide. That is what we are told: whether that is the case, time will tell. It may stand some extra scrutiny.

This document, as the Chairman has just said, is a live document and we will be revisiting many of these issues. The price of petrol has always been a very emotive issue, particularly when it gets above $1 a litre. People I represent in the Barossa Valley leave Tanunda seeing fuel at over $1, drive down the road toward Adelaide and on the outskirts of Adelaide see it at 85¢. No wonder they get a bit anxious, because they do not have any alternative but to drive their motor cars. It is a similar situation for the member for Giles. The people in Whyalla do not have a train service any more and, wishing to come to the metropolitan area, they have little choice but to drive. To be paying the inflated cost of fuel was a double whammy on them.

The committee was made up of all country members. Was that an ironic or deliberate act by the parliament, setting up a committee comprised totally of country members? We have definitely come a long way and the report will stand the test of time. It certainly should be read by members of this place, as well as by members of the industry, so that we can add further to this, as it is a live issue. Again, I commend the report to the parliament.

I do not know whether the Chairman has flagged a final report but, no doubt, it will go into the next parliament if necessary. It depends upon who is elected, I suppose, but I hope that there will be a final report within the foreseeable future. I support the motion by the Chairman.

Mr LEWIS secured the adjournment of the debate.

Mr McEWEN (Gordon): I move:

That the time for bringing up the committee's final report be extended until Wednesday 13 February 2002.

Motion carried.

SELECT COMMITTEE ON PARLIAMENTARY PROCEDURES AND PRACTICES

Mrs MAYWALD (Chaffey): I move:

That the time for bringing up the committee's report be extended until Wednesday 13 February 2002.

Motion carried.

SELECT COMMITTEE ON THE FUNDING OF THE PUBLIC HOSPITAL SYSTEM

Ms STEVENS (Elizabeth): I move:

That the time for bringing up the committee's report be extended until Wednesday 13 February 2002.

Motion carried.

PUBLIC WORKS COMMITTEE: JP MORGAN CHASE & CO REGIONAL HUB BUILDING

Adjourned debate on motion of Mr Lewis:

That the 161st report of the committee, on the JP Morgan Chase & Co Regional Hub Building—Stage 1—Final Report, be noted.

(Continued from 14 November. Page 2762.)

Mr SCALZI (Hartley): I wish to make a contribution on this very important issue that has directly affected my electorate and my constituency. From the outset I would like to state that there is no question that this project, involving the former Payneham Community Centre, if we look at it as a project in itself, is of benefit to the community, when we look at the job opportunities and the estimated value of the project to the contributing—

There being a disturbance in the public gallery:

The DEPUTY SPEAKER: Order! Will the people in the gallery please remove the signage or be removed from the chamber. Will the people concerned please leave the chamber.

Mr SCALZI: The project itself is not in question. The controversy has not arisen over whether or not the project is good for South Australia. The controversy has arisen out of the choice of site. The estimated value to the gross state product is $129.6 million, with a net present value of $103.8 million after five years; $196 million with a net present value of $146.5 million after seven years; and, after 12 years, $420 million. The number of jobs estimated at 800 in the middle to long term is not in question.

The fact that the Norwood, Payneham & St Peters council from its proceeds would be able to provide new library facilities and community facilities and that the swimming pool would be left intact is not in question. If I were a member of the Norwood, Payneham & St Peters council, I would have voted on 3 October against the proposal going ahead on that site. However, I am not a member of that council.

I have made quite clear to the community when I have represented them, and through the petition of 2 300 signatories, to the council and to the government, that there is great community concern about the choice of site. I can well understand that. I have been at the meetings and have talked to the concerned residents about the importance of the civic centre. But, we have three levels of government, and the Norwood, Payneham and St Peters council has an elected body and the councillors that represent that area made a decision on 3 October that the project should go ahead. The council was willing to sell the land to the government so that the J.P. Morgan project would go ahead.

There is no question that the community is upset. I have been in continuous communication with the residents and the ratepayers association and have voiced their concerns in every forum available to me. I have communicated and made arrangements with ministers. I have met with them on the Briar Road site, on which I would have preferred the project to go ahead. The community is against not the project itself but the process that took place, as they perceive it, and the choice of site. That is what is in contention in this issue. I have not had any members of the community say that they are against the creation of jobs. They are concerned that their council has not listened to the community. That is what they are concerned about.

As I have stated, I do not have a vote on that council. As a state member I do not have the power of veto, and nor should I. The member for Norwood, whose electorate comprises a large section of the former Payneham council area, has not got the power of veto, and nor should she. We have to be realistic. We cannot say that a project should stop and change a vote by a democratically elected body at local government level. If people are not happy with that decision, they have to take it up with the council.

I have been involved and was very much troubled about the concerns of the Payneham RSL in relation to the effects on the Cross of Sacrifice and the memorial gardens. Those issues to me were non-negotiable. What did I do after 12 and 25 September? I made representations to the government and to J.P. Morgan and I am pleased that they did adjust the footprint. I will read a letter by the Payneham RSL because this issue has been one of the hardest that I have had to deal with in my eight years as a member of parliament. Saving the Cross of Sacrifice and the memorial gardens, I consider, has been one of the most satisfying experiences I have had as a local member, because I can understand the meaning of that to the RSL. I put this letter on the record:

Dear Mr Scalzi,

For some time the members of the Payneham Returned and Services League were greatly concerned that the special area developed in the former Rose Garden of Remembrance, which includes a Cross of Sacrifice, Pathway of Remembrance, rotunda, archway, flag pole and bench seats, all situated on the land currently council owned, was to be sold to the South Australian government. The council offered to relocate it all to another site, but the members were not at all happy with that arrangement.

Working with you, Mr Scalzi, made it possible for the land on which the memorial garden is situated to be separated from the land to be sold so that it would remain the property of the council and allow the RSL access to its sacred site.

May I take this opportunity to express our gratitude to the negotiations you undertook to allow the site to remain as before the council had made a firm decision on the sale of the land.

We also ask that you represent the Payneham RSL in our effort to save this particular portion of council land which contains the whole sacred memorial garden to be heritage listed and so be

protected from loss in the future, and you saw to it that this was passed by the council, and the government is now looking into making the site heritage listed.

We take this opportunity to express our thanks for all you have done in this matter, realising that it was almost impossible to achieve such a remarkable result without your help.

Mr Clarrie Pollard,

President of the Payneham R&SL Sub Branch.

I am honoured and privileged to serve my constituents and to be able to achieve that result. As I stated at the outset, if I had been a member of council I would have voted with the other three against that site, but I did not run away. I consulted with the community and I made sure that what could be achieved, namely, the benefits to the RSL (because it is an important sacred site to the members of the Payneham subbranch) was achieved. For members opposite to say that I or the Public Works Committee could stop that project would be wrong because the Public Works Committee has not got that power.

Time expired.

Ms STEVENS (Elizabeth): Anyone would think that Hartley might be a marginal seat. We have just had an amazingly passionate justification of the role of the member for Hartley in trying to justify his position over this project. I have listened to the third party endorsement that he read out, and I really wonder whether it was not so much the representations of the member for Hartley that caused the changes in relation to the memorial garden but simply the volume of the community outrage that would be proposed in relation to subsuming that part of the memorial out at Payneham.

The Hon. R.L. Brokenshire: You would never give him any credit, would you?

The DEPUTY SPEAKER: Order!

Ms STEVENS: The minister, of course, as usual goes off half-cocked. Let us get down to the facts of the matter. This was a really difficult project for the Public Works Committee. I will quote for members the penultimate paragraph of our report, wherein we say:

The committee's view is that the choice of the site was ill-advised and should have been subject to a more extensive consultation and exploration of alternatives. Nevertheless, the project has the potential to provide a substantial benefit to the South Australian economy, especially should J.P. Morgan extend its occupancy of the building past the initial 10 year lease.

So on the one hand we had a project where, if a site was not found in a very quick time, the company said that it would leave the state and we would lose 200 jobs. They have said that there is a potential for 250 more jobs. That was one side of the equation. On the other side of the equation was the very strong community feeling in relation to the loss of community land and community assets.

The other thing that was very difficult as a committee was that we were also being squeezed in terms of the time frame. As has happened on a number of occasions with the Public Works Committee, we have had references and projects referred to us and the attendance arrangements for when those proponents were to come to the committee were cancelled. This happened on a number of occasions with this project. So, by the time it came to the committee, we were right up against the deadline. We had a project put before us, and quite substantial community concern unfolded in front of us about not so much the project but where it was going to happen and the issues around that. We then had the time line that we were right up against. So, it was very difficult indeed.

In its final recommendations, the committee raised the issue of the advertising advantage, which came almost at the very the end of our deliberations when the Presiding Officer raised the important point that J.P. Morgan was getting a very prominent site on which to house its business, and that the agreement between the government and the lessor was silent in the matter of advertising benefits to the company. We were concerned about that but, as I have said, we were right up against a deadline. The committee chose simply to note that point, but we also said that we were concerned that it had not been raised in evidence and also that, in matters dealing with the alienation of community land, the ability to place a caveat on such a utilisation of the land should be available to local government.

I would now like to speak briefly about the issues of community land and the consultation process. It seems to me that any local government entity, and the government itself, should know that, if you intend to alienate community land, people will get upset about it. People hold community assets very dear to them. If you are going to contemplate such a thing, you have to go through a very clear process with the community about the pros and cons, including what you want to do and what they feel about it. This process needs to be comprehensive and transparent: it needs to give everyone a very clear understanding of what will happen, the extent of the alienation and what happens in return. Quite clearly, that did not happen in this case. The more people try to push things through quickly, the worse it becomes; the more suspicious people become; the more it seems that the desires and the needs of the community are being trampled on.

Those issues became the basis upon which the Public Works Committee made its comments in the report. The government has chosen to continue with the project; the council has also chosen to make that decision. The community will need to make its own judgment on those other two bodies in relation to the decisions they made. In its conclusions, the committee spent some time making the point that we strongly suggest to government that it avoids proposing commercial developments on community land, unless there is careful regard to possible community concerns and allowance for a timely, transparent and comprehensive consultation process. Clearly, that did not happen in this case; hence the committee's final comments.

I would also like to place on record information that was emailed to me by a resident whom I will not name but who raised an interesting point. He had some concerns about the valuation of the land that was put forward in order for the state government to purchase the land from the council. I want to quote from his email, because it is an interesting point, in relation not only to this issue but also to future issues involving community land. The email states:

The land to be sold to the state government has been community land and any valuation should be on its worth to the community. The council has erred in valuing it solely as vacant land and has thus proposed to sell it at a vastly reduced price. The valuing of entities because of their environmental or community worth is an emerging area of economics.

It goes on:

(see the recent article in the resources section of the *Australian* on valuing wetlands versus sugar cane fields).

It continues:

Thus, though it is difficult, it is not impossible to prepare a valuation based on the land's value as a community asset.

It further states:

Remember that, if ever it is sold, we'll never get it back.

That is true, and it is certainly what a lot of people said to us when we visited the site as part of the project. The whole issue of community land, involving its importance to people, must be considered. If we are to change the use of public spaces, particularly if we remove them from the public domain and sell them or hand them over to the private sector, we need to do it in a way whereby the community can see a net benefit to them and not a net loss. That certainly did not happen in this case.

Mrs GERAGHTY secured the adjournment of the debate.

PUBLIC WORKS COMMITTEE: HEATHFIELD WASTEWATER TREATMENT PLANT

Adjourned debate on motion of Mr Lewis:

That the 159th report of the committee, on the Heathfield Wastewater Treatment Plant Environment Improvement Program and Upgrade—Final Report, be noted.

(Continued from 14 November. Page 2762.)

Ms THOMPSON (Reynell): We were very pleased when we received this reference, because, during the very difficult deliberations over the Barcoo Outlet, we were told by the Patawalonga Catchment Water Management Board that the clear priority for the expenditure of money was not the upgrade of the Patawalonga but the upgrade of the Heathfield Wastewater Treatment Plant. So, it was quite interesting for us to be told by the proponents of this project that they believed that, in fact, there was little impact on the Pat from the Heathfield Wastewater Treatment Plant, and so this is sometimes very difficult to deal with.

It was suggested that in summer no water made it to the Pat from the Heathfield plant and, indeed, all the information we had about the Barcoo Outlet was that there is no problem in summer. It is very rare that there is a problem in summer; it is only when we have an exceptional summer storm that the Patawalonga is closed because of faecal contamination. It is during winter that the closure is the problem, and I do not think that too many people want to go swimming in the Patawalonga in winter in any case, so we are still trying to work out why we spent all this money, other than for the minister's milk carton regatta—his $20 million event makes the soccer stadium look a puny effort.

However, in relation to the Heathfield Waste Water Management Plant, as well as the issue of just what its priority was, there is the issue of the winery waste. One aspect of the project with which I was disappointed was that it is not sufficiently substantial to deal with winery waste. I would prefer that winery waste be disposed of in some way so that it is recycled and able to be reused. The issue of whether or not water from Heathfield was able to be reused was explored; that is not an option. There had been consideration of piping it down to Christies, so that it could be used in the wine districts in the Willunga Basin, through that reuse option, and treatment would also have occurred at Christies. That was considered too costly, so the plant at Heathfield is able to deal with probably only one, or maybe two, of the wineries in the area. We all know that there is considerable development of wineries in the Adelaide Hills. They are not able to have their waste dealt with, and the agency, SA Water, is involved in investigating a number of options available to it for the effective disposal of winery waste. These include the transport of waste from wineries to larger waste water plants by road; a separate treatment plant specifically for wineries; on-site schemes for wineries, or the development of wetlands projects for winery waste.

I think you, sir, would recognise that this is quite an urgent matter to deal with winery waste from the developing Adelaide Hills area. People always think of the very delicious outcomes of the winemaking process; they do not think of the waste that is involved, and I am concerned that, with all the developments of wineries in many regions, including my own southern area, we are not adequately addressing the issue of winery waste. In fact, I have heard in the Barossa lately that this is beginning to be a matter of some considerable concern. I urge the government to give priority to this issue of dealing with winery waste in a way that enables the water to be reused. The wine industry is extremely demanding of our precious water resources in South Australia, and we must develop a complete approach to dealing with this matter, rather than having a bit by bit approach of dealing with an upgrade of a waste water disposal plant here, putting in a project for increased water there, and not dealing with the whole issue of how we deal with the water and the waste water from our wine industry in a comprehensive manner.

There was another issue that I found particularly interesting in relation to the Heathfield Waste Water Treatment Plant, and that was on our site inspection. I know that for a long time SA water has been urging us not to put our grease, fats and oils down our septic systems, because it is very difficult and costly, and damaging to the environment for them to be processed. We are far better disposing of them in the old kitchen tin that used to be by the stove when I was a child, or disposing of them somehow in the garden; or, if you cannot do that, it is better to wrap them up in paper and put them out for the rubbish collection, rather than to put them down the sewerage.

One thing that I found out about which we have not been having warnings and which causes problems for sewerage plants is cotton buds. I was quite disturbed to see, when we were looking at the section in which much of the breakdown occurs, that many cotton buds were clearly identifiable, floating on top of the sludge, and that an operator has to come around and simply remove these cotton buds. I think it would be quite useful if there was an education program for the community about not putting cotton buds down the sewerage system, as it is clearly a waste and an environmental hazard. I hope that some of our responsible newspapers in this town take up that matter, but I would also like to urge the minister to ensure that SA Water takes that up as part of its consumer education program. I may have missed previous advice, but I do not think so; nobody to whom I have ever spoken has heard that you should not put cotton buds down the sewerage. With those few words, I am very happy to support the recommendation that the 159th report of the Public Works Committee on this matter be noted.

Motion carried.

SELECT COMMITTEE ON GROUNDWATER RESOURCES IN THE SOUTH-EAST

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

That the select committee have leave to sit during the sitting of the House today.

Motion carried.

SITTINGS AND BUSINESS

The Hon. DEAN BROWN (Deputy Premier): I move:

That the time allocated for the following motion be 30 minutes.

Motion carried.

HEWITT, Mr LLEYTON

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

That this House recognises the achievements of Lleyton Hewitt in securing the year-end No. 1 world ranking in tennis and his subsequent victory in the Tennis Masters in Sydney.

It is important that South Australians take time to reflect and acknowledge inspirational and positive achievement within our community—achievements that mobilise community pride, that showcase our city, our state and, indeed, our nation. The achievements that I refer to, of course, are those of Lleyton Hewitt in securing the No. 1 world ranking in tennis, and his subsequent victory in the Tennis Masters in Sydney.

Lleyton's fearless and relentless pursuit of personal excellence, and his dogged determination to win every point in every game in every match provides us with a fantastic example of what can be achieved if you set a goal, commit to it and pursue it. Achievements such as these by young sportsmen and women remind us of the important role that sport plays in our community. It reminds us why we need to continue to provide support and encouragement for young South Australians to pursue sporting excellence.

Lleyton's short career now includes that brilliant win at New York's Flushing Meadow, where he beat four times US Open Champion, Pete Sampras, becoming the youngest US Grand Slam winner since Sampras himself. I am told that Lleyton did not expect to win a grand slam tournament until 2004. There is modesty there! To cap an amazing year in 2001, he won the Masters Cup in Sydney and emerged as the youngest No. 1 in the world at 20 years and eight months, after beginning the year ranked at No. 7.

Since the introduction of computer rankings in 1973, only seven men have held the season-ending top ranking: Jimmy Connors, Bjorn Borg, Pete Sampras, John McEnroe, Stefan Edberg, Ivan Lendl and Andre Agassi. Lleyton has now joined these superstars.

Lleyton was the No. 1 ranked junior in the national under 18 competition when he was 15. At that stage, he was on a scholarship and under the guidance of SA Sports Institute tennis coach, Roger Tyzzer, with whom he made several overseas trips and gained valuable experience in junior tournaments. Before he had turned 16, Lleyton had actually qualified for the Australian Open. In January 1998, he astounded the tennis world when, as a 16 year old, he won his first tournament as a wildcard entry in Adelaide at the Australian Hard Court Championships, beating Agassi and then going on to defeat Jason Stoltenberg in the final. I think many of us who were there knew that we were seeing something special beginning.

Lleyton reached the final of the AAPT Australian Hard Court Championships again in 1999. His performance during the 1999 U.S. Open was a true test of character, playing just five weeks after a serious ankle injury, and never looking backward. He could hardly have expected to be such a vital part of his country's successful run to the Centenary Davis Cup final. When Mark Phillippoussis pulled out of the Centenary Davis Cup quarter-final against the USA in July 1999, many thought that the US would win. But they underestimated Lleyton, who won both his matches in his Davis Cup debut against the US in Boston. By March 2000, Lleyton had claimed his fifth ATP tournament, joining the likes of McEnroe, Connors, Edberg and Sampras, who also claimed five titles before turning 20 years of age.

Lleyton is the most outstanding international tennis talent on the professional circuit. He is a very proud South Australian, still based in South Australia and coached by another South Australian sporting champion, Darren Cahill, and he certainly flies the flag for South Australia and, importantly, follows the Adelaide Crows wherever he goes around the world.

Lleyton is an inspiration to his parents and family, his coaches and fans throughout the world and certainly his state. We congratulate him. He is an extremely focused young man and to achieve what he has—he is the youngest No. 1 ranked player ever—is fantastic. At 20 years of age he has a long future in front of him and I do not know how he tops it, but everyone is certain that he will get better and better. We wish him, Pat Rafter and that other great South Australian John Fitzgerald, who is the Davis Cup captain, all the best in the next few days in what is a very important tie in Melbourne as they attempt to win the Davis Cup for Australia.

Mr WRIGHT (Lee): I seek to move an amendment—

Members interjecting:

Mr WRIGHT: What is the problem? I move:

To insert after 'Sydney' the words 'and extends our best wishes to Lleyton and his team mates for this weekend's Davis Cup final'.

Happy now? Good. I am glad you are happy.

Members interjecting:

The SPEAKER: Order! The member for Lee has the call.

Mr WRIGHT: Lleyton Hewitt has been earmarked for greatness since he qualified for the 1997 Australian Open at 15 years and 11 months of age, the youngest player ever to do so. Lleyton entered the ATP tour at number 797—a lucky number. He turned professional in 1998. Lleyton Hewitt became the youngest winner on the ATP tour in a decade by winning his home town title in Adelaide in January 1998 and was the lowest ranked winner—550 at the time—in ATP history—his first professional title. Along the way he defeated the great Andre Agassi. In 1999 Lleyton went on to win three singles titles and catapulted his ranking to 25 in the world. It only got better: in 2000 Lleyton won four singles titles and his ranking dropped to No. 7. In 2001 he won six titles and of course this culminated just recently in his becoming the No. 1 ranked player in the world.

His first Grand Slam victory this year was against Pete Sampras in the U.S Open, and what a victory it was. Lleyton went in as the underdog but came out with a resounding victory, defeating Pete Sampras in straight sets. And in talking about Peter Sampras, we are talking about one of the great champions of all time; we are talking about the person who has the record for the most number of grand slam wins ever. That stands at 13 and Lleyton was able to defeat him in his home town and take the U.S Open and his first Grand Slam victory. This year he has beaten the best of the best. He has obviously beaten Pete Sampras in the U.S Open but also he has beaten Sampras on Sampras's favourite surface—grass. He has also beaten Gustavo Kuerten on Kuerten's favourite surface of clay, in none other than the Davis Cup in Brazil itself, and at the time Kuerten was ranked No. 1.

And this year he has defeated Andre Agassi on his favourite surface, that being hardcourt.

Lleyton Hewitt at 20 years of age is the youngest No. 1 in the history of the sport. He is also the first Australian to hold the No. 1 ranking at year's end and only the twelfth Australian player to become the No. 1 player overall. Before the Tennis Masters in Sydney this year, before Lleyton Hewitt became the No. 1 ranked player, Pat Rafter said this of Lleyton Hewitt:

> Lleyton has so many attributes that you want as part of your game. That's the reason why he is close to being the No. 1 player in the world right now. His tenacity, his day in-day out dedication to the game, his speed and his mental toughness are second to none right now.

Of course, beyond that quote of Pat Rafter, Lleyton Hewitt went into the Tennis Masters, ranked number two at the time. He came out of that tournament not only ranked No. 1 but undefeated during the tournament; he won his three preliminary matches and he went on to win the semi-final and the final, something unprecedented in terms of the Tennis Masters tournament, which I guess is now in some respects—certainly in the tennis world—loosely classified as the fifth Grand Slam of the calendar year, although not in an official sense. It brings the eight great tennis players from around the world at the end of the year to compete against each other and quite often as a result of this tournament you ultimately get the ranking of No. 1 player. Certainly, in the last two years of the Tennis Masters tournament it has seen the No. 1 ranking—this year, of course, Hewitt, and last year Kuerten.

So I think it is important that we pay special tribute not only to this weekend's event of the Davis Cup final but also to the great attribute that Lleyton has which, by and large, the majority—not all, but the majority—of great Australian tennis players have shared: that is, they want to compete for Australia, and they want to roll up their sleeves and make sure that they are involved in the Davis Cup, because they see the great value, the great camaraderie, something that was developed many years ago, something of which we are all very proud, and something that Harry Hopman developed as one of our earlier coaches.

Of course, we have an outstanding record in Davis Cup tennis. We have won the cup on 27 occasions: the last time was in 1999 when we beat France in the final on its home courts. Lleyton Hewitt was a member of that team. He was a vital player in making sure that we got to the final. Last year, of course, we also made the final but unfortunately we were defeated by Spain. Once again, we had to go onto foreign soil and play Spain. Not only was the final in Spain, which is a difficulty in itself, but also it was played on the very soft, slow, red clay courts, which was a great disadvantage to our players. Notwithstanding that, in the first rubber, that critical rubber, Hewitt went into battle and defeated Costa in a four or five set match.

We should not forget Lleyton Hewitt's record in Davis Cup tennis. He has played 20 singles matches for Australia and has won 16 of them: 16 out of 20 is truly an outstanding achievement by a great Australian, by a great South Australian. Although because of his age he is only in his early days in respect of tennis, as well as Davis Cup team tennis, we are looking at a competitor who may well rank if not at the top then certainly the equal of people such as Rod Laver, Ken Roswall, Frank Sedgeman, John Newcombe—and so the list goes on. His record of achievements, standing at the moment at 80 per cent of singles won as a Davis Cup tennis player for Australia, is a fantastic record and one which, I hope, over the years he is able to keep up. But let us hope that this weekend, starting on Friday with Lleyton Hewitt leading the Australian Davis Cup team, supported by Pat Rafter in the singles and, I presume, in the doubles by Arthurs and Woodbridge, we can win our 28th Davis Cup. Would that not be a fabulous result for Australia? We have one of our own leading the team this coming weekend in Melbourne, and we look forward to that with great excitement and expectancy.

We should pay particular homage not only to Darren Cahill, who has done an outstanding job with Lleyton Hewitt, but also to Peter Smith, who was Lleyton's coach preceding Darren Cahill. He did a fantastic job in those embryonic years, coaching Lleyton as a junior, making sure that he had the basics, making sure that he reached a level where, when Darren Cahill took over in recent years, all the basics were in place. Darren Cahill has done a fantastic job. He has been there for the last few years, side by side with Lleyton, and his achievements working with Lleyton Hewitt have undoubtedly been quite outstanding.

We should also recognise the support team—those people who are part of the Hewitt team. I do not have time to name them all, but there are a number of people and they deserve acknowledgment. We should also acknowledge the family unit. Each member, whether it be Lleyton's parents or his sister Jaslyn, has reached the pinnacle in their chosen sport. Jaslyn is still young and we hope that she will reach the pinnacle in tennis as well. Lleyton's father and mother have both excelled in their chosen sport, Glyn in football—he played for West Adelaide here in South Australia and Richmond in the VFL (as it was then called)—and Mrs Hewitt in state netball. They are a family of high achievers.

I note that Lleyton has said that, if he was not a tennis player, he would have liked to be an AFL footballer. It is ironic, to a degree, that he barracks for the Crows, because he plays a bit more like a Port Adelaide player. Needless to say, the personal achievements that Lleyton has already reached are superb. There is more on the horizon for this great individual, and we wish him all the best. There are plenty of grand slams there for him. There are plenty of other tournaments, and we hope that he is able to maintain this very high level that he has reached. The impact that he has had on tennis will be very significant worldwide, but in particular in Australia and South Australia. That will be great for tennis in South Australia and Australia, because I am sure there are a lot of young people out there who idolise Lleyton Hewitt. I am sure there are a lot of young people who will be attracted to playing tennis because of Lleyton Hewitt—and that is a good thing.

Along with many other people, he has helped put South Australia right at the forefront. The efforts that he has made for our state should not be underestimated and, on behalf of the opposition, I support this motion and the amendment that I have moved.

Mr MEIER (Goyder): I support the motion. What an amazing young man Lleyton Hewitt is! What a champion! It is great to see a man such as Lleyton achieve world fame from the state of South Australia. But I offer my congratulations not only because he is the world's No. 1, not only because he is a South Australian, but also because he is a former student of Immanuel College. I too am a former student of Immanuel College, as well as having had the privilege of serving as deputy principal of Immanuel College before I entered the South Australian Parliament.

There is no doubt that Immanuel College is very proud of Lleyton Hewitt. Those at the college have been following his achievements very closely, and I know they have been right behind him and certainly would want to extend their congratulations through this motion. There is no doubt that Lleyton is a young man who has shown what any young person in this world can do—he is a living example. I well remember the early times when he contested the Adelaide Hardcourt Championships, and who would have thought that he would rise from being ranked No. 550 at that stage.

It was very exciting. I remember seeing him live, I think it was the next year—the year when the press was very unkind to him. I dare say that just as we as members of parliament often learn from unkind press comments, so too Lleyton Hewitt had to learn from them. Thankfully, that has all changed and now the press is heralding him (as it should) as a world champion. He certainly has had his fair share of luck in that he has been there at the right time. When you think of the US Open—and what a wonderful achievement that was—and what happened the next day, 11 September: the day after the US Open we had the bombing of the Twin Towers. If that had occurred two days earlier, Lleyton Hewitt may never have had the chance to win the US Open this year.

Then in Sydney we saw him win time and again finally to gain the Tennis Masters Cup against Sebastien Grosjean. It is great to see the way in which Lleyton Hewitt extends his hand of friendship to his competitors, the way in which he enthuses his audience and the way in which he enthuses the whole tennis world and the huge television world as well. My congratulations go to Lleyton Hewitt. I wish him all the very best in the coming Davis Cup and in his future life and future successes.

Mr HILL (Kaurna): It is unique for me to address one of these many sporting motions that come before the parliament. I generally choose not to, but today I do so for personal reasons—

Mr Lewis interjecting:

Mr HILL: It is a fatherhood motion. Some four years ago, I was lucky enough to be a guest of one of Adelaide's corporate bodies and to sit in one of the corporate boxes to watch the Adelaide Hardcourt Tennis Championships at Memorial Drive. My wife and I were really there to enjoy the wine and the nibbles—the hospitality—being provided by the good corporate sponsor, and the tennis was something which was happening in the background. We were a little interested because Pat Rafter was playing and we watched him and enjoyed him; and then Agassi was playing some young guy from South Australia. We were very keen to see Agassi perform and we were absolutely amazed to see Agassi beaten by this young player, Lleyton Hewitt, who, on that day, commenced the momentum which has developed into his becoming No. 1 in the world.

It was an absolutely fantastic match and we were enthralled by his power, his passion and his on-court behaviour and the way in which he beat this great giant of a tennis player, Agassi. One of the former speakers said, 'In those days who would have known that he would become No. 1?' My wife said to me, 'That guy will become No. 1,' because you could tell from the way he was playing and his commitment that he was absolutely destined—

An honourable member interjecting:

Mr HILL: My wife does have an eye for talent—quite well put! We could tell that he was destined to get to the top. The following year we were lucky enough to go back again to see him win the hardcourt title for the second year in a row. We knew he was a star, and I must say that my wife and I have followed his career since that time. It has been interesting to see not only his blossoming as a tennis player but also changing from a fairly brash teenager to a mature and polished young man. As I say, I do not normally speak to these motions, but in this case I would like to congratulate Lleyton Hewitt. As my colleague says, some 20 years ago I did work with his mother at a high school in the western suburbs—I guess before Lleyton was produced—and so I have some knowledge of the family.

I must say though, having met his mother, who was a lovely person, I assume that he got his aggression from elsewhere. He certainly deserves what he has achieved and I wish him all the best for the future, and indeed the rest of the Davis Cup team as well.

Mr LEWIS (Hammond): I would like to wish Lleyton Hewitt all the best and merry Christmas and a happy new year, and hope he retains his No. 1 spot for as long as he is physically capable. As all other members have done—I will not repeat what they have said—I wish him well. I have one word of advice for him (it is similar to the Irish bricklayer who got caught up in the hod): you need to be nice to people on the way up because you will be passing them on the way down. I am sure that his parents will have explained that very important basic fact of life to him. He is a charming man; we are all proud of him.

Amendment carried; motion as amended carried.

GAMMON RANGES

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

That this House requests Her Excellency the Governor to make a proclamation under section 43(4) of the National Parks and Wildlife Act 1972 to vary the proclamation made on 15 April 1982 constituting the Gammon Ranges National Park to remove all rights of entry, prospecting, exploration or mining pursuant to a mining act (within the meaning of the National Parks and Wildlife Act 1972) in respect of the land constituting the national park.

The Gammon Ranges National Park is an icon park for South Australians. Last Wednesday, the Supreme Court of South Australia upheld a decision I made in August last year to refuse the transfer of the existing leases from BHP to another mining company, Manna Hill Resources, which had the effect of preventing mining in that section of the Gammons. I am delighted that the court upheld my decision. It prevents a wonderful wilderness location—the Weetotla Gorge—from being exposed to mining. It is an important win for the South Australian environment and reinforces the state government's stance on prioritising environmental issues.

These circumstances provide an ideal opportunity for the government to review the joint proclamation of the Gammon Ranges National Park. The Gammon Ranges National Park was initially proclaimed in 1970 for the purpose of preserving wilderness character and the spectacular scenery of the northern Flinders Ranges. In 1982, additions to the Gammon Ranges National Park were proclaimed to add to the wilderness values, to protect a whole water catchment and drainage system in an arid area and to protect an area of significance due to its biogeographic and climatic conditions, which support significant ecological communities.

The mountainous area within an arid plain creates a unique environment for many species that are endemic to the Flinders Ranges. These additions also protect significant

geological features, including fossils, structures and mineralogy. When the 1982 additions to the park were declared, there were nine existing mining leases in an area held by BHP Company Ltd. In order to preserve BHP's existing rights, the additions to the park were proclaimed to ensure that the existing mining rights were preserved and that future rights, under certain circumstances, could be acquired for entry, prospecting, exploration and mining. While there has been exploration within the park since 1982, there have been no applications for further mining leases.

In 1999, BHP agreed to transfer its mining lease within the Gammon Ranges National Park to another mining company, Manna Hill Resources Pty Ltd, which proposed to mine the magnesite deposit over which the leases existed. In order for Manna Hill to acquire the leases, my approval was required as the Minister for Environment and Heritage. As minister responsible for the environment, I must have consideration for the National Parks and Wildlife Act 1972. Under section 37, I must have regard to a range of objectives in the management of the reserves constituted under the act. These include the preservation and management of wildlife; the preservation of historic sites, objects and structures of historic or scientific interest; the preservation of geographical, natural or scenic interest; the encouragement of public use and enjoyment of reserves and education in and proper understanding and recognition of their purpose and significance; and generally the promotion of the public interest.

Before making my decision, I visited the Gammon Ranges and the proposed mine site twice to inspect the area first-hand and to hear the views of both the proponents and opponents of the mine. I was provided with reports on the environmental considerations by both my own Department for Environment and Heritage and the government's Wilderness Advisory Committee. It is worth recapping, for the benefit of the House, the environmental concerns raised with me at the time. The yellow-footed rock wallaby is listed as a vulnerable species at the state and national levels. The proposed mine would have removed habitat and caused disturbance through noise and mining activity. The permanent springs are also important for this species, and the mining was likely to impact on the quality and quantity of the water source. The springs and creeks support a diverse array of aquatic life in an arid zone wetland. Disruption of the natural drainage pattern by removing large portions of nearby hills would have affected a fish known as the Flinders Ranges purple-spotted gudgeon, which is listed as a vulnerable endemic species.

The mineral lease encompassed some of the most highly used walking trails in the northern Flinders Ranges. They provide exceptional scenic views, wild and remote experiences, and allow people to view species of national significance. Construction and use of access roads would have had a nationally significant impact on the unique reserve values of the park.

Finally, the mine would have greatly diminished the wilderness quality of the Weetootla Gorge in a rare, high quality mountain wilderness area of South Australia. Having regard to these major environmental concerns, including the presence of significant rare, threatened and unique species, I decided to refuse the transfer. There was very strong community support for that decision.

As all the mining leases have now expired, and as the Supreme Court last week upheld my decision, I am now in a position to seek to provide a greater certainty for the special environment of the Gammon Ranges. Parliament's support for this resolution will remove the mining rights from the 1982 additions to the park, thus making the whole park free of mining. I am advised that, because of the wording of the proclamation and the National Parks and Wildlife Act 1972, I am required the gain the support of both houses of parliament for a resolution to vary the proclamation of the additions to the Gammon Ranges National Park to remove mining rights.

As I have indicated previously, many special features of the Gammon Ranges National Park justify its complete protection from the disturbance of future mining. According to extracts from the draft management plan, interest in establishing a national park in the northern Flinders Ranges region began in the late 1940s, when Professor Sir Kerr Grant commented, during a visit to the Mount Painter uranium prospects:

> This wonderful country ought to be made a national park.

Mr Warren Bonython immediately followed this with a radio broadcast, emphasising the wilderness and scenic values of the Gammon Ranges. The Adelaide Bushwalkers commenced walking in the northern Flinders Ranges in 1947 and, from within the group, support for the park concept grew. Added incentive to this national park movement came in 1964, with the application for a mining exploration licence over the Gammon Ranges. Mr Bonython, with the support of the then Flora and Fauna Advisory Committee (of which he was a member), pressed the government to create a 'primitive' or 'wilderness' reserve.

The Gammon Ranges National Park supports a diverse range of species, some of which are not found anywhere else in the world and many of which are threatened. Some 37 significant plant species occur within the area, including 27 rare, six vulnerable and four endangered. Of these species, many are endemic to this area, including the spidery wattle, which is endemic to the northern Flinders Ranges. The Flinders Ranges bitter-pea, showy speedwell, the Flinders Ranges goodenia and the Flinders Range spear grass are all endemic to the Flinders Ranges.

There are also significant fauna species. Biological surveys undertaken by the Department for Environment and Heritage identify six significant species that occur within this area of the park. These include three bird species, two reptile species and, of course, the yellow-footed rock wallaby. Another species which is not currently listed as threatened, but which is of regional significance, is the short-tailed grass wren. This bird is restricted to the Flinders and Gawler Ranges, and is one of only two endemic bird species in the state. Another significant species is the Flinders Ranges purple-spotted gudgeon, which is rated nationally as vulnerable, and whose existence relies on the springs within the park.

The *National Wilderness Inventory (Environment Australia 1988)* indicates that there is a substantial area (about some 45 000 hectares) of high quality wilderness within the 1982 additions. Mountain wilderness is a particularly rare resource in South Australia, and is found only in the Mawson Plateau to the north of the Gammon Ranges and on Aboriginal land in the extreme north-west of the state.

The initial 1970 establishment of the park reflected the important wilderness qualities of the area. The Gammon Ranges National Park has significant value to the Adnyamathanha people, who have a long association and special connection with the area. The hills, the creeks and gorges have a lot of history and stories of the Adnyamathanha people. The park contains grave sites and art sites that form an important part of the Adnyamathanha cultural heritage.

Bushwalkers and campers, many of whom appreciate the remote and undisturbed nature of the area, use the Gammon Ranges National Park on a regular basis. There are several walking trails through the park, with some of them described as the best walks in the northern Flinders Ranges. They provide exceptional scenic views, wild and remote experiences and allow people to view species of national significance, such as the yellow- footed rock wallaby.

The Gammon Ranges National Park is a well frequented area for ornithologists, and is visited by interstate and overseas birdwatchers. The hills, gorges, cliffs, diverse vegetation associations and permanent water support a wide range of birds, some of which are listed as significant in South Australia.

It is clear to me—and, indeed, to the government—that the only outcome for the future is one in which this special place is protected from mining. The government has the strong support of the Conservation Council of South Australia, the Wilderness Society, the Nature Conservation Society, the Nature Foundation and the Adnyamathanha Traditional Lands Association. Now is the time for the parliament to deliver the permanent protection of the Gammons for future generations, and I will be seeking the parliament's support for the motion.

Mr HILL secured the adjournment of the debate.

FIREARMS (PERMITS) AMENDMENT BILL

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services) obtained leave and introduced a bill for an act to amend the Firearms Act 1977. Read a first time.

The Hon. R.L. BROKENSHIRE: I move:

That this bill be now read a second time.

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

Leave granted.

This is a Bill for an Act to implement new measures which will streamline the granting of applications for Firearms Permits by the Registrar of Firearms. The Bill, in keeping with Government policy, maintains community safety but removes the bureaucratic hurdles faced by legitimate firearms traders and registered firearms owners.

Under existing provisions of the *Firearms Act 1977*, the Registrar is required to wait 28 days before granting a permit to acquire a firearm, except in those circumstances which are deemed special or unique—such as by reason of employment. However, this provision makes no distinction between first time applicants to purchase a firearm and those who are already own firearms and are registered firearm owners.

As a consequence this Bill's main objective is to amend the *Firearms Act 1977* (the Principal Act) to recognise that the laws which regulate the granting of an application to purchase a firearm should distinguish between the first time buyer of a firearm and a registered owner of one or more firearms.

Specifically the Bill waives the requirement that the Registrar of Firearms must wait 28 days for the granting of a firearms permit for those individuals who are already registered firearm owners. For first time buyers the 28 day waiting period will remain. However in all circumstances, the Registrar must not issue a permit if he or she is not satisfied that it is safe to do so.

Thus the ultimate criteria that the Registrar must use when considering whether or not to grant any firearms permit will not change as a result of this Bill, the manner in which existing firearm owners are regulated clearly will.

In this respect the Bill brings South Australia into line with other jurisdictions like Victoria, Queensland and Western Australia who have already recognised in each of their respective statutes that the application of a rigid 28 day waiting period for those individuals that already own one or more firearms does not enhance community safety.

However the Bill also recognises that with the advent of better technology, in particular the establishment of more efficient and better linked databases containing offender profiles, the ability of the Registrar to determine whether the issuing of a permit is safe can be undertaken rapidly and well within 28 days. Indeed SAPOL has estimated that depending on workload a safety audit can be undertaken as quickly as 5 days.

Given the speed with which the Registrar can undertake a safety audit of an applicant it is important that Parliament and the Government indicate an acceptable time frame in which the Registrar may grant a permit, once it is deemed safe to do so.

That is why the Bill enables permits for existing owners of registered firearms to be granted before 28 days. The Bill also provides that if the Registrar does not grant a permit to such owners within a 14 day period then the application is deemed to have been refused and the applicant has the standard right of appeal to the Firearms Consultative Committee or a magistrate. This is an important provision as it not only provides discipline on the Registrar to ensure that the application is dealt with in a timely manner but provides flexibility for SAPOL when experiencing unforseen fluctuations in staffing and resource levels. It should be pointed out however that the Bill is flexible enough to ensure that if an applicant does not wish to pursue an appeal, the Bill does not prevent the granting of an application after the 14 day period.

This Bill is an important step forward for legitimate firearms traders and shooters because it does three things. Firstly, it recognises that a distinction needs to be made between first time applicants to purchase a firearm and those who already own firearms and are properly registered. Secondly the Bill recognises that applying a 28 day waiting period for the purchase of a firearm on individuals who already own one or more firearms does not enhance community safety; and thirdly, the Bill removes an unnecessary bureaucratic hurdle in the way of legitimate firearms traders and shooters.

I commend the bill to honourable members.

Explanation of clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 15—Application for permit

This clause provides certain applicants with a faster method of getting a permit to acquire a firearm. The waiting period for such permits is currently 28 days unless there are special reasons for granting it earlier and it is safe to do so. The proposed amendment would enable an applicant who currently has a firearm registered in his or her name to get a permit before 28 days. Furthermore, if the application is not granted within 14 days, the Registrar will be taken to have given notice of refusal of the application with the consequence that the person has a right of appeal to the Firearms Consultative Committee or a magistrate. The proposed provision does not, however, prevent the Registrar from granting the permit after 14 days.

Mr ATKINSON secured the adjournment of the debate.

STATUTES AMENDMENT (COURTS AND JUDICIAL ADMINISTRATION) BILL

Second reading.

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

That this bill be now read a second time.

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

Leave granted.

This Bill makes a number of amendments to legislation dealing with the jurisdiction and administration of courts.

Courts Administration Act

Part 3 of the Bill inserts new section 28A into the *Courts Administration Act 1993*.

Section 28A provides that a member of the Courts Administration Council, the Administrator or other members of the staff of the Council have, in respect of the publication on the Court Administration Authority's web-site of the sentencing remarks of a judge of the Supreme or District Court, the same privileges and immunities as if the publication were a delivery by a judge of sentencing remarks in court.

The sentencing of offenders is one of the most misunderstood aspects of the criminal justice system. The media has a tendency to wrongly portray sentences imposed on offenders, particularly in high profile cases, as too lenient. This has contributed to a perception in some sections of the community that courts are "out of touch" and "soft on crime". This undermines confidence in the legal system.

The publication of sentencing remarks will ensure the reasoning employed by the courts in determining sentences will be readily available to the public and, importantly, the media. The web-site will become an extension of the court room, making the courtroom more accessible to the public. Sentencing remarks are published in the Northern Territory and Tasmania. The policy is supported by the Chief Justice.

The Government is concerned that the publication of sentencing remarks on the Authority's web-site could leave the Authority and the members of its staff responsible for publication open to liability should, for example, suppressed material inadvertently be included in the sentencing remarks as published.

It is inappropriate for the Courts Administration Authority or any member of staff of the Authority to be prosecuted or sued. It is in the public interest that the sentencing remarks be published. Neither the Authority, nor its staff can control what a judge releases for publication. The Authority is not in the same position as other publishers. It is not acting with a view to profit. It cannot simply publish or not publish at its choice. It will routinely publish what the sentencing judge provides.

New section 28A will ensure that publication of the sentencing remarks on the Authority's web-site by a member of the Courts Administration Council, the Administrator or other members of the staff of the Council is to be treated as if it were a delivery of the sentencing remarks by the sentencing Judge in court.

Importantly, any re-publication of the remarks will not attract the benefit of the immunity.

The immunity will, however, be limited in two very important respects. New subsection (2)*(a)* limits the privileges or immunities so that they apply only where the sentencing remarks have been released by the sentencing judge in accordance with procedures approved by the Chief Justice or the Chief Judge. New subsection (2)*(b)* ensures that any re-publication of the remarks by a third party will not attract the benefit of the privileges or immunities.

District Court Act

The Bill amends the *District Court Act* to provide that the District Court has the same powers in relation to contempts of itself as the Supreme Court has in relation to contempts of the Supreme Court.

Certain powers are given to the District Court to deal with contempts by sections 47 and 48 of the *District Court Act*. However, these powers appear to be limited to dealing with contempts in the face of the Court. They may not cover the situation where, for example, a media or internet organisation publishes information which tends to prejudice the minds of potential jurors, or to prejudice the prosecution or defence of a pending trial. Such actions have been held to amount to contempts at common law.

An aggrieved party or the Attorney-General may apply to the Supreme Court in respect of an alleged contempt of the District Court as the Supreme Court has power to punish contempts of an inferior court. Alternatively, it may be possible to prosecute for an offence at common law in some cases. However, it is desirable to act quickly to punish contempts and it is therefore preferable that the court concerned can deal with them.

Given that the District Court is now the main criminal trial court, it is appropriate that the Court should have the same power to punish contempts of itself as the Supreme Court has to punish contempts of itself. The Supreme Court also has an inherent power to punish contempts of lower courts. It is not considered appropriate to give the District Court such a power. The powers of the District Court to punish contempts are therefore limited to the powers that the Supreme Court has to punish contempts of itself.

Judicial Administration (Auxiliary Appointments and Powers) Act

The Bill amends the *Judicial Administration (Auxiliary Appointments and Powers) Act* to include the offices of Deputy President of the Workers Compensation Tribunal (the Tribunal) and of Judge of the Environment, Resources and Development Court (ERD Court) within the definition of "judicial office" for the purposes of the Act. This will enable the Tribunal to appoint retired District Court Judges as auxiliary Deputy Presidents of the Tribunal and, should any Deputy President of the Tribunal, who is not a District Court Judge, retire, to appoint such person to act as an auxiliary Deputy President. It will also enable the ERD Court to use auxiliary District Court Judges as auxiliary Judges of the ERD Court.

The Tribunal has sought this amendment to enable it to have access to officers to fill temporary needs in the Tribunal, whether arising from illness or from a back-log of cases. The ERD Court's requirements arise because of the potential for both judges of the ERD Court to be disqualified from hearing a case, as is the situation with a matter set down for trial early in 2002. In such situations, the ERD Court wishes to be able to draw on an auxiliary judge of the District Court to hear the matter, or retired judges of the ERD Court.

The purpose of the *Judicial Administration (Auxiliary Appointments and Powers) Act* is to facilitate such flexibility and increased efficiency in the courts. The amendment extends the benefits of the Act to the Workers Compensation Tribunal and the ERD Court.

The Bill makes a minor consequential amendment to the *Workers Rehabilitation and Compensation Act* to ensure the effective operation of the amendment in respect of the office of Deputy President of the Workers Compensation Tribunal.

The Act is also amended to ensure that a person appointed as an auxiliary solely in relation to the position of Deputy President of the Workers Compensation Tribunal is not entitled to act in any other judicial office. Section 5 of the *Judicial Administration (Auxiliary Appointments and Powers) Act* permits persons appointed to a specified judicial office to exercise the jurisdiction and powers of a judicial office of co-ordinate or lesser seniority under the hierarchy of judicial offices set out in the Act (apart from the jurisdiction and powers of the Industrial Court, due to the specialised nature of this jurisdiction). While it is considered that the processes of the Workers Compensation Tribunal are sufficiently similar to those of the District Court that a District Court judge or retired District Court judge should be able to satisfactorily discharge the duties of a Deputy President of the Workers Compensation Tribunal, it is not considered that a person appointed solely as an auxiliary Deputy President of the Workers Compensation Tribunal would necessarily have the requisite experience of the processes of the District Court to act as an auxiliary District Court Master.

Magistrates Court Act

Under the *Magistrates Court Act*, the Magistrates Court has jurisdiction to determine an action for a sum of money where the amount claimed does not exceed certain specified monetary limits. The Magistrates Court's criminal jurisdiction is limited under the *Magistrates Court Act* to the conduct of preliminary examinations of charges of indictable offences, the determination of charges of minor indictable offences and the determination of summary offences. The Court's criminal jurisdiction is also subject to the provisions of the *Summary Procedure Act.*

The Magistrates Court's general civil jurisdiction was capped at $30 000 in 1992 on creation of the new Magistrates Court. In accordance with previous policy, the jurisdiction with respect to motor vehicle accident personal injury claims was fixed at that time at twice the general limit—$60 000. The minor civil claims jurisdiction was increased in 1992 from $2 000 to $5 000.

At the time the monetary limits were prescribed, the general civil jurisdictional limit reflected average annual earnings. Statistics published by the Australian Bureau of Statistics indicate that average annual earnings in South Australia are currently close to $40 000.

Economic movement suggests that matters which would have come within the monetary jurisdiction of the Magistrates Court in 1992 are now exceeding that limit and being pushed up into the jurisdiction of the District Court.

In order to effect a return to the status quo, the Bill amends the *Magistrates Court Act* to increase the general monetary limit of the Magistrates Court from $30 000 to $40 000. It is proposed to retain the policy that the monetary limit with respect to personal injury claims be fixed at twice the general jurisdictional limit. The basis for this difference is that there is not considered to be the same relationship between the complexity of a case and the amount of the claim in relation to personal injury accident claims. The legal principles involved in personal injury accident claims tend to be similar, irrespective of the amount of the claim. Accordingly, the Bill increases the monetary limit with respect to motor vehicle accident personal injury claims from $60 000 to $80 000. The limits with respect to actions for recovery of real and personal property and interpleader actions are increased from $60 000 to $80 000 in each case.

The minor civil claims jurisdiction of the Magistrates Court, in which parties generally represent themselves, is comprised of small claims, neighbourhood disputes and other defined minor statutory proceedings. The small claims jurisdiction was capped at $5 000 in

1992. Adjusting this figure with respect to CPI over the relevant period results in an amount of approximately $6 100. To effect a return to the status quo, it is proposed to increase the monetary limit for small claims and the other limits on the minor civil claims jurisdiction from $5 000 to $6 000. For consistency, the Bill also increases the limit with respect to applications under the *Retail and Commercial Leases Act* from $10 000 to $12 000. These changes will ensure that those matters which Parliament intended should come within the minor civil claims jurisdiction, remain within that jurisdiction and are not pushed by inflationary forces into the general jurisdiction of the Magistrates Court.

It is not proposed to increase the monetary limits on the minor civil claims jurisdiction any further than a "catch up" amount as this has potential adverse implications for parties. This is because parties in the minor civil claims jurisdiction of the Magistrates Court are generally not permitted to be represented by a legal practitioner. While this can significantly reduce the cost of litigation, it also has the disadvantage of the loss of the benefits of legal representation, which include the identification of applicable legal principles in matters coming before the court.

However, the Act affords protection against potential disadvantage to a party now finding itself in the minor civil claims jurisdiction as a result of the increase in the monetary amount defining that jurisdiction. Under section 38 of the *Magistrates Court Act*, the Court has the discretion to permit legal representation of a party, including on the ground that the Court is of the opinion that the party would be unfairly disadvantaged if not represented by a legal practitioner.

The changes will lead to a potential increase in the caseload of the Magistrates Court and a corresponding decrease in the caseload of the District Court. The magistracy has identified that the parallel increase in the minor claims jurisdiction should offset much of the effect of the increase in jurisdictional limits as minor civil claims generally take less time and court resources to dispose of.

Given that it has been approximately 10 years since the monetary limits determining the jurisdiction of the Magistrates Court were last increased, it is appropriate that the monetary limits be increased to account for economic movement. The effect of the proposed increases will be to maintain the status quo.

On the same basis as the proposed increase to the monetary limits determining the civil jurisdiction, it is proposed to increase the prescribed amounts which determine to a certain extent the criminal jurisdiction of the Magistrates Court. Under the *Summary Procedure Act*, certain dishonesty and property damage offences are classified as summary offences, minor indictable or major indictable offences, respectively, depending on the amount involved in the commission of the offence. Dishonesty offences involving $2 000 or less are classified as summary offences. Certain dishonesty, property damage and breaking and entering offences attracting a maximum term of imprisonment in excess of 5 years but involving $25 000 or less are classified as minor indictable, rather than major indictable offences. For example, an offence of larceny (to be replaced with the offence of theft by the *Criminal Law Consolidation (Offences of Dishonesty) Amendment Bill* currently before Parliament), is a summary offence where the value of what is stolen is $2 000 or less, a minor indictable offence where the value is greater than $2 000 but not more than $25 000, and a major indictable offence where the value of what is stolen exceeds $25 000. To account for the inflationary effects on these prescribed amounts, which were fixed on amendment of the *Justices Act* (now titled the *Summary Procedure Act*) in 1992, it is proposed to increase the prescribed amounts to $2 500 and $30 000, respectively.

The Magistrates Court's jurisdiction to determine charges of minor indictable offences is subject to the right of the defendant to elect to be tried in a superior court.

The effect of these increases is that some offences, eg a charged offence of larceny/theft involving between $2 000 and $2 500 will cease to be classified as minor indictable offences and instead be classified as summary offences. Persons charged with such offences will lose the right to elect to be tried in a superior court, and therefore the right to elect for trial by jury. However, it is not considered that the increase represents a change to Government policy with respect to the trying of such offences, rather the increase is intended to effect a return to the status quo. It ensures that those offences which Parliament intended to be tried before a Magistrate are no longer forced by inflationary effects into the higher courts.

The proposed increase to $2 500 will also impact on entitlement or disqualification provisions contained in certain Acts and Regulations. Various Acts provide that a person is not entitled to hold a certain position or occupational licence where the person has been convicted of an indictable offence. As a result of the proposed increase, dishonesty offences involving between $2 000 and $2 500 will cease to be classed as indictable offences and persons otherwise disqualified from holding a position or licence on the basis of a conviction for such an offence will cease to be disqualified. It is appropriate that this should be the case, as the effects of inflation mean that people are currently being disqualified who would not have been disqualified 10 years ago for essentially the same offence.

The effect of the increase in the amount with reference to which offences are classified as minor indictable is that those offences involving an amount between $25 000 and $30 000 will now come within the jurisdiction of the Magistrates Court and may be dealt with summarily unless a defendant elects to be tried in a superior court. Currently such offences would be classified as indictable offences and could only be dealt with in a superior court.

The Bill also makes a number of consequential amendments to other Acts. The Bill amends the *Building Work Contractors Act*, *Criminal Law Consolidation Act*, *De Facto Relationships Act*, *Retail and Commercial Leases Act* and *Unclaimed Goods Act* to retain consistency with the monetary amounts that determine the Magistrates Court's jurisdiction. It amends section 85 of the *Criminal Law Consolidation Act*, which fixes penalties for the offence of damaging property, depending on the amount of damage to the property. The penalties were fixed with reference to the amounts of $2 000 and $25 000 in 1991 by legislation relating to the creation of the new Magistrates and District Courts. These amounts are increased by this Bill to remain consistent with the increase in the amounts in the *Summary Procedure Act*. If these amounts were not kept consistent, the Magistrates Court would be able to exercise jurisdiction in relation to an offence attracting a maximum penalty of life imprisonment (ie an offence of damaging property where the damage was between $25 000 and $30 000).

It should be noted that there is currently before Parliament a Bill which proposes to reform the laws relating to theft and fraud. The *Criminal Law Consolidation (Offences of Dishonesty) Amendment Bill* proposes to amend the *Summary Procedure Act* to strike out the Schedules in that Act in which the offences categorised as summary or indictable offences of dishonesty are listed and replace them with references to the Part of the *Criminal Law Consolidation Act* which will contain dishonesty offences. That Bill does not, however, affect the classification of offences with reference to the prescribed amounts.

Mining Act, *Opal Mining Act* and *Petroleum Act*

The Senior Warden of the Warden's Court, established under the *Mining Act*, has requested an amendment to the mining legislation to extend the jurisdiction of the Warden's Court. The request follows from a recent decision of the Full Court of the South Australian Supreme Court, dealing with the jurisdiction of the Warden's Court. In *Evdo P/L, Evelyn Mazzone & Ray Mazzone v Meyer*, the Full Court held that the *Opal Mining Act* does not confer jurisdiction on the Warden's Court to order payment of monetary amounts in disputes between parties conducting a joint mining or prospecting venture (commonly termed 'partnership disputes'). Disputes in relation to opal mining tenements often involve arguments about money, which is inherent in their nature because opal mining tenements are not transferable. Without the power to make monetary awards, the ability of the Warden's Court to resolve 'partnership disputes' will be severely limited. With the concurrence of the Minister for Minerals and Energy, this Bill amends the *Mining Act* and *Opal Mining Act*

In *Evdo P/L v Meyer,* claims were made in the Warden's Court for forfeiture of a mining tenement as well as repayment of overpaid expenses under a partnership agreement. If jurisdiction is conferred on the Warden's Court, parties will be spared the expense and inconvenience of issuing separate proceedings in the Magistrates Court or District Court to determine the 'partnership dispute' aspect of a claim. However, recognising that such disputes could potentially involve complex issues of law best left to superior courts, the jurisdiction of the Warden's Court with respect to such claims is capped at $40 000, in line with the Magistrates Court's proposed new jurisdictional limit for general monetary claims. As wardens are magistrates, it is appropriate that this limited jurisdiction be conferred. A further amendment to the *Mining Act* will make it clear that only magistrates are to be wardens.

The Bill also increases the monetary limit on the Warden's Court's jurisdiction to deal with claims for compensation under the *Mining Act*, the *Opal Mining Act* and the *Petroleum Act 2000*. Currently, the Warden's Court may deal with compensation claims

involving up to $100 000. This is increased to $150 000 to account for inflation since the amount was fixed in 1988.

Supreme Court Act

The Bill will amend the *Supreme Court Act* to give the Supreme Court the power to waive court fees where a person is unable to pay the fees because of financial hardship or for any other good reason. An equivalent provision is already contained in the *District Court Act* and the *Magistrates Court Act* and there is no reason why the situation should be different with respect to the Supreme Court.

The Bill further amends section 130 of the Act dealing with Court fees to remove old subsections (2) and (3). Any regulations or rules that were deemed regulations under section 130 in accordance with those subsections have since been revoked and the subsections therefore no longer have any relevance.

Explanation of Clauses

PART 1: PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal

Clause 3: Interpretation

This clause provides that a reference in the Bill to the principal Act is a reference to the Act referred to in the heading to the Part in which the reference occurs.

PART 2: AMENDMENT OF BUILDING WORK CONTRACTORS ACT 1995

Clause 4: Amendment of s. 40—Magistrates Court and substantial monetary claims

This clause amends section 40 of the Building Work Contractors Act, to increase the limit for proceedings for a monetary claim before the Magistrates Court from $30 000 to $40 000. This is consequential to the amendments to the Magistrates Court Act in Part 8.

Clause 5: Transitional provision

This clause provides that the changes to the jurisdictional amounts made by clause 4 do not affect proceedings that have already been commenced, and makes clear that it applies to any new proceedings, regardless of when the cause of action may have arisen.

PART 3: AMENDMENT OF COURTS ADMINISTRATION ACT 1993

Clause 6: Insertion of s. 28A

This clause inserts a new provision in relation to the posting of the sentencing remarks of the Supreme Court and the District Court on an Internet site administered by the Courts Administration Authority. The staff of the Authority have the same privileges and immunities in publishing the remarks that a court has in delivering sentencing remarks in court. This immunity only applies if the sentencing judge has released the sentencing remarks, in accordance with the procedure approved by the Chief Justice or the Chief Judge, before they are published on the Internet and does not extend to the publication of the remarks by a third party.

PART 4: AMENDMENT OF CRIMINAL LAW CONSOLIDATION ACT 1935

Clause 7: Amendment of s. 85—Damaging property

This clause amends the maximum penalties that can apply for damage to property by increasing the amount of the damage that relates to each penalty. These amendments are consequential to the amendments to the *Summary Procedure Act 1921*, which updates the jurisdictional limits of the Magistrates Court in relation to the classification of criminal offences. This clause ensures that there is a correlation between the jurisdiction of Magistrates Court and the penalties that can be imposed.

Clause 8: Transitional provision

This clause makes it clear that the new penalty limits do not apply to offences committed before the commencement of this measure.

PART 5: AMENDMENT OF DE FACTO RELATIONSHIPS ACT 1996

Clause 9: Amendment of s. 3—Interpretation

Clause 10: Amendment of s. 13—Small claims

The amendments effected by these clauses are consequential to the amendments to the *Magistrates Court Act 1991* and ensures that the jurisdictional limits of the Magistrates Court and its small claims division are consistent across various statutes.

Clause 11: Transitional provision

This clause provides that the changes to the jurisdictional amounts made by this Part do not affect proceedings that have already been commenced, and makes clear that they apply to new proceedings, regardless of when the cause of action may have arisen.

PART 6: AMENDMENT OF DISTRICT COURT ACT 1991

Clause 12: Repeals s. 47

This clause repeals section 47 of the Act, (which dealt with contempts in the face of the court). This is no longer needed due to the new section 48, which deals with contempts.

Clause 13: Substitution of s. 48

The effect of the new section 48 is to give the District Court the same powers to deal with contempts of the District Court, as the Supreme Court has to punish contempts of the Supreme Court. This extends to contempts beyond those committed in the face of the court.

PART 7: AMENDMENT OF JUDICIAL ADMINISTRATION (AUXILIARY APPOINTMENTS AND POWERS) ACT 1988

Clause 14: Amendment of s. 2—Interpretation

This clause amends the definition of judicial office to include a Judge of the Environment, Resources and Development Court and a Deputy President of the Workers Compensation Tribunal. As a result, these offices are now included within the ambit of the Act in relation to auxiliary appointments.

Clause 15: Amendment of s. 5—Power of judicial officer to act in co-ordinate and less senior offices

This clause excludes a person appointed as an acting Deputy President of the Workers Compensation Tribunal from exercising the jurisdiction and powers attaching to any other judicial office of a co-ordinate or lesser level of seniority.

PART 8: AMENDMENT OF MAGISTRATES COURT ACT 1991

Clause 16: Amendment of s. 3—Interpretation

This clause amends the definition of minor statutory proceeding to include monetary claims under the *Retail and Commercial Leases Act 1995* of up to $12 000 (previously $10 000). The definition of small claim is also amended so that monetary claims of up to $6 000 (previously $5 000) are now classified as a small claim.

Clause 17: Amendment of s. 8—Civil jurisdiction

This clause amends the civil jurisdictional limits of the Magistrates Court by increasing the monetary amounts of claims that may be heard by this court from $30 000 to $40 000, except for claims arising out of the use of a motor vehicle and claims relating to real property, which are increased from $60 000 to $80 000.

Clause 18: Amendment of s. 10—Statutory jurisdiction

This clause updates the reference to the *Retail and Commercial Leases Act 1995*.

Clause 19: Transitional provision

This clause provides that the changes to the jurisdictional amounts made by this Part do not affect proceedings that have already been commenced, and makes clear that they apply to new proceedings, regardless of when the cause of action may have arisen.

PART 9: AMENDMENT OF MINING ACT 1971

Clause 20: Amendment of s. 6—Interpretation

This clause amends the definition of "appropriate court" to enable the Warden's Court to hear claims for compensation of up to $150 000 (increased from $100 000). The definition of "warden" is also amended to make it clear that only a Magistrate can be appointed as a warden.

Clause 21: Amendment of s. 67—Jurisdiction relating to tenements and monetary claims

This clause amends section 67 to make it clear that the Warden's Court has jurisdiction to hear monetary claims of up to $40 000 arising out of partnership or joint venture disputes, or contractual disputes relating to mining tenements or mining rights or operations.

Clause 22: Transitional provisions

This clause provides that the changes to the jurisdictional amounts of the Warden's Court made by clause 20 do not affect proceedings that have already been commenced, and makes clear that they apply to new proceedings, regardless of when the cause of action may have arisen, along with the changes made by clause 21.

PART 10: AMENDMENT OF OPAL MINING ACT 1995

Clause 23: Amendment of s. 3—Interpretation

This clause amends the definition of "appropriate court" to enable the Warden's Court to hear claims for compensation of up to $150 000 (increased from $100 000). This is consistent with the amendments made to the *Mining Act 1971* under Part 9 of this measure.

Clause 24: Amendment of s. 72—Jurisdiction relating to tenements and monetary claims

This clause amends section 72 to make it clear that the Warden's Court has jurisdiction to hear monetary claims of up to $40 000 arising out of partnership or joint venture disputes, or contractual disputes relating to tenements, prospecting permit, or mining operations.

Clause 25: Transitional provision

This clause provides that the changes to the jurisdictional amounts of the Warden's Court made by clause 23 do not affect proceedings that have already been commenced, and makes clear that they apply to new proceedings, regardless of when the cause of action may have arisen, along with the changes made by clause 24.

PART 11: AMENDMENT OF PETROLEUM ACT 2000

Clause 26: Amendment of s. 4—Interpretation

This clause amends the definition of "relevant court" to enable the Warden's Court to hear claims for compensation of up to $150 000 (increased from $100 000). This is consistent with the amendments made to the *Mining Act 1971* and the *Opal Mining Act 1995* under this measure.

Clause 27: Transitional provision

This clause provides that the changes to the jurisdictional amounts of the Warden's Court made by clause 26 do not affect proceedings that have already been commenced, and makes clear that they apply to new proceedings, regardless of when the cause of action may have arisen.

PART 12: AMENDMENT OF RETAIL AND COMMERCIAL LEASES ACT 1995

Clause 28: Amendment of s. 69—Substantial monetary claims

The amendments effected by this clause are consequential to the amendments to the *Magistrates Court Act 1991* and ensures that the jurisdictional limits of the Magistrates Court are consistent across various statutes. The limit of a substantial monetary claim is increased from $30 000 to $40 000.

Clause 29: Transitional provision

This clause provides that the changes to the jurisdictional amounts made by this Part do not affect proceedings that have already been commenced, and makes clear that they apply to new proceedings, regardless of when the cause of action may have arisen.

PART 13: AMENDMENT OF SUMMARY PROCEDURE ACT 1921

Clause 30: Amendment of s. 5—Classification of offences

This clause amends the classification of offences. A summary offence is an offence involving $2 500 or less (previously $2 000) and a minor indictable offence is an offence involving $30 000 or less (previously $25 000).

Clause 31: Transitional provision

This clause makes it clear that the new classification of offences does not apply to offences committed before the commencement of this Part.

PART 14: AMENDMENT OF SUPREME COURT ACT 1935

Clause 32: Amendment of s. 130—Court fees

This clause inserts a new subsection (2) which gives the Supreme Court the power to remit or reduce court fees on the grounds of poverty or other proper reason, similar to the District Court and the Magistrates Court. The clause also removes subsection (3) of the Act which is now redundant.

PART 15: AMENDMENT OF UNCLAIMED GOODS ACT 1987

Clause 33: Amendment of s. 3—Interpretation

The amendments effected by these clauses are consequential to the amendments to the *Magistrates Court Act 1991* and ensures that the jurisdictional limits of the Magistrates Court are consistent across various statutes. Proceedings in relation to goods not exceeding $80 000 (previously $60 000) are to be heard in the Magistrates Court and proceedings in relation to goods exceeding $80 000 (previously $60 000) are to be heard in the District or Supreme Court.

Clause 34: Transitional provision

This clause provides that the changes to the jurisdictional amounts made by this Part do not affect proceedings that have already been commenced, and makes clear that they apply to new proceedings, regardless of when the cause of action may have arisen.

PART 16: AMENDMENT OF WORKERS REHABILITATION AND COMPENSATION ACT 1986

Clause 35: Amendment of s. 80A—The Deputy Presidents

This amendment is consequential to the amendment of the *Judicial Administration (Auxiliary Appointments and Powers) Act 1988* in Part 7 of this measure which brings a Deputy President of the Workers Compensation Tribunal within the ambit of that Act.

Mr ATKINSON secured the adjournment of the debate.

LEGAL SERVICES COMMISSION (MISCELLANEOUS) AMENDMENT BILL

Second reading.

The Hon. M.K. BRINDAL (Minister for Water Resources): 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 *Legal Services Commission Act 1977* establishes the Legal Services Commission as the statutory authority responsible for the application of funds granted by the State and Commonwealth Government for the provision of publicly funded legal assistance to the people of South Australia.

The *Legal Services Commission Act 1977* (the Act) was enacted in contemplation of a relatively uncomplicated scale of operation. It was enacted when there was a different basis for Commonwealth Government funding than is now the case, and under a system of legal aid where there was no national uniformity of administrative practice, as there is now.

This Bill proposes a number of changes to that Act. Some will help the Commission to operate more efficiently by formalising existing administrative practice and removing unnecessary restrictions upon it. Others recognise the changed nature of the relationship between the State Government and the Commission and the Commonwealth Government since the Act was enacted in 1977. In 1997/98 the Commonwealth instituted a purchaser-provider model of funding for Commonwealth law matters only, in place of the previous partnership arrangement under which the State and the Commonwealth shared responsibility for the funding of all matters.

Some parts of the Act no longer assist sensible business practice. The Act presently unduly restricts the ability of the Commission to delegate its power to expend money from the Legal Services Fund and prevents the Director from delegating the power to grant and refuse aid. In order to conduct its daily business in a way which does not offend these provisions, it has long been the practice of the Commission to authorise fixed financial delegations to senior management annually, and for an appropriate officer other than the Director to authorise the grant or refusal of legal aid.

In his 2000-2001 Interim Audit, the South Australian Auditor-General commented adversely on the fact that, in the absence of appropriate amendment to the Act, the Commission and the Director were continuing to delegate authority in this way.

This Bill amends the Act to give the Commission and the Director appropriate powers of delegation.

Another provision in the Act, which has been abandoned on a national scale, and is not complied with by the Commission in practice, is the requirement for applicants for legal aid to statutorily declare that the contents of their applications are true and correct. In the past, the practice amongst Australian Legal Aid Commissions was not uniform on this requirement. Some Commissions required statutory declarations, and others did not.

In 1995, a national uniform application form was adopted by all Australian Legal Aid Commissions, including the South Australian Commission. The form does not require verification by statutory declaration, on the basis that this is unnecessary. Standard conditions of all grants of legal aid are that the Director may terminate or change the conditions or terms of the grant at any time, and that an applicant who knowingly withholds information or supplies false information is guilty of an offence.

Since the adoption of the national uniform application form, the Commission has not required applicants to sign such declarations, and has continued to pass resolutions (under s17(2)*(a)* of the Act) exempting applicants from complying with these verification requirements.

In his 2000-2001 Interim Audit, the South Australian Auditor-General commented adversely on the fact that, in the absence of appropriate amendment of the Act, the application form contained no requirement for a statutory declaration.

This Bill removes the requirement for applicants to verify their applications by statutory declaration.

Other minor amendments include substituting gender neutral terminology for the title of 'chairman' of the Commission, and removing restrictions on the name and location of the Commission's offices to ensure that the Commission may not only continue to conduct its business from a head office and branch offices, but may

operate under any other office configuration that it considers 'necessary or desirable'.

I now turn to the provisions in the Act that refer to arrangements between the State and Commonwealth Governments with respect to legal aid, and to the Commission's position vis a vis the Commonwealth Government under those arrangements.

In meeting the cost of providing legal aid, the Commission receives funds from the State and Commonwealth Governments under agreements negotiated between the State and Commonwealth Governments. In 1996 the Commonwealth Government announced a radical change to the basis of its funding to legal aid commissions. It moved from a partnership with the States in the provision of legal aid services to a purchaser-provider model of funding, under which the Commonwealth, as a principal, contracts with the legal aid commissions to deliver legal aid services in matters only involving Commonwealth law. By the end of 1997, all legal aid commissions had signed the new agreements.

The Act does not reflect this changed relationship in a number of ways.

Since its establishment in 1977, the Commission has included members who are nominees of the Commonwealth Government. Now that the Commission is a provider negotiating the supply of services to the Commonwealth, it is not appropriate for nominees of the Commonwealth Government to remain on the Commission.

At the expiry of the terms of the Commonwealth Government nominees to the Commission in July and September 1999, the Commonwealth Government indicated that it would make no further nominations. It has taken the same position with all other Australian Legal Aid Commissions.

In his 2000-01 Interim Audit, the South Australian Auditor-General commented adversely on the fact that, in spite of the requirements of Act, there were no Commonwealth nominees on the LSC.

In recognition of the changed nature of the funding relationship between the Commonwealth Government and the Commission, this Bill removes the requirement for there to be two nominees of the Commonwealth Government on the Commission.

Section 27 of the Act, which describes legal aid funding agreements between the State and the Commonwealth, is couched in terms of the pre-1997 'partnership' agreement between the State and the Commonwealth with respect to funding for legal aid, now superseded by the Commonwealth's purchaser-provider arrangements. The Bill changes the wording of this section to reflect the fact that the current agreement is a standard purchaser-provider agreement under which the Commission has the status of a provider of services in respect of Commonwealth law matters.

Other incidental amendments safeguard the Commission's competitive advantage by no longer imposing a duty on the Commission to liaise with and provide statistics to the Commonwealth at its behest, allowing this to happen when agreed between the Commission and the State Attorney-General, and by releasing the Commission from any statutory duty to 'have regard to the recommendations of any body established by the Commonwealth for the purpose of advising on matters pertaining to the provision of legal assistance'. This should now be a term of the funding agreement between the Commonwealth and the State and/or Commission, not a statutory requirement.

In addition, the Act has undergone a statutory revision, to replace outmoded language and remove obsolete provisions such as the one which refers to the appointment of the first Director of the Commission, and to replace references to obsolete Acts.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 6—Constitution of Legal Services Commission

This clause amends section 6 of the principal Act, which establishes the Legal Services Commission and deals with its constitution. The amendment removes the gender specific word 'Chairman' and substitutes a provision that includes gender neutral terminology.

Clause 3 further amends section 6 by removing the requirement that two persons nominated by the Commonwealth Attorney-General be appointed to the Commission. This requirement is no longer appropriate in the light of current funding arrangements. Section 6(5), which provides the Governor with the power to appoint deputies of the members nominated by the Commonwealth, is no longer required and has been removed.

Clause 4: Amendment of s. 8—Quorum, etc.

This clause amends section 8 of the principal Act, which deals with the quorum of the Commission. This amendment follows from the removal of the word 'Chairman' from section 6. Section 8(4) now refers to 'the member appointed to chair meetings of the Commission' rather than to 'the Chairman'.

Clause 5: Amendment of s. 10—Functions of Commission

Section 10 of the principal Act describes the functions of the Commission. Clause 5 amends this section by:

1) removing the requirement that the Commission establish an office to be called the 'Legal Services Office';
2) deleting the word 'local' from subsection (1)*(e)*, which requires the Commission to establish 'such local offices and other facilities as the Commission considers necessary and desirable', thereby allowing the Commission to establish an appropriate configuration of local and branch offices;
3) deleting subsection (1)*(ha)*, which currently requires the Commission to cooperate with any Commonwealth legal aid body for the purpose of providing statistical or other information, and inserting a new subsection that permits, but does not require, the Commission to cooperate with a Commonwealth body for such purposes.

Clause 6: Amendment of s. 11—Principles on which Commission operates

This clause amends section 11 of the principal Act, which describes the principles on which the Commission operates. Paragraph *(c)* of this section requires the Commission to have regard to the recommendations of any Commonwealth body established for the purpose of advising on matters pertaining to the provision of legal assistance. This paragraph is removed.

Clause 7: Substitution of s. 13

Section 13 of the principal Act provides the Commission with a power of delegation but prohibits the Commission from delegating the power to expend money from the *Legal Services Fund*. Clause 7 repeals this section and substitutes a new section that does not include this prohibition. The substituted power of delegation is in a standard form and is consistent with the Director's power of delegation, which is inserted by clause 8.

Clause 8: Insertion of s. 14A

This clause inserts a new section, which provides the Director with the power to delegate any of the Director's powers or functions to a particular person or committee. The delegation must be in writing. The written instrument may allow for the delegation to be further delegated. The delegation may be conditional, does not derogate from the delegator's power to act in a matter and can be revoked at will.

Clause 9: Amendment of s. 15—Employment of legal practitioners and other persons by Commission

Section 15 of the principal Act deals with employment matters. Section 15(8) currently requires the Commission to make reciprocal arrangements with other legal aid bodies for the purpose of facilitating the transfer of staff, where such an arrangement is practicable. Clause 9 amends this section by removing subsection (8) and substituting a provision that allows, but does not require, the Commission to make such arrangements.

Clause 10: Amendment of s. 17—Application for legal assistance

Clause 10 of the principal Act amends section 17, which deals with applications for legal assistance. The amendment removes the requirement that an application for legal assistance be verified by statutory declaration.

Clause 11: Amendment of s. 27—Agreements between State and Commonwealth

Section 27 of the principal Act deals with agreements between the State and Commonwealth. Clause 11 amends this section by deleting subsection (1), the wording of which reflects earlier funding arrangements, and substituting a new subsection that allows the State or the Commission to enter into agreements or arrangements with the Commonwealth in relation to the provision of legal assistance. The Commission can only enter into such arrangements with the approval of the Attorney-General. Although the section does not limit the matters about which the agreements or arrangements may provide, subsection (1a) does suggest that the agreements or arrangements may be in relation to money to be made available by the Commonwealth or the priorities to be observed in relation to such money in the provision of legal aid.

Clause 12: Statute law revision amendments

Clause 12 and the schedule set out further amendments of the principal Act of a statute law revision nature.

Mr ATKINSON secured the adjournment of the debate.

STATE SUPPLY (MISCELLANEOUS) AMENDMENT BILL

Second reading.

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

In 1995, at the request of the Treasurer, the State Supply Board undertook a whole-of-government Procurement Review.

The Review examined the adequacy of the existing policies for the purchase of goods and services. It highlighted the need for a clear accountability framework for the contracting by agencies for the procurement of both goods and services. The Review concluded that the Government was exposed to an element of risk because much contracting for services was not subject to the same level of scrutiny as goods procurement.

A unified approach to the procurement of both goods and services was recommended and Treasurer's Instruction No. 8 was amended to confer on the State Supply Board power to impose policies and procedures with respect to the acquisition of *services*.

The Auditor-General has raised the issue of the legal basis for the State Supply Board's role in the procurement of *services*. In the view of the Auditor-General, the steps taken to implement the Government's unified supply policy "[M]ay not be sufficient to confer upon the Board functions in relation to the procurement of services as distinct from goods".

In January 2001, the Auditor-General wrote to the Chair of the State Supply Board confirming his concerns and suggesting that legislative change would strengthen and clarify the role of the State Supply Board in relation to services procurement.

In order to ensure that contracts for services entered into by the State Supply Board are not affected by the issue identified by the Auditor-General, the Minister for Administrative and Information Services has, on a case by case basis, made explicit requests to the Board to undertake such procurements under section 14B of the *State Supply Act*.

This Bill will amend the *State Supply Act 1985*, by including express mention of services. The Bill will also ensure other commodities namely, energy and intellectual property are also within the ambit of the Act. It is not the intention of the Government to make fundamental changes to the scope or application of the Act but merely to clarify what is within its scope.

Although it believes that the issue has been appropriately addressed through the adoption of administrative policies and procedures, the Government has resolved that amendments contained in this Bill will further advance the reform of government procurement in South Australia.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Substitution of long title

This clause substitutes the long title to take account of the proposed express general extension of the functions of the Board to the procurement of services.

Clause 4: Amendment of s. 4—Interpretation

A new definition of 'supply operations' is inserted and provides the central focus for fixing the scope of the functions of the Board.

The definitions of 'goods' and 'management' of goods are deleted since these concepts are reflected in the new definition of 'supply operations'.

The new definition extends to the procurement of services and to the management of contracts for services, as well as expressly catching the procurement of a supply of electricity, gas or other form of energy or of intellectual property.

The new definition allows operations to be excluded from its ambit by regulation.

The amendments to the definition of 'local government body' are part of an updating exercise.

Clause 5: Amendment of s. 5—Act not to apply to certain bodies

This amendment updates the references to bodies to which the Act does not apply.

Clause 6: Amendment of s. 7—Constitution of the Board

This amendment updates the reference to the chief executive officer as the chair of the Board and allows the chief executive to nominate another to perform that function.

Clause 7: Amendment of s. 13—Functions of the Board

The functions of the Board are updated to link into the new definition of supply operations.

Clause 8: Repeal of s. 14B

Section 14B of the current Act (relating to acquisition of services for public authorities) is not required in light of the express general inclusion of services within the Board's functions.

Clause 9: Amendment of s. 16—Undertaking or arranging supply operations for prescribed public authorities and other bodies

The potential functions of the Board in relation to other bodies are updated to link into the new definition of supply operations.

Clause 10: Repeal of s. 23

This section required a review of the Act before 31 December 1994. It is repealed since its work is finished.

Mr SNELLING secured the adjournment of the debate.

NATIVE VEGETATION (MISCELLANEOUS) AMENDMENT BILL

In committee.

(Continued from 27 November. Page 2903.)

Clause 18.

The Hon. I.F. EVANS: I move:

Page 10—
Line 26—Leave out 'the' and insert:
Subject to this section, the
Line 29—Leave out 'subsection (3)' and insert:
this section
Page 11, after line 8—Insert:
(4) An owner of land is not entitled to environmental credits under this section in respect of—
(a) Crown land; or
(b) local government land.
(5) In subsection (4)—
'Crown land' means—
(i) land that has not been granted in fee simple, other than land held under a perpetual lease under the Crown Lands Act 1929; or
(ii) land that has been granted in fee simple that is vested in the Crown or an agency or instrumentality of the Crown;
'local government land' means local government land within the meaning of the Local Government Act 1999.

The amendments clarify the fact that Crown land is exempt from the credit system, and they are pretty self-explanatory.

Amendments carried.

Mr HILL: I move:

Page 11, after line 35—Insert:
and
(iv) to provide appropriate and sufficient protection to biodiversity in the circumstances of the particular case,

I understand that the minister will accept this amendment.

Amendment carried.

The Hon. I.F. EVANS: I move:

Page 11, line 37—Leave out '50 years' and insert:
'20 years.'

Mr HILL: I am not disposed to support this amendment, especially since the minister has not given a justification for it. The credit scheme that he was setting up in the original bill allowed a period of 50 years for the protection of any heritage agreement and for the funding of those agreements. Some of those who have contacted me in relation to this bill argue that 50 years is too short and that it should be in perpetuity. Conversations with Parliamentary Counsel and others indicated to me that that was impossible to achieve, but to

reduce it to 20 years seems strange. Why is that the case? Why is it not given longer protection?

The Hon. I.F. EVANS: The heritage agreement itself does last in perpetuity, so the protection for the vegetation that we are both seeking is achieved forever. This amendment says that the fund provides funding for 20 years (instead of 50 years) towards the management of the land, and we think that is a more appropriate time frame. It is hard to imagine what the costs will be 50 years hence and we think that 20 years is a more realistic window, where we get a more accurate calculation of the costs. Also, we think it is probably more representative, to some degree, of a generation's experience on that land. While the native vegetation itself, through the heritage agreement, is protected forever, we think that 20 years is a more appropriate contribution from the fund.

Amendment carried.

Mr HILL: I move:

Page 12, after line 28—Insert:

Expiry of Part

25F. This part will expire on 1 January 2005.

I can see that the credit scheme proposed by the minister has some merit. In fact, I was taken a bit by the comments of the member for MacKillop last night, when he suggested that certain landowners do not plant native vegetation on their properties, even though they want to, because they hold back thinking that, at some future stage, they may want a clearance approval. So, they hold back and say, 'We will get a clearance for a number of scattered trees, and we will then be forced to grow native vegetation.' If this scheme was in place, I guess it would be possible for those farmers to go ahead and plant native vegetation and, if they seek approval in the future, they can then offset what they have already done.

I understand that there is some merit in this scheme, but on the other side of the argument, though, there are some who say that this may lead to approvals being given for clearance subject to the person seeking the clearance being able to buy credits from someone who has planted native vegetation in the past. So, the net result will be not more native vegetation being planted or arranged but fewer trees, because that approval has been given. I know that the minister will say, 'Well, there is a heritage agreement that will be applied to those trees and there will be funding to that area, and there will be funding which will allow this to continue in the future.' This may well work, and I sincerely hope that it does. Carbon credit schemes and salinity schemes operating in other parts of Australia seem to have merit and seem to be working. So, this may well work.

The reason for my amendment, though, is that it may well not work, and it would be sensible to have a review built into the scheme. My amendment proposes that this section terminate in 2005 and, prior to that, we would come back and continue it. So, this amendment is really asking for a review, so that what is a novel scheme can be properly assessed. I think the Farmers Federation has some question marks about how it will operate, as do others. In any event, if this amendment does not pass, I suggest to the House that we will probably have to come back in the next few years and tweak it a little bit better.

The Hon. I.F. EVANS: I think the member has defeated his own argument with his last sentence when he said that we may have to come back and tweak it in the future. The point, of course, is that a review clause is not needed, because the government can seek to review any legislation at any time. So, if there is a problem, even at the two year mark, a government, or one of the parliamentary committees such as the ERD committee, could come in and decide to review it. My concern about putting a defined date for review within the act is that it actually undermines the credibility of the proposal. People who may wish to enter into the credit system would read, and be advised, that there is a review in 2005, and that might undermine their confidence to enter the credit scheme. We do not support the concept of providing in the legislation for an automatic review in 2005.

I have suggested to the member for Kaurna that the government will not proclaim this clause until it has been reported on by the Legislative Review Committee. I think everyone to whom I have spoken is in favour of the principle of the credit system. I guess it is like all new systems: you try to work out where the weak point is. So, the government has suggested that we will forward this clause—the concept of an environmental credit system for native vegetation—to the Legislative Review Committee. We will proclaim it only after we have considered that committee's report. So, we do not support the member for Kaurna's amendment.

Mr HANNA: I will speak just once in relation to the concept of environmental credits. I can see what the government is trying to do to the extent that it might encourage people to take better care of some parts of their property. However, there are inherent flaws in the concept, because by clearing some scrub and preserving another bit of scrub does not mean that you are better off over all. Obviously, it necessitates a value judgment about the land that has actually been cleared.

We have seen this concept introduced in relation to the parklands, where the minister responsible wants to allow development on our Adelaide parklands provided that some other redundant development is allowed to go back to grassland, or some other greener use. It is a bit like the old saying, 'Two wrongs don't make a right'. I think the same concerns need to be sounded in relation to the environmental credits concept. It is essential that appropriate checks are put on that process, and that is exactly what the member for Kaurna is trying to do.

Mr LEWIS: I share the concerns of the member for Mitchell in relation to this proposition. I want to draw attention to the fact that it is pretty tough on us as members of this House to deal with this clause. Clause 18 introduces five new sections into the act, and that effectively means that we have to decide how important our ignorance is. It is not possible for me to begin to understand exactly what an environmental credit is, and what its benefits will be to the wider community and to the person who owns it, and why they would want to transfer it to someone else, anyway. Will the minister please tell me those things? I will repeat them: what is an environmental credit; why would anyone want to own it; why would they want to transfer it; and what will be the benefit to the community at large as well as the person who owns the environmental credit?

The Hon. I.F. EVANS: This issue of environmental credits was raised by some rural interests. There is a view that landowners with significant areas of native vegetation, or significant areas able to be revegetated, will not put them under a heritage agreement today, because it locks the land up and they have no fund necessarily to help manage that land. So, the rural landowner locks up the heritage agreement but still has to manage the land. This credit system gives an incentive to those rural landholders and says, 'If you make your native vegetation available, the Native Vegetation Council will give what is called "environmental credit value"

to it.' When they give an approval for a native vegetation clearance, they can say that it is subject to obtaining an environmental credit. That means that a developer who seeks to clear native vegetation is still under the same strict requirements about what they can and cannot clear as exist in the act.

They then have to buy an environmental credit from a farmer who previously would not have allowed the vegetation to go under heritage agreement. But because someone will offer the farmer a value (there is no set value; it might be $20 000, $50 000, or it might be $100 000, depending on the circumstances) that then allows that fund to be quarantined for that farmer to use in the management of the land that previously would not have gone under a heritage agreement but will now go under such an agreement. So, it actually provides a direct incentive for rural landowners, who have native vegetation and who are seeking a fund to help manage that native vegetation in the future, to voluntarily—and I underline the word 'voluntarily'—decide that they wish to offer their land under a heritage agreement and establish a credit in the system. Someone then goes to the Native Vegetation Council seeking to clear some native vegetation, and the council says, 'You must have a credit''; they go to the landowner, reach a value, and the landowner then puts the land under a heritage agreement, so that he or she then has access to money to manage it. So, the incentive to the rural landowner is that, at last, they can possibly get access to external funds to manage land that previously was a cost to them.

It is all a voluntary system in that respect, as far as the rural landowner goes. The reason that everyone thinks, to my knowledge, that the principle is not a bad principle is that it offers funds to rural landowners to manage their land and gets them to put it under a heritage agreement. It is a win for both sides, but, because it is a new concept, and we are all supportive, we just want to make sure that there are no holes in it, and that this why I have said that we will, if the committee agrees with the concept, not proclaim this particular section until the Legislative Review Committee of the parliament has a look at it and gives an independent assessment, I guess, of the concept. I think that there are some very good positives in this particular system, and I would hope that the committee will support that.

Mr HILL: As I have indicated, we support the concept, and I am pleased by the assurances that the minister has given that he will refer this to the Legislative Review Committee. I think that is a sensible compromise, and I am glad that it will happen.

I will just put a comment to the minister that was put to me by the Conservation Council about the concern that it had, and give the minister an opportunity to put on the record his response to this. The council has said to me that the second reading speech explains that the minister has to have regard to the relevant biodiversity management plan, but that seems to apply only to the granting of a heritage agreement and not to what type of vegetation is traded under the credit system later, so, technically, there are two separate processes under the act. Without such criteria, we may see, for example, the clearance of 100 acres of red gum woodland for a credit of 100 hectares of stringy bark in the South-East, for instance. The council also suggests some criteria that might be applied. Does that make sense?

The Hon. I.F. EVANS: Broadacre clearance is not available under the act. So, there is no chance that the system suddenly allows 100 hectares of native vegetation to be cleared. That will not happen. I think the council has misunderstood it in that respect. You will still only be able to clear single trees, in effect, as happens under the existing act, but what this allows is the ability to obtain heritage agreements over a number of hectares if the landowner voluntarily nominates. So, I do not think that the Conservation Council has quite understood that; it would, of course, have the opportunity to speak to the Legislative Review Committee to put that point and have it explained.

Mr LEWIS: The question then is: what would be the area of land which a farmer would have to buy—an area of land which is already subject to a heritage agreement and upon which environmental credits have been issued for each tree? Would the minister tell me how he comes to that conclusion? If you have scattered trees across a paddock and you want to clear them from that paddock, can you buy environmental credits elsewhere in the same ecosystem, in the same neighbourhood? Or is it not so prescriptive as that: can you buy the environmental credits in the same type of ecosystem in another neighbourhood? Or is it even wider than that, where you can buy environmental credits in a different ecosystem, in a different neighbourhood? What are the relativities between one remnant tree and the number of square metres or hectares that you have to own to be allowed to take out that one lone tree?

The Hon. I.F. EVANS: I understand the point that the member for Hammond is making. We have designed it so that you need to buy a credit within a 50 kilometre radius of where the clearance is occurring. We have tried to restrict it to that so that you are making a best endeavour to protect the same habitat or biodiversity value. We were concerned that you might, for instance, get permission to clear one or two trees, say, at Renmark, and seek to buy a credit at Ceduna, demolishing one environmental family and preserving another. So, the system in the bill says that it is within 50 kilometres of where the clearance is occurring. In principle, it is for new heritage agreements, not the ones which have already been subject to funding from the Native Vegetation Council or which might have been subject to a court order or something. It is essentially for new heritage agreements. It is meant to be an incentive to get rural land-holders who previously have not put their land under a heritage agreement to come into the system.

Mr LEWIS: This is my problem now: this is my last shot and I have not even had a look at the specific procedures to be involved in the applications for consent. What the minister has explained, I have understood, and I thank him for that. I need to better understand now what he intends with respect to the ecosystem. If I want to clear a red gum tree in one paddock and within 50 kilometres there is a strip of red gums on a pastoral lease along a creek line, can the leaseholder, with money that I give him, put a slab of those red gums along that creek line into a heritage agreement, thus enabling me to remove the one red gum that is in the way of the centre pivot that I want to use for irrigating whatever crop on the land, to make it suitable for the purpose of efficient irrigation?

If you have a centre pivot that is operating on, say, 70 hectares on a swing—and that is not really big: there are bigger centre pivots than that—and you have one tree in that paddock, you simply cannot skip the tree. It is literally in the way. So, my questions are, first, what area of red gums on the creek line five or 10 kilometres (somewhere within 50 kilometres) will have to go under heritage agreement for me to be able to do that? I do not see that spelt out anywhere in

this legislation or in the other legislation. Is it in regulations? Would it mean that, if I could not get the same type of tree or group of trees, I could then buy a bigger area heritage agreement, which might include one such tree but one that is a little different, in terms of its composition ecologically, from the tree that is being taken out?

I am not asking about broadacre clearance: I know that is not on. I am just asking if there is a scale. If you cannot get the exact duplicate, do you have to buy a bigger area of something similar to it? If there is a greater variation between what you want to clear and what you pay for under a heritage agreement, do you have to have more of it, such that it is likely to cost you more, just because you cannot find it? I am not fussed about this, but I just want to know the process and consequence.

[Sitting suspended from 6 to 7.30 p.m.]

The Hon. I.F. EVANS: I was giving an answer to the member for Hammond just prior to the dinner adjournment. The member for Hammond asked what area of land or what formula applies to the credit system. The answer is that it is no different to that which currently applies in the act in relation to decisions by the Native Vegetation Council, that is, each decision is taken on its merits. There is no set formula in the bill. There is no formula that says, 'For one tree in the credit system you must gain a credit for 10.' There is no set formula in that regard. It is done on a case by case basis as it is in the current act.

We have limited it to a 50 kilometre radius to try to get the credits in the same area. The member for Hammond asked whether it must be the same type of vegetation. In other words, if you cut down one red gum must you necessarily have a credit involving red gums? No, that is not necessary—it might be preferable but it is not necessary. A developer may well be able to clear one red gum and have a credit that does not necessarily involve red gums. The system is that flexible. It is done on a case by case basis and the circumstances that the member for Hammond described can be catered for within the process.

Amendment negatived; clause as amended passed.

Clause 19.

The Hon. I.F. EVANS: I move:

Page 12, line 30—After 'amended' insert:

—

(a) [Bring in all words in lines 30 to 34 after the word 'amended' in line 30];

This amendment is related to an amendment to clause 19, page 12 after line 34. I will speak to both, if I can; that might be the easiest way to do it. The amendment appears on the page numbered 160(4) and relates to the member for Fisher's amendment to which I referred in my second reading response. The member for Fisher did not proceed with his proposals with respect to higher penalties on the basis that a reinstatement provision was provided for those found guilty of an offence in the criminal court. Clause 19, page 12 after line 34 is the next amendment, and it provides that the Native Vegetation Council, within 21 days of the criminal court finding someone guilty, must take proceedings in the civil court.

That then provides for reinstatement orders for those who are proven guilty. The amendment with which we are dealing (clause 19, page 12, line 30) really relies on the next amendment, clause 19, page 12 after line 34. I previously indicated the government's support for that, and I understand that the opposition is supporting it. Can I move them both at the same time, given that they are sequential?

The ACTING CHAIRMAN (Mr Hamilton-Smith): You can talk to both, minister, but we can put only the first amendment.

Mr LEWIS: The division seven fines now in section 26 amount to how much as a maximum?

The Hon. I.F. EVANS: It is currently $40 000, and we are proposing that the maximum fine be $50 000. The amendment with which we are dealing relates to the issue the member for Fisher supports, as do the government and the opposition, namely, when a person is found guilty in the criminal court the Native Vegetation Council must, within 21 days, start proceedings in the civil court. The person then found guilty can have a reinstatement order made against them. That is a very strong disincentive to breach the act because a reinstatement order can be as significant a penalty in monetary terms as $40 000 or $50 000. We have struck the balance at a $50 000 cash fine but with a reinstatement provision for the court, whether it be in the criminal or civil court.

Mr LEWIS: Given the measure of support, I will not divide on it but I make plain that I do not support the proposition. I do not think it makes for a better society to proceed in that way. It may make a lot of people feel good but I do not think it will make a lot of difference to the number of species that survive over the next 100 years. In any case, I suspect that much of this legislation, as I said in my second reading contribution, is going too far. The pendulum has swung too far. We are doing stupid things at the present time, one of which, of course, is planting too much vegetation too close to houses and roadways.

Where we are planting such vegetation we are planting inappropriate species and I think that, given the problems that I have drawn to the minister's attention (particularly as illustrated by the case of Craig Whisson's misdemeanours over many years), most of the crooks are in the administration of native vegetation law, not those who are the subject of investigation, and that causes me considerable distress.

The other thing I would say in support of my position is that whether or not members opposite, the member for Fisher and the members of the government believe it, people are kidding themselves if they believe that all this legislation will save the world from the consequences of the 'greenhouse effect'. Every day that goes by, more carbon is being put into the atmosphere in active form in the current ecosystem to do what it will. Regardless of how many trees we plant or do not plant, there is no difference between the capacity of the chlorophyll and the chloroplasts in the leaf of a pasture plant or a gum tree to fix atmospheric carbon into carbohydrate and its derivative vegetation compound. The fact remains also that, once it is so fixed, in fairly short time it will again be released into the atmosphere, because bugs will eat it, bacteria and fungi will eat it and digest it and live on it, and the by-products of all the respiration of the decomposition of that plant material will be carbon dioxide and water, and it will go back into the atmosphere whence it came.

My point relates to putting these draconian penalties on people who have probably been dealt with, to date, unfairly, unjustly and unlawfully—and whether or not they continue to be dealt with in that way is a matter of whether the current minister and any subsequent minister is prepared to address the maladministration that has been allowed to go on, even though it is known to have happened; not only has it been tolerated but I believe that in some instances it has been

improperly encouraged by the former members of the Native Vegetation Authority and the Native Vegetation Council. I am not one of these zealots who believe that one has to kill all Christians to make sure that the world is not contaminated by their ideas (if you happen to be a Muslim); and I do not believe that the Spanish Inquisition achieved a damn thing, except a lot of dead people, who were killed as a consequence of the inquisition, without good cause. And it did not improve society one iota. It caused a great deal of grief, and I suspect that the law in this respect is going in the same direction. I will not call divide.

The ACTING CHAIRMAN: The matter with which we are dealing—the amendment put by the minister to clause 19, page 12, line 30—is essentially a clerical amendment. I think that we should deal with that as a clerical amendment, subject to the minister's consequent amendment, should it proceed. I will move, therefore, to the proposed amendment that I have before me from the member for Kaurna.

Mr HILL: My amendment also deals with penalties, and it is to increase the fine for a person who has committed offences under this act to a maximum of $100 000 rather than $50 000. The minister has increased the penalty by $10 000, from $40 000 to $50 000. I think that the fine has been set at $40 000 since 1991, but I stand to be corrected on that. It is a 10 year period, so increasing it by $10 000, I guess, is not even keeping in touch with inflation. What we are talking about here is a maximum fine for someone who breaks the law in relation to native vegetation. It may well be someone who clears several hectares of land. So, we are not talking about someone who just knocks over the odd tree: we are talking about someone who makes a major attack on native vegetation—and some famous cases have been raised in this parliament over recent years of persons who have illegally cleared land, and the current act has been unable to prosecute them.

The point is: what do we do with those people? We can make them restore the vegetation. I think that that is a very good measure—make them get rid of the viticulture, or whatever they have on that land, and restore the vegetation. That is absolutely the strongest power, and I certainly support that. But it seems to me that there also ought to be a realistic monetary fine. Some would say that $100 000, which I am proposing, is too small. But I do not agree with them. I guess the minister will say, 'You don't need $100 000 because we have these other measures', which the member for Hammond says are draconian, 'in place, which will cause anyone who is about to illegally clear to have second thoughts, because they know that they will have to restore.'

If one follows that argument, we may as well get rid of the fine regime altogether: we may as well have no fines, because that measure will cause the effects that one wants. I do not think that that is true. I think that we should have a significant penalty in place as a deterrent, and $100 000 seems to me to be a reasonable compromise between those who want far greater than the $40 000, which we currently have, and the $50 000—the kind of insignificant, less than inflation increase that the minister is proposing. I therefore move:

Page 12, line 34—
Leave out '$50 000' and insert:
$100 000

The Hon. I.F. EVANS: The government opposes increasing the penalty to $100 000. We think that a 25 per cent increase in the penalty, from $40 000 to $50 000, is the appropriate balance, given the other measures of which we have spoken.

Mr LEWIS: Before the amendments and/or the subsequent motion (whatever its form) is put, I ask the minister in how many instances more than a single tree has been cleared without proper authorisation since 1990. In other words, on how many occasions has an area of native vegetation been cleared unlawfully? One presumes, from the nature of the penalty that is there, from what the member for Kaurna is saying—and even from what the minister is saying—that it is an insufficient deterrent. Over a 10 year period, I wonder whether there have been more murders in South Australia than the number of occasions on which an area of vegetation has been cleared unlawfully—not just a single tree, but an area of vegetation.

The Hon. I.F. EVANS: I am advised that there are about 130 reports annually of illegal native vegetation clearance. So, if you take that out over the 10 year period since 1990, you are talking about 1 300 reported cases—they are the ones that are reported, of course.

Mr LEWIS: If the minister does not have the answer now, I want him to go away and get it from his department honestly and accurately. I am not talking about the situation where it is just a tree or two in isolated circumstances, but where there is a significant area of native vegetation; where there are trees and understorey that someone has moved into with a bulldozer and shoved down and destroyed. I am not talking about where they have run goats in a patch of scrub that they should not have run them in, or taken a chainsaw and cut some firewood, or pushed over one or two trees in a paddock. I am talking about clearing significant areas.

Mr Hill: Broadacres.

Mr LEWIS: Yes, because that is what this penalty relates to.

The Hon. I.F. EVANS: I am happy to take the question on notice and provide an answer to the member.

Mr Hill's amendment negatived; the Hon. I. Evans's amendment carried.

The Hon. I.F. EVANS: Sir, I seek some clarification. Do we have to go back to the clerical amendment, or is that dealt with automatically?

The ACTING CHAIRMAN: The clerical amendment was subject to the agreement to this clause that we are now discussing, and that has been put and agreed to. Therefore, the clerical amendment stands.

Clause as amended passed.

Clause 20.

Mr HILL: I move:

Page 13, line 8—after 'comprising the vegetation' insert:
, lead to significant soil damage or erosion, or result in any long-term loss of biodiversity

This relates to harvesting of native vegetation, and what the amendment suggests is that the council should account for more than just the impact on individual plants when it is looking at this particular section. I understand that the minister will support the amendment.

Amendment carried.

Mr HILL: I move:

Page 13, after line 8—Insert:
(3a) The council may give its consent under subsection (3) subject to such conditions (if any) as the council thinks fit to impose.

I move this amendment so that, when the council gives consent for harvesting, it can impose conditions such as time limits, cumulative effects and so on that might apply. It gives the Native Vegetation Council more comprehensive powers

to deal with harvesting. I understand that, once again, the minister is prepared to accept this amendment.

Amendment carried.

Mr HILL: I am not sure if I read the bill correctly, but either I am completely wrong or there is a typo. On page 12, the bottom section, clause 20(b) says:

by inserting ', subject to subsection (3)(b),' after 'native vegetation may'. . .

Is that the (3)(b) that is in the original act or should it in fact be (4)(b), which is on page 13?

The Hon. I.F. EVANS: The member for Kaurna has picked up a clerical error. Clause 20(b) should read:

by inserting ', subject to subsection (4)(b),'

which refers to (4)(b) of the bill.

Mr HILL: Thank you for that. Subsection (2) on page 13 provides:

Subject to subsection (3), the council cannot give its consent to the clearance of native vegetation under subsection (1)(a) if the vegetation comprises or forms part of a stratum of native vegetation that is substantially intact.

I know that this applies to native vegetation or remanent vegetation, if you like. Does it also apply to intentionally grown plants or regrowth, and does it apply to it perhaps not in the first year but after, say, 20 or 30 years or some time in the future? If someone has a piece of land and they have grown something on it deliberately, does that regrowth eventually get protected at some time in the future?

The Hon. I.F. EVANS: If it is planted by a landowner it does not come under the act unless they enter it under the new provision that was placed in the bill earlier.

Mr HILL: Something may have been planted in 1980, and in 2020 or 2030 who would be able to tell whether it is native, remanent or replanted? You will not really know if it has been done well. Does it ever gain protection as a result of the effluxion of time?

The Hon. I.F. EVANS: No, not unless the owner voluntarily puts it under the new provision that we have put in the bill tonight.

Mr HILL: I guess it just raises the question whether after an effluxion of time the act should in fact cover that sort of vegetation, whether it be incidental regrowth or deliberate regrowth. I just put that on the record, as it seems to me an issue that is worth considering.

Clause as amended passed.

Clause 21 passed.

Clause 22.

Mr HILL: I move:

Page 14—
Line 21—After 'establish' insert:
and manage
Line 22—After 'establishment' insert:
and management
Page 15—
Line 3—Leave out 'for the management of' and insert:
with respect to
Line 5—After 'management' insert:
and protection

These are minor amendments which make it plainer that the provision relates to management, as well as the establishment of native vegetation and its protection. It is a good provision, and I understand that the minister will accept all these amendments.

Amendments carried.

Mr HILL: I move:

Page 15, line 11—Leave out '50' insert:
and substituting the following subsection:

(15) If the council gives its consent to clearance of native vegetation under this section, it must—
(a) provide the applicant with a written notification of the consent; and
(b) publish a notice relating to the consent in the *Gazette* in accordance with the regulations.

This amendment, which the minister does not accept, relates to the distance to which the credit scheme can apply. The minister is proposing a radius of 50 kilometres from the land to be cleared, effectively meaning that a landowner who wishes to enter into this scheme would be able to find someone within that 50 kilometre radius to trade with. My amendment reduces that radius to 20 kilometres. I have been advised that there is a greater chance of protecting the same kind of biodiversity if that smaller scale is used.

The Hon. I.F. EVANS: The government does not support bringing the 50 kilometre radius back to 20 kilometres. We think that is too short a distance and narrows the options that are available for people to seek a credit. I would think that properties in some of our rural constituencies would be greater than 20 kilometres, so we think that a 50 kilometre radius is the right balance.

Mr LEWIS: I think that it is tough enough as it stands to try to find somewhere to go to get a patch of native vegetation so that you can get permission to clear one tree and obtain the credits that the council will insist upon—and it involves an enormous expense. The previous clause, which we have just passed, says that you have to pay to apply to get permission. That slipped through; I intended to have something to say about that, because I do not think that is reasonable. That is the Native Vegetation Authority's job. Pretty soon, you will be charged for every application that you make, so that there is more money to spend on some of the crazy left-wing goals on other programs that are pursued by the people who have those kind of inclinations.

In relation to the 50 kilometre radius, surely, if there is a real problem with biodiversity, 20 kilometres will not make any great difference—none at all. It would be a matter of saying, 'Leave it where it is if you cannot swap a bigger area for a smaller area, or a significant area for one tree.' I am not enamoured of the notion put by the member for Kaurna—I think it is politics for its own sake. As I have intimated, I do not believe that you are more or less likely to secure the survival of a species by reducing the distance from 50 kilometres to 20 kilometres.

If the member for Kaurna has valid scientific information that he can put before the committee of the House as a whole that will enable me to come to a different view, I would be happy to see that. But on my understanding of ecosystems, it would not be there. If there is a real problem, the Native Vegetation Authority would simply not grant permission for the removal of that tree. I remind the member for Kaurna that the mischief perpetrated on Australia as a nation, very deliberately and at great expense by those people, some of whom were members of the union involved in the construction on the site (whether or not they were doing any constructive is another matter), in relation to the planting of the frog on the Olympic site at Homebush in Sydney cost us millions upon millions of dollars. The frog had not been seen there before and has not been seen there since. It is not indigenous to the locality: it was suddenly and miraculously discovered one morning and work stopped. I think that is the kind of thing about which we need to be more careful than removing a tree here and replacing it with a hectare of similar trees somewhere else. Reducing from 50 hectares to 20 hectares

the distance between where the tree is removed and where it comes from will not save anything; it will just make a lot of bloody mischief.

Amendment negatived.

Mr HILL: I move:

Page 15, line 17—After 'subsection (15)' insert:
and substituting the following subsection:
(15) If the council gives its consent to clearance of native vegetation under this section, it must—
(a) provide the applicant with a written notification of the consent; and
(b) publish a notice relating to the consent in the *Gazette* in accordance with the regulations.

I would like my comments on this amendment to apply also to the amendment I intend to move to clause 24, page 16, lines 24 to 30. These amendments relate to the same issue, and I will be able to reduce the amount of time that I need to deal with this. I think this is one of the crunch issues in this bill, and if the minister does not support my amendment—and I suggest that he probably will not—we will divide the House. This is an issue about who has a right to take a prosecution to the ERD Court.

Under the measures that the minister is proposing, a range of people can take an offence, or can cause the ERD Court to enforce provisions, under the Native Vegetation Act. Of course, the Native Vegetation Council, in the first instance, can do it—and we certainly support that. A person who owns or has any other legal or equitable interest in land that has been, or will be, affected by the breach can seek enforcement. I certainly support that, but that seems to be a fairly narrow range of persons.

An honourable member: Don't you have faith in the Native Vegetation Council?

Mr HILL: No, not necessarily. The Native Vegetation Council is appointed by the minister of the day. As I said yesterday, if Graham Gunn was ever to become the Minister for the Environment and appointed a group of his colleagues to the Native Vegetation Council, perhaps I would not have faith in it. They may well make decisions which are not necessarily contrary to the act but they may not necessarily pursue matters which need to be pursued. It is important that you have the capacity for an outside body to cause offences to be prosecuted or brought to the court. If the Native Vegetation Council does not do it, or chooses not to do it (and there appear to have been some cases in recent history where that has been the case), somebody else has the right to do it. Somebody has to be able to stand up for the environment if the body which is charged with the job does not do it: that is what this is about.

Mr Lewis interjecting:

Mr HILL: No, if the member wants to debate this, he can get up in his own time and argue the case. I am attempting to put my point of view here. What this does is allow a person who may well be affected by a breach of the act to seek a remedy. That could be an adjacent landowner, or it could be somebody who is a tourism operator and who relies on a particular landscape in order to make money. I assume it could be somebody who paints or photographs a particular bit of territory—I am not sure, it would be up to the court to determine what kind of interests would be allowed. The third part of this clause is that, where there has been a contravention or a failure to comply with a heritage agreement, a party to that agreement can go to the court to seek a remedy. In the Environment Protection Act and in the Development Act, there are provisions which are the same as, or similar to, the provision that I am suggesting should be brought into this bill, that is, to give any person in the community the right to apply to the ERD Court for a remedy or to restrain a breach. That seems sensible.

All of us should be advocates for the environment. If we see a breach of the act and do not see the Native Vegetation Council take any action, why should we not be able to go to the court and ask it to have a look at it? If somebody in the South-East decides to cut a drain through native vegetation and the Native Vegetation Council chooses not to prosecute in that case, why should another person who is outraged by that act not be able to go to the court and ask for that matter to be judged? It should not necessarily have to be the person who has a piece of land nearby that is affected: it should be possible for anybody who is outraged by this travesty, this injury to the landscape.

Anyone of us should be able to go to the court to ask for a remedy and for the law to be applied. Otherwise, the Native Vegetation Council, if it is stacked appropriately by a government which chooses to stack it in a particular way, can choose to ignore blatant breaches because it may well be friendly with the particular interests, or it may well have other pressures applied to it. I am not suggesting that happens, but that is always the risk. It makes it much better for the community generally if any individual can use the court to have measures imposed. As I say, that is absolutely what happens in the Environment Protection Act and the Development Act. So, if it is good for those two acts, why not have it in this act as well?

Mr LEWIS: I have exactly the opposite view for exactly the opposite reasons. Let me tell the member for Kaurna that, as he well knows, he used a specific example in the South-East of cutting a drain to get rid of saline groundwater. Such a drain would have had to be cut because there was no other solution any time soon.

Mr Hill: That's not true.

Mr LEWIS: Yes, it is. The member can have his debate in his time, Mr Chairman, the same as he told me. Any time soon it would not have happened. The landholders in the immediate vicinity decided that they would be intransigent, and the legal processes available to them at any price—and that is what they were prepared to pay—would draw the matter out for at least two to three years, and possibly longer. Some of those matters have gone for much longer than three years in similar circumstances. That is what was going to be done to me by the government over the Old Treasury Building. It was going to take me down every blind burrow it could until the parliament got up and I would no longer have any standing. And that is what the owners of the land were prepared to do on the locations adjacent to the site through which the drain was ultimately put.

What the member for Kaurna failed to state, and that he well knows was the case, was that, if there had been yet another year lost before that drain was cut, it would not have been the 100 to 200 hectares of native vegetation which in some way or other was either cleared or affected by the drain that had to be cut: it would have been thousands of hectares in the waterways upstream (if I can use that word advisedly) from where the cut was made that would have been killed through the salination. It would have been in national parks, and it would not only have been those thousands of hectares of native vegetation: it would also have been thousands of hectares of productive agricultural land that would have gone out of agricultural production of the kind that it had been used for; and that would have been a great economic loss to the

owners of the land, and, indeed, a great loss to those who relied upon the production from that land for their jobs.

Further, it would have been a great environmental loss for the native vegetation that would have died as a consequence of the impact of the soil's salination. I am not exaggerating and the member for Kaurna knows that. The Public Works Committee looked at that and we saw the area that would be affected on an annual basis. The council took the view, finally, I guess, that it was the lesser of two evils and, even though permission had not been granted, common sense prevailed at the end of the day. What the member for Kaurna wants to do is to not only have the drain but, presumably, to punitively prosecute someone, whoever it was, who gave the order to make the cut, to clear the vegetation out of the way and to get on with it. By the way, where the ground would be salinised, of course, would be a fairly barren environment, but it would not be barren of all life and forms of vegetation, although it would have changed dramatically. Clearing the vegetation on any piece of land does not necessarily mean that no other vegetation will grow there, whether commercial or not.

To come back to the case in point, it illustrates that third party actions of this kind in the ERD Court, as the member for Kaurna knows, can be taken in a vexatious manner and will cost the poor sod who owns the land a great deal of money to defend. At the end of the day, such actions can be withdrawn before the court has made up its mind in the final analysis; or, if they go the whole distance through the ERD Court, no costs will be borne by the third party which brings the action. Neither do they have to have legal representation. They can just bring the action and argue it themselves as individuals. In any other court system, of course, that is their right where it affects them. They do not have to be represented by counsel or by advocates. But, in this instance, they suffer no penalty other than to put their time into it. There are enough mischief makers in this world, as I have already discovered, who would gladly and happily do that just because they are bloody-minded. That is simply not fair to the person who happens to be affected—in this case, the owner of the land.

The victimised person suffers the consequences of having to prepare and present a defence against what is being alleged, and the other party can then walk away, after stalling and running up costs for a year or two, or more. They can do that, not out of any regard necessarily for the survival of native vegetation but, as the member for Kaurna knows, out of bloody-mindedness to make life difficult for the poor sod who owns the land. Where an allegation is made that something has been done that ought not to have been done, then that has to be, according to what the member for Kaurna says, tested in the court. I disapprove of that completely.

If the Native Vegetation Council is not a responsible body, given that it has responsibilities in law under this act, to act in the public interest and to prosecute offences against the provisions of the act, then it is equally true to say that you could not trust the police to do their job and that we need to provide extensive rights for citizens to mount speed cameras on the roadside, to photograph motor cars and then, through the court system, prosecute the people who drive past at speed, because the police are not doing their job.

Alternatively, we need to have third party prosecutions against people who are committing thefts. No, the course to be followed here is to report the matter if you see an offence being committed and allow the people who have been put through the process of recruitment, which has rigour in it, as inspectors for the purpose to then go and examine the allegation and determine whether or not the prosecution should be mounted against them. I think Paul Rofe is quite capable of doing his job and equally I think the Native Vegetation Council is capable of doing its job. Third party prosecutions will produce a hell which we will regret we ever did as legislators and which we will have to rectify some time down the track if we agree to do as the member for Kaurna requests.

The Hon. I.F. EVANS: I have just brought to the attention of the member for Kaurna that in speaking to this amendment to clause 22, page 15, line 17, that particular amendment links into consent. Clause 22 of the bill deals with consent provisions and links into clause 28, which deals with the appeal provisions. The member for Kaurna in speaking to it has got himself confused and has linked two issues which are both to do with third parties but are slightly different issues. The members for Kaurna and Hammond have both spoken to the next amendment, which is clause 24, page 16, lines 24 to 30, which is all to do with the third party right to issue proceedings. The member for Kaurna has outlined the positive, the member for Hammond has outlined an argument against that, and the government supports the principle outlined by the member for Hammond and will be voting against that amendment.

The amendment we are dealing with relates to clause 22, page 15, line 17. This is one of a number of amendments in the member for Kaurna's amendments which deal with the concept of introducing a third party appeal in relation to decisions of the Native Vegetation Council. The government opposes the concepts of a third party appeal and I will quickly outline why. In our bill we say that when the Native Vegetation Council takes a decision and rejects an application for native vegetation clearance, the person making the application should have the rights to appeal but only on the administrative process and not on the merits of the case and therefore it goes to the Administrative Appeals Tribunal of the District Court, which we established earlier in the bill.

If we follow through all the amendments in relation to third party appeal put up by the member for Kaurna, this amendment and the others mean that if we introduce a third party appeal so that organisations or individuals could join the appeal process and work either for or against the applicant in relation to the appeal, we think the appeal process quite rightly should be restricted to those parties that apply and are rejected by the Native Vegetation Council—quite a narrow appeal process. We do not support the concept of third party appeals.

The CHAIRMAN: The chair noticed that the member for Kaurna was speaking to amendments dealing with both clauses 22 and 24. The member for Kaurna indicated that he simply wished to speak to both items together. We will deal with clause 22 first, then clauses 23 and 24. In light of the fact that everyone has spoken on clause 24, I imagine that will be fairly expeditious. We are now dealing with clause 22.

Mr HILL: As the minister says, I was a bit confused and I thank him for drawing my attention to it, so he has one back. The clause I mistakenly assumed was part of the enforcement rights is the first of a number of amendments I have moved which relate to the rights of third parties to appeal a decision of the Native Vegetation Council.

I mentioned in my second reading speech and will sum up now that the position I am putting is this: the bill before us allows a participant, landowner or somebody who has applied to have trees removed from a property the right to appeal on

very limited administrative type grounds, that is, there can be a judicial review of administrative procedures. They are very narrow grounds and there would be a successful result only in cases where the Native Vegetation Council got its procedures wrong, where natural justice principles were not applied or where certain evidence was improperly rejected—all those kinds of things. That is perfectly fair, as I said in my second reading speech. If a quasi-judicial body hears evidence and makes a decision, it is proper that there be an appeal process. I do not disagree with the government on that and I separate myself from some in the environmental movement on that issue.

On the other hand, it seems very important that if those who want to clear land can have an appeal right, then those who have an opposite view should also have a limited appeal right on the basis of whether or not the council has properly conducted a case because there are some circumstances, I have been advised, where the Native Vegetation Council may not have considered the evidence properly, may have ignored something that it should have taken into account, which has then led them to allow a clearance to take place. It seems only fair, democratic and sensible that those who want to stand up for the environment should be able to appeal decisions of the Native Vegetation Council on those very narrow grounds. There would be few cases where those grounds would exist or where an action would have been successful. However, there are some circumstances where the Native Vegetation Council may get it wrong.

If we do not have the rights of an outside party to blow the whistle, put up their hand and say, 'Look, they've got it wrong,' then it means that the Native Vegetation Council virtually can act as a star chamber in relation to the environment. The landowners can have the right to appeal, but the rest of the community cannot say, 'Look, you've got it wrong.' I do not think the government would be giving a lot away by agreeing to this provision and would in fact gain goodwill in many quarters if it did. Those third party appeal rights exist elsewhere in the law and are sensible provisions. I will finalise my comments in relation to the other clause that I mixed up with this one, but since I have done that already it may save time if I address a couple of the issues the member for Hammond raised in relation to the issue of third party rights to enforce measures of the Native Vegetation Council.

The member was talking about a particular case in the South-East. No names, no pack drill tonight, but in relation to that I would say two things, the first being a philosophical point. Is the member arguing that the ends justify the means? In the case he was referring to, the person did not have permission yet cleared many hectares of native vegetation because he was able to justify to himself and to his peers that there was validity in that. Should anybody be able to ignore the law and the rules and go out and do what they think is in the best interests of the community and after the event attempt to demonstrate the validity of their case?

The second point I make is that the honourable member said there was no alternative. That is simply not true—there was an alternative. Another piece of land could have been used for a drain adjacent to the land in question. The owner of that land was intransigent and did not want that land used, but I made an offer to the government that we would support the government if it put legislation through the parliament which allowed that land to be taken by the government and used for the purpose of establishing a drain, with due compensation given to the person with appeal rights only in relation to compensation so there could have been no legal delay. That could have been done by the parliament in a matter of days and that land then used.

I know the government used similar provisions recently because the Minister for Water Resources spoke to me about how in the Riverland a similar law was put through in relation to, I think, the Qualco-Sunlands legislation, which allowed the government to pass a channel of some sort through a private landowner's property up in that area and the landowner had absolutely nothing he could do about it: he could argue about the compensation but not about the fact. I offered the government the same opportunity with bipartisan support to use a similar provision in the South-East to use the adjacent land and not go through the land which was eventually cleared where native vegetation was lost.

There were opportunities and the fact that the landowner in the South-East went ahead without permission meant that those other opportunities could not properly be explored. I reject that notion, which is a fantastic example of where a third party right to pursue enforcement should be allowed because in the case of the South-East the government said, 'We have had Crown Law advice which says we can't get anywhere and, as a matter of policy, we agree with what he did, anyway.'

The Hon. I.F. Evans interjecting:

Mr HILL: I believe the government did. I am not saying you said it, but I believe the government did. The landowner next door is a poor bloke and we do not want to interfere with his rights. That was put to me, not necessarily by this minister but by one of his colleagues. That is a very good example of why those rights are required. There are two issues here and I apologise to the chamber for confusing them. However, there are two discrete issues both to do with third party rights. The first of the amendments is to do with third party appeal rights, which is an important principle. The second amendment is to do with third party enforcement rights, which is another important principle. I indicate that, if I lose these amendments, I will divide on both.

Mr LEWIS: I would say to the member for Kaurna that one of the things I had not mentioned earlier is that his contribution to the debate prompted me on this point. It is, quite simply, that, if it is good for the goose, it is good for the gander. If third party rights of appeal as well as third party rights to prosecute are put into the legislation, then do not be surprised if you find people such as Charles Copeman demanding the right to prosecute demonstrators who interfere with mining operations somewhere else in Australia—

Mr Hill interjecting:

Mr LEWIS: It has everything to do with it. The member is saying that it is elsewhere in the law. Let me come back explicitly to the case in point. If one person, who has chosen to save their money, buy land and make their living out of farming, decides that they have been stuffed around long enough over the gum tree in the corner that is not indigenous to the locality—it has grown up in the last few years and the law says that is indigenous; it grew there and it has been there more than seven years—and they push the bloody thing out of the way while they are putting their pipeline in and then find that they are the subject of prosecution action brought against them by the greenie bandidoes, that is one thing and that is what the member for Kaurna is saying. But I am equally saying that the appeal rights would extend, if the Native Vegetation Council did not appeal against a decision that was adverse to what the greenies wanted, and the greenies could then do it.

Equally, I say to the member for Kaurna, if it did not suit other land-holders elsewhere to allow that decision to stand and that they were unhappy with it, they just might take the appeal action in the court, more or less, as it were, on the part of the landowner. And so we make a mess of the courts and we clog them up with parties who have a prurient interest in the matter (or one that is at least at arm's length from it) taking actions right and left, to the extent that it then becomes a matter of who has the greatest amount of time and money on either side of the argument; and it will lock up the courts and waste time, costing the taxpayers money in the process of doing so, because in the ERD Court, as the member for Kaurna knows, costs are not awarded against the appellant.

The appellant on either side of the argument can come in, make their case, and make a bloody nuisance of themselves (as has happened to me already twice in the past three or four years), and then walk away with no costs and there is nothing I can do about it to recover my costs, and there is nothing that the aggrieved party who was the subject of the vexatious action—and that is what I call it—can do about it. I think that is silly. It ought not to be the way to do things. I think I have made it plain enough for those who come after me to understand why I said what I said and why I will I vote the way I will, whether they look next month, next year, or in 50 years' time. Equally, I leave posterity, however short or long, to judge the member for Kaurna or any other member of this place according to the way they vote on this issue this evening.

The committee divided on the amendment:

AYES (20)

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

NOES (23)

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

PAIR(S)

Hanna, K.	Kotz, D. C.

Majority of 3 for the Noes.

Amendment thus negatived; clause as amended passed.

Clause 23 passed.

Clause 24.

Mr HILL: I move:

Page 16, lines 24 to 30—Leave out subsection (1) and insert:

(1) Any person may apply to the Environment, Resources and Development Court for an order to remedy or restrain a breach of this act (whether or not any right of that person has been or may be infringed by or as a consequence of that breach).

I have spoken to this amendment previously.

The committee divided on the amendment:

AYES (21)

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

NOES (23)

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

PAIR(S)

Hanna, K.	Kotz, D. C.

Majority of 2 for the Noes.

Amendment thus negatived.

The CHAIRMAN: Does the member for Kaurna intend to proceed with the other amendments to clause 24?

Mr HILL: Yes, I do. Could I perhaps deal with amendments to clause 24, page 17, line 25; page 20, line 36; page 20, line 39—

The CHAIRMAN: Order! At this stage the honourable member will need to move only the amendment to page 17, line 25.

Mr HILL: I am happy to do that, but perhaps—

Mr LEWIS: I rise on a point of order, sir. Before we go anywhere or do anything on this, I ask for your direction. Here we have a clause 24, but within it there are seven other clauses: 31, 31A, 31B, 31C, 31D, 31E and 31F and, altogether, it covers seven pages of the bill. I am allowed three questions, as is any other honourable member, and I just think that is a bit outrageous.

The CHAIRMAN: The chair is relaxed about that. If the member for Hammond wishes to—

Mr Clarke: He can have my three, sir.

The CHAIRMAN: Order! It is the intention of the chair to put the new sections separately.

Mr LEWIS: Can we take the proposed new sections as separate clauses? It is not the first time we have done that.

The CHAIRMAN: The chair is happy to put those as separate questions. But it will be necessary for us to finish dealing with the amendment before us at this time.

Mr HILL: I move:

Page 17, line 25—After 'appropriate to the court' insert:

, taking into account the nature and extent of the original vegetation

This deals with a separate matter, and that is to do with the nature and extent of vegetation that must be taken into account when making good a breach. The clause provides that that is what must happen. I understand that the minister is agreeing with this provision.

Amendment carried.

Mr LEWIS: What will the consequences of new section 31 now be, in the event that it is passed and becomes part of the act? As I understand it, we have in here provided, albeit a much narrower, but nonetheless feasible, provision for vexatious appeals in the ERD Court. Proposed section 31A, to my mind, is a bit of a worry. Proposed section 31A(1)(a), of course, relates to the council, which can go to the court for an order to remedy or restrain a breach of the act. The next group of people includes a person who owns or has any other legal or equitable interest in land that has been, or will be, affected by the breach. One could draw a pretty long bow here by saying that, if this person clears this piece of vegetation, that means, according to my argument (me being the aggrieved party who owns some low lying land near the coast somewhere, not immediately adjacent to this land), that more greenhouse gas will, in consequence of the clearance of the vegetation, get into the atmosphere.

That will warm the atmosphere, and that will mean that the seawater will rise, and that will mean that my land is at risk of being submerged, so that I and my children, even though I am 1 000 miles away (and that is nearly possible on South Australia's coastline), will be affected, and I therefore take an action in the ERD Court on the grounds that it will have an effect on my land and that of my children. And I do that in conjunction with my children, because it is their interests in the future that are being affected. Is that what the government intended? Or is it anywhere spelt out as to what precisely is affected land? What is affected land? I cannot find it anywhere and it seems to me possible, therefore, that we could have the mess that I speak about in consequence of what that person can argue in the ERD Court. And I can tell you, you can get some fairly high flying—I mean, Harry Potter has got nothing on some of the stuff that I have heard in the ERD Court.

Mr Clarke: It rivals this place, I think.

Mr LEWIS: That's right. Anything will fly there: all you have to do is get the broomstick between your legs.

The Hon. I.F. EVANS: When the parliament dealt with the Development Bill last year, it tightened it right up to try to prevent vexatious claims, as outlined by the member, through this process, and this bill links in. So, we have tightened up very much across a whole range of bills in relation to vexatious actions. But new section 31A(b) talks about the person who owns or has other legal or equitable interest. A legal or equitable interest is, essentially, an interest that is registered on the title, such as a mortgage, and the word 'equitable' is well recognised to have a specific meaning within the law. It is very narrow in that respect; it is not broad. This is about an enforcement provision, it is not an appeal provision. So, we should not get confused there. This is not about third party appeals; this is about enforcement provisions. What this says is that the Native Vegetation Council has to go to the ERD Court for enforcement, and it says that a person who owns or who has a legal or equitable interest—in other words, if you have a mortgage on the property or an equitable interest in the land that has been affected by the breach; in other words, where the breach of the act has occurred on that land—can take an enforcement order in the court. It is very narrow in that respect. So, that has clarified it for the member for Hammond. I move:

Page 20—
Line 36—After 'breached this act,' insert:
or is likely to breach this act,
Line 39—After 'that constitutes' insert:
, or would constitute,
Page 21—
Line 1—Leave out 'the breach' and insert:
a breach has occurred and the breach
Line 5—Leave out 'resulting from the breach' and insert:
arising from the breach or likely breach (as the case may be)

These amendments all relate to giving flexibility to deal with a likely breach of the act. They simply allow an officer to step in immediately prior to a breach occurring to prevent a breach of the act, rather than waiting for the breach to occur—in other words, waiting for the vegetation to be cleared and then stepping in. The amendment gives them that little bit more flexibility, by being able to step in with respect to a likely breach of the act.

Mr HILL: I indicate that the opposition supports these amendments, because we also have the same amendments tabled. It is a very sensible provision to allow the officers the power to intervene where a breach is about to occur as well as after it has occurred, and I certainly support them.

Mr LEWIS: Can we just go back a bit to section 31A, where the minister misunderstood what I—

The ACTING CHAIRMAN (Mr Hamilton-Smith): We are presently dealing with the four amendments put by the minister. We should deal with those amendments and then, if the honourable member wishes to raise any further matters to do with clause 24, he is free to do so and I will return to him. But the question before the chair is that the amendments put by the minister be agreed to.

Mr LEWIS: I will try to calm it all down again. The Chairman told me that we would take it new section by new section. Now you have jumped all over the place. I do not understand what those amendments really mean. They come in fairly quick order right across the board. The minister says that they mean one thing, namely, that they will enable the inspector to step in and stop a breach. I have not wrapped my mind around the mechanism that is there.

The ACTING CHAIRMAN: I understand the honourable member's concern. I note that we are to deal with each section of the clause section by section, the point that the honourable member raised, but it is the practice to agree to the amendments in the first instance and to deal with them, then to return to the clause and go through it section by section. The honourable member will have an opportunity to deal with each section of clause 24. I am now putting the question that the four amendments put by the minister be agreed to.

Mr LEWIS: I was trying to get into the spirit of the way in which you proposed to deal with it and explaining to the House through you, sir, that the minister said that these amendments now make it possible for an inspector to step into a situation in which the inspector suspects that there is going to be a breach committed before the breach is committed. In other words, the inspector can step in before the scrub is bowled over or blown up with gelignite, or whatever other means. I have said through you, sir, to the committee and to the minister that I was not sure what the authority was which provided the inspector with the right to presume that that was going to happen and begin to take what the inspector thought

would be appropriate action to stop what he thought was going to happen from actually happening.

Whilst I know that you, Mr Acting Chairman, would ask me to consider commonsense in this context, we are not talking about commonsense here. We are talking about the law. I want to understand from the minister what burden of certainty and proof the inspectors will need to have before they can intervene and do what they would otherwise not be able to do until an offence was committed.

Let me explain by analogy. If a policeman saw me driving down the road and someone had told the policeman that I habitually drove at speeds greater than the speed limit, then can the policeman come to me and stop me from driving down the road because it is likely that I will commit a breach of the Road Traffic Act by exceeding the speed limit and say that I must not drive because there is a risk of doing that? No, the policeman cannot do that. There has to be a breach of the act before the policeman can stop me and prosecute me.

We have no need to go into the camera stuff, because that only happens in the circumstance where the technology detects in its calculated sense that I have broken the speed limit and it records the fact and, accordingly, I get a notice, or whoever does it gets the notice. I am using myself as the guinea pig in this instance. I want the minister to address seriously for me the burden of proof the officer must have noted that a breach was going to occur before the officer stepped in to stop whatever was happening before it actually happened.

It is a fairly esoteric concept and, if you can do it in one part of the law here, pretty soon we will have it happening in other parts of the law as well, such as in the Child Protection Act, and so on. I do not like precedents being set in the way in which the law is codified to enable judgments to be made about what might happen before it has actually happened, and what the penalty or consequence for the person who is suspected of being likely to commit the offence will be. If the minister can do that for me, I will be grateful, so that I can contemplate whether or not I want to agree with the amendments that he has moved.

The ACTING CHAIRMAN: I will take that as the second question on the amendments and ask the minister.

The Hon. I.F. EVANS: The officer has to genuinely believe that a breach is about to occur. Let us follow it to its logical conclusion. The honourable member is obviously concerned about an officer who makes a mistake and issues a notice when a breach was not going to occur. If an officer issues a notice and the breach was not going to occur—in other words, they were not going to clear native vegetation—it does not matter that the officer might have made a genuine mistake, because the native vegetation is not being cleared and the owner of the land or the employee is not at any risk, because he was not about to breach the act. Therefore, there is no risk to the owner of the land.

Mr Lewis interjecting:

The Hon. I.F. EVANS: He gets a piece of paper: that is the only inconvenience. If the owner or the employee or person was about to clear illegally, why should the officer have to wait for the vegetation actually to be knocked over before issuing the notice? Surely there is some community good in saying to the owner, 'We think you're about to breach the Native Vegetation Act. There are some quite severe penalties if you get it wrong. Here is a notice to say don't do it and here is my card. Let's sit down and put in an application and do it properly.'

That is actually providing a good service to landowners, because you are actually preventing them from getting themselves in more trouble than they need to. Most landowners are doing the right thing, anyway. We see this, as does the Labor Party, as quite a simple measure that provides some flexibility to the officer on the ground to make sure that the landowner who inadvertently might be doing the wrong thing is protected from doing so. The only downside is that, if an officer makes a mistake where people are not about to clear, all the owner gets is a notice that says do not clear, and the land owner says, 'That doesn't matter: I wasn't going to clear, anyway.' So, no offence is committed.

I cannot see the issue with it, with all due respect to the member for Hammond. We see it as a good piece of administrative law that allows the officers on the ground to be proactive in preventing a lot of trouble for those landowners who are normally doing the right thing.

Amendments carried.

The ACTING CHAIRMAN: In the light of the minister's amendments, does the member for Kaurna wish to proceed with the amendments he has tabled in his name?

Mr HILL: No, they are identical. The only one is clause 24, page 21, line 25, and we have considered that issue previously.

The Hon. I.F. EVANS: I move:

Page 21, line 30—After 'under this section' insert:
in relation to a breach

It is a subsequent amendment to the debate we have had on the previous four amendments, and I do not need to speak to it.

Amendment carried.

The ACTING CHAIRMAN: The question is that clause 24 as amended be agreed to, and I remind the committee that we will be putting this section by section.

New section 31 agreed to.

New section 31A.

Mr LEWIS: A while ago, I raised with the minister a proposition which I do not think he quite understood, and that proposition was that, if somebody owned land that was not immediately adjacent to land which was seen to be affected by proposals to clear, or clearance that was undertaken, but who claimed to have an interest in a way which was fairly indirectly linked, such as might be the case by allowing the clearing to continue, I said to the minister it might result in the earth warming more rapidly—however minuscule that rate may be—and cause the land of the person concerned to become submerged, or to put it at risk of submergence because it was low lying.

They could argue that they were entitled to take action through the ERD Court against clearing vegetation of some kind or another where they thought that vegetation had been cleared which, in their opinion, was cleared unlawfully. Under section 31A(1)(b), how direct does that connectiveness have to be between the land upon which the vegetation is being cleared and the land owned by the person in question or someone else who has an equitable interest in the land that they believe will be affected by that action?

The Hon. I.F. EVANS: I am advised that the link is direct; that is, where section 31A(1)(b) talks about a person who owns or has any other legal or equitable interest in the land that has been, or will be, affected by the breach, we are talking about the land on which the breach occurs.

Mr Lewis: Not the neighbour's land?

The Hon. I.F. EVANS: Not the neighbour's land or the land down the road: it is the land on which the breach occurs. So, we are talking about an absent landlord who might stop a tenant from performing a breach, because the landlord obviously has a legal and equitable interest to stop the tenant. But this provision does not relate to a property two kilometres down the road that might be affected by things such as greenhouse implications. It relates specifically to the native vegetation issue and breaches of the act on the land where the breach occurs and not the broad environmental question.

New section agreed to.

New section 31B.

Mr HILL: New subsection (3)(a) provides that 'where part of the original vegetation is still growing or situated on the land [the council can] direct that it be removed so that the new vegetation can be established on the land'. On the face of it, that seems a strange provision. In order to expand vegetation, you can first clear the original vegetation. Can the minister justify this subsection and explain how it might operate?

The Hon. I.F. EVANS: I am advised that this subsection tries to deal with circumstances where a breach of the act has occurred, or an attempt to clear the native vegetation has occurred, through mechanical means where they have sort of rolled over the vegetation. You then have to actually remove what is there to grow new vegetation. Obviously, the Native Vegetation Council will not approve the removal of vegetation that is in reasonable condition or has a chance of regenerating. Again, it is really a tool that provides some flexibility for the Native Vegetation Council in unusual circumstances.

Mr LEWIS: That explanation strikes me as pretty plain. It says 'where part of the original vegetation is still growing or situated on the land'. By definition, if it is not alive, it is not vegetation. So, why would the court want to direct that living vegetation be removed so that new vegetation can be established on the land. The original stuff is there. Part of the natural phenomenon of the Australian bush is that storms, fires and God knows what knock the bush around and it recovers from that. I am amazed at the minister's answer. If I am mistaken in that respect, I hope that the minister can explain it.

The Hon. I.F. EVANS: I cannot explain it much better than I did before, but it was obviously not a good attempt as far as the member for Hammond is concerned. The explanation given to me by the officers is that if you had large vegetation that was folded over, even though that bush itself may be growing, it may cover a large area that prevents revegetation in that area. So, this subsection gives the Native Vegetation Council or the court some flexibility to say, 'In the interests of getting a bigger area revegetated, we will remove that bush (or a number of bushes) so that we can revegetate a different area.' If they do not think it will benefit the biodiversity or serve native vegetation purposes, they will not use the subsection. However, if they need to use it, it is there for the purposes of flexibility.

New section agreed to.

New section 31C.

Mr LEWIS: Will the minister please explain to me the ramifications of the amendments in relation to this section?

The Hon. I.F. EVANS: Will you please clarify your question?

Mr LEWIS: What does it mean?

The Hon. I.F. EVANS: Are you talking about the interim order provision?

Mr LEWIS: No, the whole section.

The Hon. I.F. EVANS: Do you mean section 31C?

Mr LEWIS: Yes.

The Hon. I.F. EVANS: I would have thought that it was reasonably self-explanatory. It talks about the power to make an interim order.

Mr LEWIS: How has the amendment affected that?

The Hon. I.F. EVANS: The amendment that we have already dealt with?

Mr LEWIS: Yes.

The Hon. I.F. EVANS: There was no amendment to clause 24 (page 20) involving that section. There was no amendment moved to section 31C.

New section agreed to.

New sections 31D to 31F agreed to; clause as amended passed.

Clauses 25 and 26 passed.

Clause 27.

New section 33A.

Mr LEWIS: Division 3 refers to authorised officers, and this is the bit that talks about what is permissible behaviour for an authorised officer. I am surprised that the legislation does not contain what has become known over the last 10 years or so as the Gunn provisions, where, if an authorised officer misbehaves in the course of their work, they can be dealt with by the law.

The Hon. I.F. EVANS: At page 28 of the bill, new section 33F relates to offences by authorised officers, and it provides that an authorised officer or a person assisting cannot use offensive language, and so on. That is the section that the member for Hammond is referring to. The member for Stuart has been consistent in his approach in the matter of that section.

Mr LEWIS: I thank the member for that. I had missed that.

New section agreed to.

New sections 33B and 33C agreed to.

New section 33D.

Mr LEWIS: To what extent does the minister have the power, if this becomes law, to take away (I nearly said steal) the equipment that might belong to the person who committed the offence, or to some third party who did not know that it was being used to commit what has now become a crime, and dispose of it, and pocket the proceeds for general revenue? Once it is forfeited to the minister, presumably the minister can then sell it. I am not sure whether this proposed section covers both the circumstances that I referred to, namely, where the equipment belongs to the person who owns the land and/or who committed the offence, and the other set of circumstances, where the equipment used belongs to a third party, who was innocent of any knowledge that an offence was going to be committed using the equipment.

The Hon. I.F. EVANS: I understand that they can seize the equipment that is suspected of being involved in the breach. They then hold the equipment. They cannot sell it or anything like that prior to the court case. If the person is found innocent then, of course, the equipment goes straight back. If they are found guilty, then, if the court agrees, the government may be able to sell the equipment, but it would have to get the court agreement to that; it could not take a unilateral decision of its own. So, the protection is that if the equipment is involved in a breach, it can be seized, for evidentiary purposes for the case. If the court says that there is no offence, the equipment goes back to the owner. If the

court agrees then it could be sold in that circumstance, but only if the court agreed.

Mr LEWIS: That is a bit vague. The minister has been explicit about what is here in the bill that he proposes to make law, but I am saying that the law is a bit vague, in that, if the equipment belongs to third parties, then what happens? The poor sod whose equipment was illegally used to clear the native vegetation loses that equipment quite improperly. I do not believe that it ought to be left up to the court. I think that if the owner of the equipment can demonstrate that they own it and, equally, satisfy the court that they were not aware that it was being used to commit an offence, it ought to be automatically returned to them by law, not at the court's discretion.

The Hon. I.F. EVANS: It would be up to the court to establish that that claim was true, that that equipment had been used without the third party's knowledge. If the court was convinced that the third party's equipment had been used without the owner's permission, then it would not agree that the equipment could be sold to pay for someone else's penalty. That matter would be dealt with by the court but, regardless of who owns the equipment, if it is involved in a breach, it can be seized. It then goes to court and the court decides on the facts of the matter. If it has been used without the third party owner's permission, the court would not allow it, through its natural process, to be sold to resolve someone else's penalty. It would automatically be handed back at the end of the court case and the court would have to come up with another penalty for the person who actually committed the breach.

Mr Lewis: Where does it say that in law?

The Hon. I.F. EVANS: Well, you cannot cover every circumstance in a law. My advice from Parliamentary Counsel is that that is the normal procedure of the court. It is not written anywhere in the bill. The advice to me from the officer is that that is the normal procedure of the court in the circumstances outlined by the member for Hammond.

Mr LEWIS: I want to reassure the minister that this court does not see it that way. In other areas where it has some jurisdiction, it has not been all that considerate. If someone is caught, for instance, shooting duck out of season, and the gun is confiscated and the person is prosecuted for doing so, whether the person who owned the gun was the person who committed the offence or not, the gun is simply confiscated and sold.

As I said to the minister previously, this court is noted for its capacity to deal with things on the basis of how it feels and not on the basis of what the law says. The law ought to say (and the government ought to include it in here; the minister should have a proposal here) that, if it is demonstrated that the equipment seized does not belong to the party or parties who perpetrated the offence, the equipment shall be returned, and not simply leave it up to the court because the court will do what it feels like on the day. I guess there are some people around, certainly in this native vegetation enforcement business, who believe that all bulldozers are evil because they might be used to push over trees, and the more they can get rid of one way or another by the people who work on broad acres with them the better off they will be—it is better to sell them somewhere else.

The Hon. I.F. EVANS: I cannot add to the debate much further for the member for Hammond. The advice I get from my officers is that this is a standard procedure in a number of other bills, the Food Act being the most recent. We are not writing all the court procedures in this bill. While I acknowledge the member for Hammond's point and agree with the member for Hammond's principle that equipment should not be sold if it is used without permission by a third party, the bill and the normal court procedures cover the point raised by the member for Hammond.

New section agreed to.

New sections 33E and 33F agreed to; clause as amended passed.

Clause 28.

Mr HILL: Of the amendments tabled under the heading '160(3)', I wish to continue only with the last of those, that is, the expiry of clause 28, page 29, after line 24 and, in addition, I will move the substitute amendments listed in '160(7)'.

The CHAIRMAN: So it will be necessary for the member to move '160(7)' first.

Mr HILL: I move:

Page 29, after line 19—Insert:

(4a) An appeal under subsection (1) will be in the nature of a judicial review of an administrative decision on grounds recognised by administrative law (and section 42E(3) of the *District Court Act 1991* will not apply).

(4b) The Court may, on its own initiative or on application (which may be an *ex parte* application) join a person as a party to the proceedings on an appeal.

This contains two measures, the first of which I believe the minister would be willing to accept, and I will test him on that. I do not believe he will accept the second. The first amendment makes plain that the appeals that will go from the Native Vegetation Council to the District Court will be based only on a judicial review of an administrative decision on grounds recognised by administrative law.

The minister in his second reading speech indicates that that is the intention. This is to make it plain. The way the bill is written now and the way the District Court Act is written would tend to suggest that there is some opportunity for appeal on the basis of merit. That is not what the minister wants or what we would support, and I understand the minister may well accept that. Proposed new subsection (4b) is a different notion, and this is to try to restore to the bill a measure I discussed in my second reading contribution and would have applied if the minister had accepted my amendment to have the ERD Court rather than the District Court hear the appeals. That measure allows ex parte applications to occur; in other words, a third party can be joined to an action before the court with the permission of the court.

As I said previously (and I will not go through it in detail), there would be a range of situations where that might be appropriate. If a landowner was appealing against a decision on administrative grounds, other parties either for or against the application may wish to be joined. For example, the Farmers Federation may wish to take part in the case or the Conservation Council or some other body that may have a view may wish to be joined. By including this measure, that would give the District Court the same kind of powers that the ERD Court would have. I hope the minister will accept both amendments and I seek clarification from him that he would at least support the first.

The CHAIRMAN: The minister has consulted with the chair, and it will be necessary to split this amendment. We will deal with proposed new subsection (4a) first.

Amendment carried.

The CHAIRMAN: The committee will now deal with the insertion of proposed new subsection (4b). The question is that the amendment be agreed to.

The Hon. I.F. EVANS: The member for Kaurna has already raised the concept of ex parte or third party appeals. The government has put down its position and will not accept the amendment.

Amendment negatived.

Mr HILL: I move:

Page 29, after line 24—Insert:

Expiry of Part

33GA. This Part will expire on 1 January 2005 (and any reference to an appeal under this Part in any other section of this Act will then have no effect).

This is the last of my amendments. I am trying to include a sunset clause so that the whole issue of appeals to the District Court can be reviewed at some time in the future and we have specified 1 January 2005. This is a new provision in the act to allow appeals on administrative grounds. A number of bodies have raised questions about it: is it wise, will it work, and is this the best way of doing it? The Farmers Federation raised questions about it and raised concerns about the removal of the conciliation process. The Conservation Council has serious concerns about it, so it seemed sensible to include in the act a provision which would force the parliament to review this measure in the next four years.

The Hon. I.F. EVANS: The government does not accept this for the same reason that it did not accept the last review clause. At the end of the day the government can decide to review that clause at any time that it wants. The ERD Committee of the parliament can call it in by its own motion. We do not see the need for putting a sunset clause in that provision.

Amendment negatived; clause as amended passed.

Remaining clauses (29 to 34) and schedule passed.

Clause 14—reconsidered.

The Hon. I.F. EVANS: I move:

Page 9, after line 21—Insert:

(1a) However, the council need not proceed to inform the Registrar-General of an approval under section 23F until the council is satisfied that it is appropriate to do so in accordance with the terms of the approval.

This amendment relates to the revegetation provision where someone voluntarily seeks to register revegetated land to come under the Native Vegetation Act. The member for Kaurna, quite rightly, raised a question about what happens if someone died or became ill between receiving approval and having it registered on the title. This amendment simply says that the council cannot register on the title until revegetation has occurred in accordance with the terms of the approval. That covers that point raised by the member for Kaurna.

Mr HILL: For the record, the opposition obviously supports that measure and I thank the minister for picking up the point. It is a fair point that a person who, through no fault of their own, or even through positive choice, decides not to go through with voluntarily revegetation should not have that matter put on their title.

Amendment carried; clause as further amended passed.

Title passed.

Bill read a third time and passed.

JOINT COMMITTEE ON TRANSPORT SAFETY

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

That, should the committee complete its report on its inquiry into traffic calming schemes while the houses are not sitting, the committee may present its report to the Presiding Officers of the Legislative Council and the House of Assembly, who are hereby authorised, upon presentation, to publish and distribute that report prior to the tabling of the report in both houses.

TRAINING AND SKILLS DEVELOPMENT BILL

Adjourned debate on second reading.

(Continued from 25 October. Page 2550.)

Ms KEY (Hanson): The opposition supports the bill and also supports the amendments that the minister has kindly put before us amending the original bill. There has been a lot of discussion, negotiation and debate behind the scenes, so in my contribution tonight I will talk about some of the general issues that the opposition wishes to raise regarding training and I will ask some questions on matters we may wish to raise at the committee stage. I have been helped considerably in this matter by a number of people. I particularly acknowledge the assistance of my parliamentary intern for last year, Ann Deslandes, who looked at the effectiveness of the commonwealth's new apprenticeships program in reducing youth unemployment in South Australia.

I also pay tribute to the other parliamentary intern I was fortunate to have last year, Sue Ellis, who looked at the construction industry training fund in particular, but also made comments about traineeships and apprenticeships in the traditional blue collar areas. I am very grateful to both those interns for their work. In turn, I also acknowledge support from Mr Daryl Hunter, who works in the job network business, and the United Trades and Labor Council Vocational Education and Training Committee, which has a number of very important people in the training scheme who contribute to that organisation. I particularly commend the minister for continuing the services of Mr Graham Warren at the UTLC who has been exemplary in carrying out the task set by the department and who has also tried to act as a mediator and a liaison between all the different stakeholders in the training business. He has been very assertive, not showing fear nor favour to any one group, I do not think, despite the fact that he has been located at the Trades and Labor Council.

I have also been very impressed with the huge amount of information that is available in this area. I was particularly drawn to one of the many documents produced by the National Centre for Vocational Education Research. The document to which I am referring talks about an entitlement to post-compulsory education and, in particular, international practice and policy implications for Australia. Some of the arguments about the entitlement to post-compulsory education are extremely important to this debate. I will refer very briefly to the document because it puts the comments I will make tonight into context. In talking about international models of entitlement to post-compulsory education, the report says:

In Australia the right to a basic education has been expressed as a requirement to stay at school until the age of 15 years and nine months.

In most European countries, age is used to define a boundary between compulsory and post-compulsory education. An individual's entitlement to initial vocational education and training in Europe, for example, is based on age and ranges from 12 to 21 years in the Netherlands to 14 to 18 years. . . 16 to 19 years in Sweden.

The most important point made in the introduction is where the report says:

The qualification threshold is usually taken to be the minimum level of certification required to have a reasonable chance of gaining employment or access to further study, such as 'completing a full

upper secondary education with a recognised qualification for either work, tertiary study or both'.

That is one of the reasons why I support this legislation. I think it provides an opportunity for people in the South Australian community to participate in the work force. Unless we get our training and career development right, it will be very difficult to attack the hard question of unemployment in South Australia.

Even though there is a lot of banter across the chamber about the unemployment figures, the labour participation rates and youth unemployment rates, the basic aim that we share is the need to create meaningful jobs for people. Obviously the job markets change considerably and people in this day and age may not have one career or one type of job: they might have a number of jobs. The challenge for the government and also for the opposition is to ensure that the labour market is supplied with people who understand and have the skills for that labour market.

One of the other references which I commend to the House is a document produced by the Senate Employment, Workplace Relations, Small Business and Education References Committee and released in November 2000, called 'Aspiring to Excellence: Report into Quality of Vocational Education and Training in Australia'. It is probably more colloquially known as the Collins report. Although a couple of volumes and tomes go into this report, I was very heartened—to use an industrial term—to see that the log of claims I had for the minister was also reflected in this document. I am pleased to say that the log of claims that I had has very much been answered by this legislation, and I think that is an unusual situation for South Australia to be in. I certainly compliment the minister on that. The report in its overview and recommendations talks about re-establishing the fundamentals. It obviously focuses on a national perspective, but the report states:

> National objectives provide the raison d'etre for the vocational education and training system and the context within which policies and programs are designed and implemented.
>
> Australia's National Strategy for Vocational Education and Training 1998 to 2003 outlines the major economic, technological and social trends affecting vocational education and training in Australia. The five objectives of the strategy are:
>
> · equipping Australians for the world of work;
> · enhancing mobility in the labour market;
> · achieving equitable outcomes in vocational education and training;
> · increase investment in training; and
> · maximising the value of public vocational education and training expenditure.
>
> The committee supports these objectives as appropriate drivers of VET policy and provision, but considers that 'equipping Australians effectively to enable them to fully participate in society' is a significant admission. This admission has the effect of excluding the broader social education goals that should be an essential part of any education and training system.

On this basis, as well as a number of submissions received by the Senate committee, the committee recommended that:

> National VET objectives be renegotiated to include the objective of ensuring that there is an equitable access for all Australians to vocational education and training that enhances their capacity to participate in society and take advantage of emerging opportunities in employment and in further education and training.

The reason I have raised this issue is that, quite often, as I said earlier, we get bound up in statistics. We look at the labour force participation rates and at the number of people who are in the ACE or TAFE system and the real reason why we need to be looking at this issue gets lost. I would like to emphasise the point that I see training as an access and equity issue and one that needs to be applied throughout the community. One point Ann Deslandes made in her report, as I mentioned earlier, related to trying to set an international context for training. Again, I think that, together with the report I quoted earlier from the NCVER—I should just say that this area of training has more acronyms than one can ever imagine, and it is very important to have a five page glossary to understand what on earth people in the public sector are talking about in terms of training.

It would be nice if we could find an easier way to explain our way through the area, but that, I think, is something for another day. In her report, Ann Deslandes mentions the International Labour Conference 19th Session—Unemployment Amongst Young Persons, Geneva 1935, and states:

> . . . it is obvious that measures of a general character must be taken, and have, in fact, been introduced in several countries to counteract the very serious moral effects which involuntary idleness has on unemployed young persons.

I would say that also applies to older persons. Ms Deslandes further states:

> The most important of these measures is undoubtedly the provision of facilities and general education and vocational training of unemployed youth. There can be no doubt that the very best thing that can be done for these young people is to use their spare time to teach them a trade or to improve any vocational knowledge they already possess.

Again, that probably emphasises my point that it is absolutely essential that we get this right, and that is why I feel it is important that there is cooperation in South Australia to ensure that we do end up with a system of which we can be proud.

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

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

Motion carried.

Ms KEY: I have also noted that one of the objectives of DETYA—another acronym—is an incentive scheme to encourage employers to offer kinds of employment and related training opportunities that will encourage especially young people to acquire and expand their working skills and, as a result, set themselves towards worthwhile careers. I think that the picture I am painting is fairly clear that it is our responsibility to ensure that we have a training system that will deliver.

The only personal point I would add is that it has often been of concern to me that, having had the benefit of doing adult matriculation and also putting myself through university, as well as the Institute of Technology, and having used the different adult community education services that have been available, the whole concept of learning, and particularly adult learning, has been for vocational purposes. I would just like to put in a plug for the other side of the equation which I consider to be equally important and which was once referred to as—I am not sure what the current term is—enrichment courses.

I think it is really important in our community to have available a balance of education and training for people whatever their age. One example in which my mother has been very involved with our Deputy Speaker (the member for Heysen) is the University of the Third Age. I think that probably does reflect some of the views I am expressing because I know that the people involved in the University of

the Third Age may not be looking—some of them are—for vocational opportunities, but certainly they see the university as being very important just for their knowledge and information on life.

Most of the concerns that have been raised with me as the shadow spokesperson for training relate to the system. I do not want to be too negative but, certainly, a number of issues have been raised with me over the past year since I have had responsibility for this area, not the least being those that relate to a litany of problems associated with traineeships. I would have to say that hairdressing would feature pretty prominently in the complaints I have received. I am fairly sure that the minister would understand some of those complaints and I am sure that he has received them himself.

Some of my concerns are reflected in the report that was tabled last year by the Office of the Employee Ombudsman. The Employee Ombudsman does not have a direct responsibility in this area because a process has been established under our current system. He makes very strong comments in last year's report, particularly with regard to the number of complaints that he received in the traineeship area. Last year's report states:

> Other problems that have been the subject of many complaints to this office arise out of traineeships, an arrangement in which the government subsidies the cost of training employees in the skills and knowledge required in their chosen field of employment. The way in which these traineeships operate is extremely complex involving not only government training subsidies but also employers releasing employees for recognised off the job training and the establishment of trainee classifications in awards and enterprise agreements which provide for, amongst other things, lower rates of pay for trainees. There are many agencies involved, including the Accreditation and Recognition Council, that provides official recognition of training and qualifications involved, State Government Departments of Education and Training that administer the funding under the 'User Choice' arrangements, 'new apprenticeship centres' which arrange for the provision of the training required, the Registered Training Organisation which delivers the training, the employer and the trainee.
>
> With such a complicated arrangement one should not be surprised if some people were to attempt to abuse it. Certainly, this Office has received many complaints of abuse, including the failure to provide the training agreed to, excessive hours etc. Clearly some of the employers are not interested in increasing the skills of their work force only in obtaining a supply of cheap labour. Also, the bullies and harassers to be found in any workplace see the trainee as vulnerable and therefore an ideal target for their cowardly attentions.

The report goes on to talk about some of the issues, which I am pleased to say I think are taken up in the bill with some of the grievance and appeal structures that we are hoping to put in place to make sure that, if these issues do occur, they can be adequately addressed.

One of the other points that I wanted to make (and I am not sure if I have the document with me) is that a couple of weeks ago I had the pleasure of taking a taxi from Parliament House to my electorate office. The driver of the taxi (and I will call him Al or Mal, I am not sure—Al) was very upset, because he had just been knocked back for a job in the information technology area. He told me that when he was in England he was working for one of the bigger IT companies. The reason that was given to him was not that he did not have the skills and background for the job but, basically, that he was too old. I found out that he was exactly the same age as I, so I thought that this was—

Mr Clarke interjecting:

Ms KEY: None of your business, member for Ross Smith. Al told me of his frustration in deciding to come and live in Adelaide. He was very positive about Adelaide, I might add, but he said that it had reached the stage where, although he enjoyed being a cab driver, he really wanted to go back into something that was a little better paid and also something with more appropriate hours, because of his family responsibilities. I said that I would certainly take up his issue, because I think that age discrimination is unacceptable. I think that he was painting a picture of the reality that, for anyone over 40, it is very difficult to change jobs, and it is very difficult to get into some of the areas with respect to which people have qualifications. Although the discrimination may not be obvious—in this case it was; they had the stupidity, I suppose, to say that he was, basically, too old—

Mr Lewis: You should have gone to the Equal Opportunity Commission.

Ms KEY: Yes, I have been successful, member for Hammond, in winning a number of cases for people on the basis of age discrimination. Sadly, it has not been in the youth wages area, because, as you know, there is this direct discrimination against young people in an industrial society. But I will not go off on that tangent—I think the minister looks relieved that I will not embark on that matter. But certainly, for older people, member for Hammond, it is a big issue, and I am pleased to say that I have been successful in winning a couple of those cases and negotiating settlements in other cases.

As I said, I will certainly be helping the taxi driver to put in a grievance, but I guess the point remains that he still does not have a job and, by the time we get this case dealt with, if in fact grounds are found for the case to go forward, that job opportunity is gone. I do not know what his CV is, and I am taking his claims on face value. But I think that his situation paints a picture of the problems that we have in the area of training and re-training, and that also needs to be part of the training agenda.

The bill really looks at replacing the Vocational Education, Employment and Training Act. It looks at a post secondary training and education sector in South Australia, which will include vocational education, training, adult community education and the three universities. I would like to make a point about the universities. As I said, my own experience is as an adult student at Flinders University, and it was a very important part of my growing up.

I was sad to hear recently that the University of South Australia, for some strange reason that is not yet known, has decided to get rid of one of its very important functions, which is the Pro Vice Chancellor, Equity. I have been told of the very good work that has been done in South Australia (in fact, it is nationally and internationally renowned work) by Professor Eleanor Ramsay. I have been advised that her job will cease on 31 December. I am also advised that it is unclear what will happen with respect to that job, with all its responsibilities, not only for access and equity but also learning for people in distant places, international students, human resources, occupational health and safety, indigenous learning, and all those areas of the University of South Australia's list of what have been very good achievements. I am very sad to hear that that job is not considered to be necessary anymore.

I should also declare that Professor Ramsay is a very close friend of mine, so I have a personal concern about why someone who has been outstanding in her job has been treated in this way. However, I think that the more important issue for us, looking at this area, is that a whole part of the university—one that has been copied, as I understand, by La Trobe University, the RMIT and Griffith University—has disappeared from University of South Australia.

The Hon. M.K. Brindal interjecting:

Ms KEY: Yes. One of the areas that has been of great concern was when the Salisbury campus was wound up, and there was quite a bit of campaigning. Certainly, our leader was involved in the concerns that were raised there. The Underdale campus also is to be phased out over the next two to three years. I guess the main concern is not so much the location, because you do not have to be at the location to learn these days because of the wonderful advances in IT, but the fact that the University of South Australia, as I understand it, had a very proud record of attracting into courses people who would not normally be part of the higher education sector. I think that was the very important part of the University of South Australia. So, I hope that, with this position ceasing on 31 December this year, all those functions still continue in one form or another. I hope, too, that at some stage we can investigate what will happen to all that very good work.

There is also an annual plan that will form the basis for negotiations, as I understand it, between the state and ANTA for funding vocational education and training. The plan will identify the need for existing skills at an enterprise level for particular industries and the whole of the state. The commission has a responsibility to advise the minister on funding directed to vocational education and training, and also the very important area of adult community education.

Part 3 deals with the part of the bill which, as I said, has caused some great issues, certainly not only for House of Assembly members but also for me in my capacity as the shadow minister in this area, and that relates to registration and accreditation—and also part 4 of the act, which deals with contracts of training. As I said before, unfortunately, I have not received many positive reports about training, apprenticeships or traineeships. I think it is probably the nature of our business, to a certain extent, that people do not ring you up and say, 'I have just finished an absolutely wonderful course, and I have just obtained a good job out of it.' It does happen occasionally, but not that often.

But it has been of concern, and I am hoping, although I do not think the commission can provide all things to all people, that this is a focus that should at least give some teeth to trying to follow up on complaints and grievances, and it is important that the model (which I think basically works very successfully in the industrial arena) of having conciliation and giving an opportunity to people to raise their concerns with an experienced but also independent person hearing those concerns, with the view of some sort of mediation and conciliation, be a very positive model.

Speaking to my colleagues in other states and (now) territories (Labor ministers of training), I am told by them that South Australia is actually leading the charge on the national program that has been agreed by all our ministers and also by the previous federal minister. South Australia does need to take some credit for actually breaking into this national program that has been put forward, and again I compliment the minister and the staff who have put this together. The introduction of new national standards is part of this agenda. Each state and territory will need to go through and have committed themselves to new legislation in 2002.

Obviously, the new standards aim to improve the quality of training and education in Australia, and to implement a nationally consistent approach to the regulation of post-secondary training and education. The bill is credited—and I always get very nervous about this, having been a trade union official—with 'greater flexibility' in the apprenticeship and traineeship area. I hope, and it is certainly claimed in the second reading explanation, that there will be greater protection as a result of this greater flexibility to apprentices, trainees and employers. Let us hope that that is the case, because it is certainly needed.

As I said earlier, a grievance and disputes mediation committee will be established to receive and deal with complaints from consumers of education and training services and disputes between employers and their apprentices. This is a very important part of the legislation, and I am pleased to say that, although there are probably differing views in this place and probably amongst the parties themselves, industry training advisory boards will still be part of this process. As has already been stated in here a number of times, there are certainly some very good examples of ITABs in South Australia. Some probably do need a review, but there are some excellent examples of those ITABs.

One of the areas I was concerned about in reading this legislation was whether the replacement of the existing boards and councils by a single commission would be a recipe for reducing staff numbers. I have been reassured that, although there will be a different construction, there will still be a need for the same sort of support that the department is currently giving to the existing system, and there will be a number of people who will probably just transfer over to the commission because of their expertise in this area.

I am very pleased to see that this is not a job cutting exercise but, in fact, a streamlining of a very important area. A number of other points have been raised in negotiations behind the scenes but, not only looking at the hour but also at the fact that most of these have been satisfied in our negotiations, at this stage I will defer the questions that I have for the minister to the committee stage.

The Hon. R.B. SUCH (Fisher): I support this bill. Having been involved in this area for quite a long time, I regard it as being something that is quite close to me as an issue. Sadly, training and skills development do not very often get front page coverage, unless something goes wrong in a particular institution which, fortunately, is not all that often. But it is sad, in a way, that our community does not acknowledge the importance of training and skills development unless and until someone like Rupert Murdoch comes along and reminds people that if you want to be a smart nation you have to invest in training and skills development.

Unfortunately, a lot of people link education with training and skills development in the wrong way. They are linked but they are not exactly the same, and often the terms are used synonymously and inaccurately. I will not take the time of the House to go into the finer points of the distinction but, sadly, in the community there is often a lack of appreciation of the differences between education and training and skills development. I sympathise with the present minister in the role that he has in trying to advance training and skills development, because within the community, sadly, there is still what I would call an element of snobbishness in relation to skills development and training.

Some people see those pursuits as somehow of secondary importance. They involve the head and the hand. There is often an inference that people who are involved in skills training outcomes are those who lack some aspects of an intellect. That is far from the truth. You cannot be involved in skills development and training unless you utilise the head and the hand, and people need to remember that. It amazes

me that people travel on aircraft and readily dismiss the skills of the aeronautical engineer, the person who services the aircraft, yet their life and very safety depends on the skills of those sorts of people.

Our society, like all modern societies, depends very much on enhancing and expanding training and skills development, and I alluded to that previously. As a community we need to do a lot more. We still have people in industry who want basically to get a free ride, who do not want to contribute to training and skills development, and that is unfortunate. If you look at the successful companies and organisations, you realise that they are the ones that are strongly committed to training and skills development and do not see it as something that is rigid and fixed but, indeed, as something that requires flexibility and is very much a part of lifelong learning.

We have seen in recent times enormous evolution in the training area, particularly at the secondary school level but also at post-secondary, and the extension in particular in regard to traineeships. Whilst there are some aspects of that which one could question, in particular the quality, nevertheless, modern industry and modern organisations require the flexibility that traineeships can and should provide.

It is important that, whatever training is made available, whatever skills development is made available, there is proper auditing and monitoring of the quality to ensure that what is provided is of benefit to the wider community, to the particular organisation and company and also, of course, to the person who is participating in that training and skills development. That is one area in which we need to put greater effort in terms of ensuring that the quality is there.

The point was just made about access and equity, and this is something that I feel very strongly about. I would like to see greater effort by state and federal governments in terms of access to training and skills development. I wrote on more than one occasion to the former federal minister, Dr David Kemp, suggesting that he look at providing greater access to TAFE in particular and to private provider organisations, because there are still many young people from poorer sections of the community who are denied training and skills development. I think that is an area that requires significant attention, and I trust that the new federal minister, Dr Brendan Nelson, will pay greater attention to that than happened with the previous federal minister.

We have the irony that we are bringing in people from overseas, because we do not have enough of our own skilled people. I am not against migration; I think it is good for a whole range of reasons. But our first commitment should be to make sure that our own people are trained and continually upskilled in relation to the development not only of trades but also the whole range of technological applications. In this state, we have a wonderful organisation in TAFE, expressed through the various institutes; we have some excellent private providers as well. I see them as complementing each other. We do not have the very large private providers that exist in some other states, and I think we have to be careful that we do not damage the TAFE sector here. I see the TAFE institutes as a very high standard training organisation, expressed, as I have said, through the various institutes. It is important that nothing is done to diminish the quality and capability of the TAFE sector, because, whilst I believe there is a place for private providers, there will be a lot of activities that private providers, by their very nature, will be unwilling or unable to supply.

We must maintain a strong, viable TAFE sector. I know that when I was minister I was very proud of the achievements of people in TAFE, and I still believe that the wider community does not appreciate fully what an excellent training system we have in this state, expressed through TAFE and also through the private provider area.

In relation to schools, there has been considerable expansion in what is called the VET area. I still believe that there is a residual problem in our high schools. Our high schools are meant to be comprehensive and to cater for the whole range of activities, including those formerly undertaken by technical schools, and what could be done in a new format along more technological lines. But I believe that there is still a residual animosity towards skills development and training which does not result in an university education. I think that mindset still has to be changed so that we do not regard people who do not go to university as somehow inferior, but we take the approach that they are equal but different. The sooner we get over that silly mindset which demeans tradespeople and people who use their hands the better off we will be as a society and the more likely it will be that we will become a genuinely smart nation.

I am pleased that this bill is before the House. The fact that it reflects change to the existing act shows how quickly the training sector is changing, and it will continue to change. I would be concerned if the government was not seeking to update the arrangements to cover training, because that would suggest to me that it was not aware of changing trends and needs and the requirement to be flexible in the provision of training and skills development. I look forward to the passage of this bill. Obviously, I will be taking an interest during the committee stage. I believe that it is a major step forward, and I commend the minister and the government for initiating this package of changes. I trust that it will get speedy carriage through this House and the other place.

Ms BREUER (Giles): I am pleased to talk on this bill tonight. However, I must point out my background before I do speak. I spent many years working with the old CES in close conjunction with TAFE. I was very pleased to go to work for TAFE as a lecturer in about 1989, prior to my coming into this place. I am very proud to be an ex-TAFE staff member. Because of my CES background, and providing training for many years, I worked in an area that worked very closely in liaison with TAFE in setting up training courses for the unemployed, which were funded by the federal government, to enable them to get jobs in areas where there were skills shortages. That is what actually led to my becoming a TAFE staff member at a later time.

I am very aware of the federal and state legislative changes over the years and how this has affected the provision of training for people, particularly the effect of the introduction of private training providers for students. For many years, TAFE had a monopoly, and I saw the effect of the private training providers and the opportunities for students there, particularly the effect in country regions. Many new providers who came into the business opened up in country regions. I have to say that many of these training providers were cowboys. To say that they provided training for people is an understatement. It was often poor and uncoordinated, and it was really all about—

Ms Key: They gave cowboys a bad name.

Ms BREUER: Yes, that's right. It was all about making money for the training providers, and it had disastrous effects on the students involved in the course. There were some very good providers, but most of them came particularly into country regions with big dollar signs in their eyes. They

moved in and they very often took over from TAFE to the detriment of the students. They lasted only a very short time and disappeared again, but, because of these providers coming particularly from metropolitan regions into country regions, some of the TAFE courses actually disappeared at the time.

I particularly want to talk about Spencer Institute—or Spencer TAFE, as it is about to be very well known. It is a provider of education and training in a huge area of regional South Australia. I am very proud to be an ex Spencer TAFE lecturer, having been involved in training for many years through that institute. Spencer TAFE is one of eight public providers of vocational education and training in South Australia. It is comprised of some 17 campuses, which I think is quite unique in South Australia and certainly in Australia. It has 26 study centres and encompasses more than 80 per cent of South Australia's geographical land mass. This is a huge undertaking for one institute. I am very aware of the problem with the distance that is involved because of the size of my electorate, which covers over 500 000 square kilometres. So, I sympathise very much with the Spencer TAFE lecturers.

There are some 382 employees who serve a base of over 60 different ethnic groups. They support approximately 15 000 learners around South Australia, but they also cover a huge area of Australia. Some of their courses actually extend into the rest of Australia, to Queensland and New South Wales, and I believe that they have students in New Guinea and in some of the South Sea Islands. So, they have done very well as an institute. They have provided this service by being flexible and responsive. About 40 per cent of their programs are done through sophisticated communication systems, through open learning strategies. They have also been very flexible with non-traditional teaching and learning methodologies. They were the Australian training provider of the year in 1999, and I think that indicates the flexibility and the ability of Spencer to serve our communities.

Women's education was the main area in which I worked when employed by TAFE, and I saw the effect it had on women's lives. I also worked in what was called vocational education, which helped people who were trying to set themselves up and get into the work force. I saw the changes that it made in their lives. So, I am very much in favour of education and the changes that it can make to people's lives.

On Monday this week, I was very pleased to join the staff of Spencer Institute for a big day that they had in Whyalla. It invited its staff (and, as I said, there are 17 campuses based all over South Australia) to Whyalla, and over 350 staff out of something like 380 staff members actually came to Whyalla and joined in the launch of its new logo, its strategic plan and the presentation of awards. It was an excellent day for staff to get together. For me it was a real thrill because there were so many people whom I knew from years ago and whom I got to talk to, not having seen them for many years. It was also a very proud day for Spencer Institute, and I congratulate it very much on the efforts it put into that day, and I congratulate all those who were involved, including Sue Sachs, the Director of Spencer TAFE. It was an excellent day for all the staff. I did hear the criticism that it was an expensive day, but I think it is very important for people to get together, particularly in an institute like Spencer, where they are so isolated, and for them to feel part of the one organisation.

As I said, there were presentations of awards on the day, and it is interesting to see how long some people have been involved in Spencer Institute, as in many other institutes in South Australia. I congratulate the people who received their awards for 25 years or more of service at the Spencer Institute, which is quite an incredible aggregation. There was Rod Billsborough, Jack Velthuizen, Dennis Knowles, Barry Hetherington, Greg Salter and Alan Beames, all of whom received awards for over 25 years of service. Incidentally, most of those people came from the Whyalla campus, about which I am also very pleased because I spent my time at the Whyalla campus.

There were also many awards for excellence in teaching presented to staff, and among those were a couple of people from Whyalla with whom I worked closely: Margaret Slade, who works in vocational education, and also Kay Woollatt, who was a member of the staff at Spencer Institute in Whyalla and a person of whom people think very fondly. My congratulations go to them.

As I said, my background was originally in CES, and I am interested to see that there are now more than 450 registered training organisations in Australia. This has created incredible competition for these institutes of TAFE, and I think that the way they have managed to cope with this competition is the way in which they have delivered their services. As I said, Spencer Institute has been very flexible in its delivery.

One of the problems which Spencer Institute has but which no other institute in South Australia has is the tyranny of distance. These people work through a huge and incredible area, so they have had to be very diverse in the way that they have delivered their services. One of the other issues that they have is, of course, the sparseness of the population in the areas in which they work: how do you deal with an area where there are only 50 people in a 400 square kilometre area? Some of those people do want services. How do you deliver those services to them? They have managed to cope very well with such difficulties. They have needed to be innovative, responsive and forward-looking, and they have certainly needed to be entrepreneurial. They achieved this, because, as I said, Spencer Institute became training provider in Australia for the year in 1999. Although that was in 1999, it is still forging ahead and doing things in outback Australia. I am very pleased that I have been associated with that.

I want particularly to congratulate the staff of Spencer Institute for the way that they have taken on the roles of these private providers who, as I said, have behaved like cowboys. I have known of companies which have come in to set up office training courses with no, or very little, background in training. This certainly happened when the system first began. Such companies would come into a country area with no knowledge of the local area or its employment situation, and they would have to hire substandard premises; they would have very little background in training; and they might bring some of their staff from metropolitan Adelaide; or they might hire locally and not really know whom they were hiring. If somebody had been working in a business for a while, they would think that they were qualified. I was most distressed at the time by the sort of training that was being delivered to these people. So, I think that this bill is really important, and it is important that these regulations are in place to make sure that the training being delivered is adequate, and that the people involved are getting what they are entitled to.

Once again, I want to congratulate Spencer Institute. I realised something on Monday when I was with these people from my past, and with whom I had spent many years

working and that was—it is the people, the staff which makes the organisation so good and effective. I refer to characters such as Rod Billsborough, who has worked for Spencer Institute for some 27 years in the tech studies area and has become a bit of a legend, not just for his work in Spencer Institute but also for his fishing ability; and someone like Jack Velthuizen, who has worked for over 25 years there and is now a senior manager in the technical studies/engineering area. The joke said about Jack is that he is just a boilermaker and who does he think he is, because there is this make-believe hierarchy in TAFE in the different trade areas. I refer also to Lyndon Giles, known as Farmer Giles, who is a farmer and knows more about crutching sheep than probably most people in South Australia and who has now risen to the top as the campus manager at Whyalla.

Then there is someone like Margaret Slade, who won an award for excellence on Monday at the presentations and who is a warm, caring and committed person; she is mentioned by constituents coming into my office, who tell me that they are doing a women's studies course at TAFE in Whyalla and that Margaret Slade changed their lives. Margaret is leaving TAFE very shortly, and all my best wishes go to her, because she has done so much work for women in Whyalla, in changing their lives and giving them a future.

I think it is extremely important that everything possible is being done to ensure that the training being provided to people is the best possible. As I said, I have been involved in education employment for many years. I saw so many cowboy operations come into this area prior to my time at TAFE, when I was working at the CES and could see what was happening there. I was involved in the provision of training for long-term unemployed people. I have a great knowledge of the local area and I thoroughly recommend this bill.

Mr CLARKE (Ross Smith): I rise to support the second reading of this bill. In a past life, I was on the Industrial, Commercial and Training Commission as a member for about three years, and a deputy member of that body, representing the interests of employees through the United Trades and Labor Council. I must say that it was one of the very best boards to which I ever belonged, because it was representative of employers, trade unions and government, and I do not think we ever had, in the years that I was on the board, a divided vote on anything. It was worked by consensus, and that did not mean coming down to the lowest common denominator. Rather, it meant people genuinely sitting down with a common interest in training to produce the best possible result.

I well remember some of the debates that would occur on that board between people such as Alan Swinstead, representing the Engineering Employers of South Australia, and Vern Berry, then with the ETU, particularly at that time when a number of unions hoped that the metals award would be expanded to include a broader range of classifications. The ETU was concerned about the loss of the rights of tradespeople and exclusive coverage in certain areas. It was an interesting area of debate, and it was particularly useful for me to see how people from different sides of industry, employers and unions, got together and thrashed out their differences under the chairmanship, at that time, of Graham Mills, who was a very good chairman from my point of view.

However, I want to touch on a couple of points. The shadow minister has really covered this bill very well indeed in her speech, so I will not repeat the points she has already made. In terms of the point raised by the shadow minister with respect to enrichment of a person's life—the fact that we do not want to regard a post-secondary school education as simply being vocational education; there are life enrichment skills—for three years I was on the board of the Workers Education Association of South Australia, and the state government used to put a significant amount of funding into the WEA. I recall that over the years the level of grants paid to the WEA has been reduced or at least held at a constant monetary amount, which in effect has been a reduction.

I do not know whether the minister would like to answer the point I will raise now in his second reading reply or, if it is more convenient, in committee. What level of funding do we now give to the WEA? It is an absolutely wonderful institution. An inspiration to me during the three years I was on the board was the sheer number of tutors who would offer themselves to assist others in adult learning for little or no fee or reward. We on the board—and I am sure it continues to this day—used to be offered tea money (or something of that nature), which none of us would ever collect because it was seen as helping to further adult learning by not taking any fees. It was an organisation which, because of its very nature, was able to tap into the good side of human nature where tutors, well qualified in their subject, would act as tutors for a minimal amount of remuneration from the WEA because they believed that was their contribution towards adult learning and an enrichment of a person's life. If in fact they charged sitting or tutor fees that they could command in the normal commercial world, the fees that would have to be charged to the general public to attend their courses would be prohibitive to a large number of people. It was their contribution to society as a whole—and very commendable too. They still continue to do it and it ought to be supported by this government and successive governments to the maximum possible extent because of the marvellous work they do.

Many tremendous people have worked in WEA, and I will not name any particular one (or I will in a moment) at the risk of offending those I do not name. I worked closely with Colin McDonald, a former director of the WEA and the one who inveigled me into standing for the board. It was wonderful to go along to the annual general meeting when I was first elected. About 100 people were present. Any member of the community could go along and be entitled to vote at a WEA board meeting. No how-to-vote tickets were handed out, no factions—nothing. There was a contest.

Ms Thompson interjecting:

Mr CLARKE: At least in one ballot I remember getting up at the annual general meeting and complimenting them on the fact that it was the first meeting I had gone to involving an election where no how-to-vote card was handed out at the door. It may have been handed out surreptitiously elsewhere, but I did not see it. I thoroughly enjoyed my three years on the board, particularly its experimentation (which is really the wrong word, given the passage of time) with innovative measures not only in terms of the type of courses they conducted but in their management style, which was very innovative at the time. Staff elected representatives were on the board with full voting rights and the like, with the staff playing an active role. That worked successfully, which was the early beginnings of an industrial democracy in South Australia in this workplace, which unfortunately was not emulated in other workplaces throughout the state as that became out of fashion during the greedy 1980s. I would like to know from the minister how the state government is supporting the WEA in its work.

I know that the WEA was heavily involved in computer training, tendering for private as well as public sector training, which was very profitable for it (or it was when I was on the board), and we were able to use the funds generated from that area to help subsidise the other adult learning areas within the WEA, which was a form of life enrichment. However, I was a bit worried about whether the WEA, with the funding being reduced by the state government over time, would find that increasingly it would have to go towards the purely vocational training areas to make money at the expense of some of its wonderful programs, particularly for people with disabilities being able to enjoy a whole range of activities, including sightseeing and bushwalking. Bushwalking sounds difficult when they are in wheelchairs, but able bodied people would go along and accompany disabled people in wheelchairs. They would do it in such a manner that they would assist those disabled people in canoeing, bush walks and a range of areas which opened a whole new world for people who were previously just locked in by their particular physical or intellectual disability.

The other point touched upon by the shadow minister was the area of traineeships. At the time when traineeships were first brought to bear in Australia around the mid 1980s—1986 or 1987—one of the concerns I had as a union secretary at the time was whether traineeships would be used simply as a substitute for full-time employment because of the cheaper wage rate or subsidy the employer would be able to get and employers simply would be able to pocket that money and hire staff they would have hired naturally in any event and not get into the bedrock of long-term unemployed people.

Those reservations for the late part of the 1980s and early 1990s I did not have, as it seemed to be working. Over the past couple of years when I was involved a little with respect to redundancies of employees working for TransAdelaide, mainly the bus operators when TransAdelaide lost a number of its contracts to private bus operators, I discovered on going down to some of the bus depots that almost every bus operator I spoke to was a trainee. It appeared that TransAdelaide was simply churning its bus operators in order to get subsidies from the commonwealth government with respect to traineeships.

The trainee bus operators whom I was talking to in many respects were not people who were unemployed at the time that they got their jobs with TransAdelaide. They were already employed elsewhere in other occupations, but were lured to TransAdelaide at the prospect of, yes, a better job, and ultimately, after their traineeship, shiftwork and all the rest of it, and better pay than what they previously received. It just seemed to me extraordinary that you could have a position where well in excess of 50 per cent of the bus operators were trainees. Now that to me is a clear abuse. Trainees were being used in substitution for people who should have been employed full-time and not as a trainee. We were not digging into, as I say, the bedrock of long-term unemployed people to bring them in off the street, give them a chance to come in as a bus operator, train them up and give them work skills so that they could break the cycle of long-term unemployment. I found it quite extraordinary.

I found it also extraordinary, minister, that the department of one of your fellow cabinet ministers—the Minister for Transport—through TransAdelaide was issuing termination notices to these people advising them that, 'Look, your employment will basically be determined as to whether or not these new private bus operators will pick you up.' This is when they might have been half-way through their traineeships. TransAdelaide and the minister's office had overlooked the fact that these people were trainees. They were covered by the relevant training act and they could only be terminated in their employment if the commission approved it.

There was a hell of a hiatus between the office of the Minister for Transport and the minister's own training area, because these were contracts of training signed off by his department. They could only be terminated with the approval of the training authority, and any variation had to be approved by the training authority, yet these trainee operators employed by TransAdelaide were getting letters delivered to them at home on weekends (or just before) saying their employment would cease once the bus contracts had been handed over to the private operators, which I think was in about April 2000.

The other point I make is not so much a criticism of the state government, but it has links with the commonwealth government. I recently had representations made by a company at Regency Park, Heavy LEC. That company is involved in auto-electrical work on heavy vehicles—trucks and the like. They took over a trainee who was previously employed in an auto-electrician's position. It was indicated to them that they may well be eligible for a subsidy if they took this lad on as an apprentice to do an auto-electrician tradesperson's course, but it would be in heavy mechanical work, the heavy truck work. There was a hell of a fight between the employer and the commonwealth department which pays those subsidies, namely, DETYA—I always refer to it as DEET, but they have so many name changes I cannot keep up with them. However, the commonwealth department said to the employer, 'You are not eligible for the apprentice's first year payment, because the person was taken from a traineeship program and therefore the employer is getting some benefit of that traineeship and should not be eligible for that first year apprenticeship payment that the commonwealth government hands out.'

The difficulty with that is that the traineeship work really bore no relationship to the type of training he would have to get for heavy mechanical work. It was a different style of work. There was some commonality in terms of, yes, you have to get to work on time and basic occupational health and safety training, but in terms of the real skills that were involved, they would be quite different from the apprenticeship involving heavy vehicles versus the traineeship involving auto-electrical work. I finally managed to convince the department that that subsidy ought to have been paid to the employer. I must say, minister, it took an extraordinary amount of work and agitation on my part and on the part of the employer to get them to recognise this as a fact, because that employer believed that they had been misled and that they were responsible for considerable out of pocket expenses and to the stage where they actually considered laying the lad off and not having any apprentice at all, or getting one fresh, so to speak, who had not been through a traineeship program at all.

It just seems to me—and I can understand some of the guidelines the commonwealth government has in place to try to prevent abuse—that it needs some greater degree of flexibility so that an employer such as the one I just described does not have to go through the handstands and the sheer frustrations of dealing with a bureaucracy to get them to see commonsense, for approximately $1 300. The community is better off because we now have a lad who was previously unemployed working in a job he thoroughly enjoys and who is being trained as an apprentice in a trade where there is a

shortage of skilled labour and an employer who was quite happy to keep that person on, train him and to give him those opportunities but who was not getting the full value from a first year apprenticeship because the traineeship and the first year apprenticeship in terms of the type of work and skills you require are quite different, given the two different areas of industry concerned.

I would be interested to know what liaison the minister's department has with the commonwealth government departments in these areas of commonwealth subsidies and incentive schemes to make them far more flexible in terms of dealing with employers such as this who have been burnt once. They finally got the money and they are very happy with the apprentice. Everyone is finally happy now, but for four months it very much looked as though this lad would lose his job.

Mr LEWIS (Hammond): I was curious about the anecdotal remarks made by the member for Ross Smith and the relevance they have to this bill. I am not as optimistic as other members, apart from the member for Ross Smith, including the minister and the opposition's shadow minister that this is good legislation. I want to make some general remarks about TAFE as I understand it at the present time, and the increasing failure of that organisation to deliver for the people I represent what they came to expect of it. Against that background, I will tell the House what used to be the case in Murray Bridge. On Swanport Road there is a campus site which used to be occupied by the high school but which was outgrown by the high school when its numbers went well over 1 000 students. When the high school was moved to its current location further along Swanport Road, that campus was taken up by TAFE.

That, in the first instance, was a college campus that provided the post-secondary school book learn'n facilities, if you like, to use hillbilly vernacular from the United States, for those people who wanted to get a trade or some other qualification that would enable them to obtain gainful employment. Accordingly, we had a board elected from within the community to reflect the administration in that school (through its principal and to its staff) and what the community's expectations were of that school or college in providing for the community the training which it, the community, believed was necessary.

'Community' is a word I use very deliberately because it covers both employers as well as parents and prospective employees—the students themselves. As time passed, the TAFE council, which was this board of people from the community, had become a respected entity within the Murray Bridge district serving the needs of the people in the Lower Murray. More time passed and Murray Bridge—indeed, the whole of the TAFE organisation—was told that campuses in one place and another did not need and would not be allowed to continue to retain their own principal and staff administering their affairs.

It was argued by the bureaucracy of TAFE that it was unnecessary and expensive to do so. It may well be. The board was convinced that it should amalgamate with the board of another or other TAFE colleges and, in the process, lose some measure of autonomy and relevance to its community. It did amalgamate and it did lose some relevance and autonomy. The numbers on the board were then reduced and further amalgamations occurred—all of them in the name of improving the efficiency of administration, when in fact I suspect that those people who had the internal political power in the organisation of TAFE were exploiting what they were calling 'reorganisation' for efficiency and streamlining, and so on, to enhance their prospects of getting higher pay rates at the top end for themselves with less personal accountability for their actions and decisions to any one community.

Murray Bridge ended up with the absolutely and utterly stupid situation of being part of a multi-campus institution which provided no common local telephone call type links and no readily available public transport to get from one campus to another. The reduced number of people who had been serving on the board were still consulted, but their ability to influence the delivery of courses on that campus for the benefit of the people in the Murray Bridge district was constantly eroded, and that has continued over two decades to the present time—almost all my parliamentary career.

So, the courses that are delivered are determined by people who are not part of the Murray Bridge community; who do not know what the feelings are in the Lower Murray about the subject matter of the courses that are presented; who do not know what the aspirations are of the students about the range of courses they believe they want to be able to study; who do not know what the market is in the Lower Murray area for the courses that are on offer; and who do not care about the outcomes for the students to such an extent now that these same people complain that they cannot get enough students to study in the courses that they offer. Well, is it any bloody wonder?

No-one in the Lower Murray feels any great empathy with the institution anymore. It is not theirs, the way they see it, and it does not respond to their needs in the way in which they believe it ought to. Those remarks and criticisms have been made not just by me here tonight but also by the Murray Mallee Strategic Task Force in the consultative process which it went through when it consulted all the communities of the wider catchment area for the Murray Bridge TAFE institute: namely, that it was remote, it was impossible to get the kind of empathy that used to exist and that the people who deliver the courses there had expectations that the incidence of the cost, that is, all the travel and so on, would fall on the student rather than on the institution and its lecturers.

The students do not understand because they do not have the education or training. I mean, by definition that is why they are students. They do not understand these esoteric concepts that the lecturers are not part of an institution. They have grown up in a school system in which they have gone to a school, a place in the community at which they get the daily, weekly, monthly and yearly instruction and, if you like, examination and accreditation for competency therein. So, when they finish secondary school—and I use the word 'finish' advisedly, meaning that they have done as much as they believe is necessary to year 11 or 12—and then choose to find a job which they think interesting, they seek in doing so to find training.

That is not only book learn'n but also skills training adequate and relevant to the job they wish to obtain in that community in which they live, and they cannot get it. They complain about it, and their parents hear those complaints and the parents, too, complain about it. The TAFE institute does not respond because it has too many highly paid administrators of multi-campus institutes who are too remote from and too over-worked in the paperwork they must do to be able to respond at a personal level to those concerns being expressed by the students, parents and the employers who are part of the

adult community of which the adolescents and young adults aspire to become a part.

The end result has been that what we have done is incorporate into the system of training, if you like, by contract arrangement, those people who can demonstrate some level of academic excellence and practical ability to train people as private contractors who are not even part of TAFE. Now that is no bad thing: it is a good thing in the current context, because it costs too much to try to do it through TAFE, which cannot compete. TAFE has tried to compete but it cannot do so. Throughout that 20 years, we have had TAFE wandering off into the wilderness of esoteric courses that are more related to personal enrichment than they are to skills enhancement and essential skills and education and training purposes. They have found that they cannot sustain their fee levels, that is, revenue sources, for each of the institutes from those courses or from the vocational courses, so there is a general malaise abroad now.

The answer of the Technical and Further Education Department—or division of the department—to this malaise has been to further expand the campus. So, we have the ridiculous situation now of the Kingston campus, the Noarlunga campus, the Naracoorte campus and the non-campuses throughout the townships of the Mallee—that is, Pinnaroo, Lameroo, Karoonda and East Murray, although East Murray goes to the TAFE in the Riverland—providing, it is said, the opportunity to obtain courses on each of those campuses without the ability of the institute to consult with the community to find out in each of those separate localities what it is the community really has as an expectation. So, we now have a complete hiatus. We have TAFE in its glorified, streamlined, administratively efficient multi-campus structure totally divorced from and utterly irrelevant to the needs of the community, which the community is now seeking to satisfy by getting private trainers to come and do it. So, we have wasted millions upon millions of dollars on facilities—that is, classrooms, campuses, offices and the other things that go into those buildings—to, hopefully, make them function, and no-one is using them much—anywhere near as much as they could be. That is not just sad; it is bloody sick.

The Liberal Party has been no better than the Labor Party in this respect. It has not understood those things, and it has not responded to the recommendations that came out of the Murray-Mallee Strategic Task Force. Through the TAFE institution, the Liberal government, to its credit, has responded by ensuring that the courses that are now identified as being necessary can be provided through the private contracted training arrangements that are available, and people who have obtained those qualifications and accreditation have quoted, and beaten the TAFE institutes to get the work. But they are strapped for training facilities and tools and things such as that, so some of it still has to go on at TAFE. TAFE, therefore, desperately requires extra funds from fewer students, and it puts its fees up. We have now locked ourselves into a spiral of despair, which will result in further diminution of access by the community to appropriate training on the campuses provided at taxpayers' expense, ostensibly for the benefit of the community.

Whilst some people may nitpick what I have said and say that I have gone over the top, I am not that far over the top, if at all. The perception is that I have probably understated the case, if one talks to some farmers and to some small businesses in my electorate—and I mean almost any of them who have taken an interest in these matters. It is TAFE that they attack. They are equally anxious about the extent to which the nature and the content of the courses that can be taught through the institutions such as TAFE are being taken away from them to a centralised authority.

I will come explicitly to that aspect of the legislation, namely, that the minister is now to become, literally, under the terms of the objects, the agency. Clause 5 provides:

> The minister is the State Training Agency contemplated by the commonwealth act.

So, in this legislation, we have formalised the stupidity of centralising power and decision making in Canberra. Clause 6(1) provides:

> As the State Training Agency, the minister has the following functions:

It spells out that the minister must do these things that are required of him under the Australian National Training Authority, established under the commonwealth act, or any other body declared by regulation to be the successor of ANTA. This is all part of the sort of Marxist idiocy that has permeated the bureaucracy of Australia to do away with the federation and centralise controls, and it is not, as the minister will argue (as ministers before him have argued, and as other people have argued to me) in the interests of standardising qualifications, because you cannot standardise them, anyway. They may have the same basic skills level, but they have to be relevant to the local circumstances.

The sheep that we graze in the Murray-Mallee, for instance, are not the same sheep as will be grazed at Tumbarumba, or the same sheep as will be grazed at Carnarvon; the vegetables and the fruit that we grow are not bananas and pawpaws; and the skills required in a horticultural certificate are in no way relevant to the skills that will be required for someone attending a TAFE institute in Townsville. Why the hell should we, therefore, have any respect for what the government says it is doing in the name of skills training, and so on, if the government compels the minister to belong to the centralised control which produces skills which are not relevant to the local circumstances but which are, of course, well stated on a piece of paper?

I am not saying that there is not some benefit in having national standards, but there is no benefit in destroying the federation of this country, and no benefit in having the same skills taught across this country in the belief that everything in Australia is homogeneous. If we want to destroy the federation, we ought to come out and say so straight out. If we do not, we ought to accept responsibility and make the bureaucracy more accountable to the needs of the people who seek to be served by it than the goals that it seeks to serve for its own ends. And the commission worries me, for similar reasons. I find, as always, that, since we decided to reduce the length of time given to us to debate second reading speeches made by ministers and the legislation which they bring into this place, it is too short, and that in private members' time we received no real offsetting compensation.

I do not have the time to deal with the other matters that I would like to have explicitly taken up about the legislation, and that will take some time during the committee stage, I guess, in consequence of that. We now find that private members' time is controlled by the government and the opposition whip, and it has nothing to do with what members want to do; it has everything to do with what the parties believe ought to be done to us and to the people outside of here, in spite of what some ministers say about us never referring to parties. I had that in question time today from the minister for administration and information services, or

whatever the name is. Yet when the minister for the environment and natural resources was at the table he used the term 'Labor', anyway.

Time expired.

The Hon. M.K. BRINDAL (Minister for Employment and Training): I thank all members for their contribution. I will certainly refer the major portion of the member for Hammond's speech to the Minister for Education, who is responsible for the governance issues of TAFE. The Minister for Education might find them relevant. I particularly commend the shadow minister for her remarks, and I thank her for her kind remarks. May I say, equally, that this bill comes to the House largely with support from all sectors, because it has been thoroughly consulted. It is—

Mr Clarke interjecting:

The Hon. M.K. BRINDAL: I had little to do with it, because it is a bill that has been built from consensus. One of the things that emerges in this debate, and which is obvious by the contributions tonight, is that, while everyone might not be passionate about training, those who are passionate are motivated by concern that we produce a better quality of opportunity for our young people—indeed, for anyone who wants to take up training or to retrain, no matter what their age. So, it is not limited to youth, as several speakers have said.

I do not normally do this but, as the shadow minister acknowledged, the bill comes to this House as a combined effort of all sides of the parliament because, indeed, the Independents also have been consulted; the UTLC has been consulted; the ITABs have been consulted; the VEET board has been consulted; Uncle Tom Cobbley, and everyone has been consulted with respect to this bill.

I would like to pay particular tribute to my staff, in particular to Peter Shackleford and Dr Geoff Wood from the department; Teresa O'Leary, my parliamentary liaison officer; and my chief of staff, Steve Ronson, because of the time and effort that has been put into this bill. I thank all members for their contribution. To avoid the member for Ross Smith asking me in committee, I would just say that I do not understand why he must take 20 minutes when seven would have sufficed.

The WEA is not as well funded as perhaps it previously was, but I increased the funds in the ACE (Adult Community Education) sector by $300 000 last year, which was a considerable increase and which was acknowledged at the time by the shadow minister.

Mr Clarke interjecting:

The Hon. M.K. BRINDAL: As a quick answer to the member for Ross Smith, they probably do not get as much as they were getting in his time, but the sector is getting more. It is now competitive, but it is not competitive private versus public. A lot of the community houses, places in his own electorate, are now competing for a bigger bunch of funds, but the competition is stiffer. The Chinese Association, for instance, down at the old Findon Primary School, is a contender for funds, as are community houses in the northern suburbs and the WEA. So, we have a bigger bucket of money that we are trying to spread further in an area that all members acknowledge is one of the most important.

I am passionate about it, too, not just because of the leisure activities, the enrichment activities referred to by both the shadow minister and the member for Ross Smith, but also because it is true second chance education. It is through the WEA and the ACE sector that many people who, for one reason or another, perhaps because they started parenting very young, perhaps because they were an early school leaver, perhaps because English is not their native tongue and they have had to assimilate as much as they need to within our mainstream culture and then take on the educational challenges—for all those people the mainstream educational opportunities presented by our preschool, primary and secondary education were not an option, and it is beholden on our society to allow all our citizens, no matter what their past opportunities, present opportunities to educate themselves and to reskill themselves.

That is what lies at the heart of this bill. I will just conclude by saying that I am particularly proud of this bill. In the four years that I have been a minister I have had the privilege of bringing the reform of the Local Government Act, the City of Adelaide Act, reform to the Water Resources Act and, finally, this act into the parliament. This will stand, I think, as one of the things of which I am most proud. If this parliament gets this right tonight, it will have probably a greater and more tangible benefit for future people in South Australia, especially workers in South Australia, than any of the other measures.

I commend the bill to the House. It is just a pity that, despite the hour, a few more people were not inclined to speak on this measure. I make no criticism of some who did not: I just make the simple point. When we were talking about marijuana the other night, you nearly had to beat them back with sticks. Nearly every member felt obliged to outdo every other member in saying that they were stronger on drugs than some other member. But this bill, which is about training, which is about the future of our state, of our young people, of our workers, passes heralded only by those people who are in the chamber.

Ms Ciccarello interjecting:

The Hon. M.K. BRINDAL: No, I'm not criticising you if you're not speaking: at least you're in the chamber. I just make the general comment that this chamber is no worse than the rest of the community. The shadow minister said that people in Australia do not take training seriously enough. It is about time we did. Hopefully, this new government structure, which will better enable training in this state, is a positive measure that this House is taking in the right direction. I commend the bill to the House.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

Ms KEY: I want to make a point and then seek some clarification from the minister. My understanding of the number of registered training organisations in South Australia, certainly when the parliamentary interns did work for me on training, was something like 650. Looking at the listing, that is more like the number of organisations that were in South Australia. I understand that a number of those organisations were interstate and in some cases internationally based.

However, the Department of Education, Training and Employment's annual report 2000, on page 10 under '2000 in review', says that by December a total of 51 nationally endorsed training packages were approved for the implementation in South Australia and that, as at the end of 2000, there were 2 074 South Australian registered training organisations, all of which had met the Australian recognition framework requirements through this state's quality audit process.

The Hon. M.K. BRINDAL: The honourable member can read these tomorrow in *Hansard*, but there are 280 training organisations registered in South Australia, 77 of which operate interstate. 611 interstate training organisations have registered an intention—although they are not doing it—that they might deliver training in South Australia. So, it is just, 'We might want to operate in South Australia so let's register that we might.' 21 RTOs are registered to offer degrees, and three schools are registered as training organisations—Willunga, Hamilton and Immanuel College. 45 RTOs are registered to enrol overseas students.

I cannot configure that in a way to reconcile the last figure, which was a figure in excess of 2000, except to say that I will check it up and let the shadow minister know verbally, but it strikes me that that is possibly a combination of courses by organisations, which would be a multiple effect, because if you add 611 and 280 you get 891, which is a long way short of the 2000.

Ms KEY: My second question is with regard to the next page, 'Standards for registered training organisations.' Paragraph (c) relates to a training organisation for education services for overseas students and the standards determined from time to time by the minister. Can the minister amplify his intentions with regard to overseas students and standards? I understand that under the new structure this is a matter that would be discussed by the council or by the commission's council.

The Hon. M.K. BRINDAL: If they are normal students, they have to meet the national standards. If they are students from overseas, there is an additional requirement which will be set corporately by MCEETYA, by all the ministers. Those qualifications would be in addition, so that the qualification for the training of overseas students will be nationally consistent but of an additional standard to that required of our own students.

Mr LEWIS: Does the minister have a copy of the schedule of the commonwealth act?

The Hon. M.K. BRINDAL: Not to hand.

Mr LEWIS: I guess that it will not be possible for the minister to answer any questions that I want to ask him about ANTA agreements. Will the minister tell me what the acronym VET—as in the annual VET plan—stands for?

The Hon. M.K. BRINDAL: The annual VET plan is the state strategic plan which sets out what we will do with the ANTA money each year.

Mr LEWIS: What does 'VET' stand for?

The Hon. M.K. BRINDAL: It stands for Vocational Education and Training.

Mr LEWIS: Under the terms of the national protocols and the national training framework, how does the minister himself believe that the ministerial council will be better able to deliver to the state, and the localities within the state, the higher education, which by definition is post-compulsory education, that is undertaken outside the university structure than could otherwise have been delivered by the original structures we used to have as councils for our TAFE colleges? Have they been modified to be councils for training in each of the regional areas that their TAFE campuses served? In other words, why is it likely that centralising decision making and taking it out of the hands of the state parliament and putting it into the hands of the ministerial council, denying that same responsibility to a locally elected and, therefore, representative body such as a local board which would have been able to determine whether the standards were up to whatever national standards might have been determined by the commonwealth under a quality assurance program, with which I am sure the commonwealth would want the local regional training to have complied before the commonwealth would release funds to it and also before the state would release funds for the purposes of such training?

The Hon. M.K. BRINDAL: Under this system, the council will set the standards. The state is responsible for implementing the standards, and the institutions, whether they are TAFE institutions or private training providers, are required to meet the standards that are so set. This is not an attempt, to quote from the member for Hammond's speech, to destroy that which TAFE can offer; and it is not, in fact, to interfere with the autonomy of TAFE. I remember that the member for Hammond used the analogy that sheep grown in one part of the country are not equal to sheep grown in another part of the country. I would actually say to the member for Hammond that, if you want to shift sheep from Wagga to Ceduna, certain rules apply, and those rules are quarantine rules and all sorts of rules relating to the movement of livestock.

In essence, the reason for trying to concentrate on national standards in training is, in fact, ease of portability of the qualifications. As the member rightly pointed out, the sheep that grow in Wagga might not be the sheep that grow in the Downs country, but the fact is that if you want to shift the sheep from A to B you need to be sure that it is still a sheep. We do not want plumbers in South Australia with some sort of ratty qualifications, resulting in all our pipes leaking because the plumber who worked on them was not trained properly in New South Wales; nor do they want substandard electricians from Western Australia going into Queensland.

The idea of national standards is that like is compared to like, so that any plumber anywhere in this country, having trained properly to a national standard, can practise their trade freely and without hindrance anywhere in the Commonwealth of Australia. It is the same for all trades. I think that the danger in setting the national standards is that we must not reduce ourselves to the lowest common denominator.

I believe that the standards—and I have made this point in the ministerial council—should be set at the best standard of any state in the commonwealth. We should be lifting the requirement for qualifications for teaching in all of our TAFE institutes right across the nation to the highest standards so that the best example of plumbing training in the nation becomes the national standard, and the best for electrical becomes the best for electrical. That will benefit our colleagues opposite associated with the trade union movement, because it will lift the qualifications and professionalism of all the trades. That is the aim of the national qualification system.

Clause passed.

Clause 4.

Ms KEY: I want to ask the minister a question with regard to 'any other guidelines determined by the minister'. This may be an issue that could be dealt with under division 4 of the bill, but there are a number of points that I would like to put on the record for the minister with regard to how the grievance and appeal process may be conducted, and some suggestions with regard to the guidelines that the minister may want to take into account when this organisation is up and running. I think this is as good a time as any to do it.

I am suggesting to the minister that, with regard to the grievance and appeal process, there are a number of matters that should be addressed in the guidelines in dealing with both a conciliation and a mediation process. They are as

follows: provision of documents; obligations of panel members with regard to preparation and attendance; conduct of meetings or hearings (whether they will be formal or informal); the issue of privacy; explanation of procedures to the parties that are involved; the issue of representation rights; the costs, if any; recording and notes of meetings; and disclosure. There would need to be mediation guidelines, whether they be voluntary or mandatory; what the general process will be; and also the status of the agreements reached. With regard to decision making, there is the difference between discussion and consultation; the time frame; notification to parties; written reasons; and what people's rights are under this process.

The list continues with (and I am sure that the minister would agree to this) the need for interpreters in some cases, and the right of different parties to an interpreter; arrangement for such interpreters; the payment of them and a procedure in assisting the parties; natural justice (which is obviously important); adequate notice; introductions and understanding of issues; presentation of cases; right to question; witnesses; notes taken by panel members; assistance to parties to present the case; politeness and patience (I am sounding a bit like the minister in his answer in question time today); unbiased attitude; and no personal interest or conflict.

I will give the minister this list, but I think that these are all issues that must be taken into account—certainly from my experience, and I imagine that the member for Ross Smith would understand my drift here. if an appeals and grievance process is to be set up, there are a number of things that should be taken up in the guidelines.

The Hon. M.K. BRINDAL: We will take all of that on board. The honourable member has drifted into the last section of the bill, but in terms of the first part of her question, clause 4(1)(b), to which she referred, relates to 'any other guidelines determined by the minister' in connection with declaring an institution to be a university, and the national protocols will, of necessity, be fairly broad. They would then have to be interpreted in the light of local requirements, or local knowledge, and that is why other guidelines may be necessary, referring to specific circumstances in this state. That touches on what the member for Hammond just said and is, in fact, the contra to a national system of one size fits all. In this particular clause, the recognition is that one size will never fit all, so while you can have a broad national protocol you still need specific local rules.

Mr LEWIS: The declarations for the purposes of the act enable me to continue the debate I was having with the minister in the consideration of definitions and interpretations, and I refer to the very point on which he concluded his remarks, namely, that one size does not fit all. He used the example of plumbers: let me tell him something about what is relevant to plumbing—and I am sure that he understands this. In Campbelltown, Tasmania, there is a grave risk of frost damage to metal pipes, if metal pipes are used and not put at an appropriate depth (and even there I wonder if there would not be damage), whereas in Cairns, in Queensland, there is never any frost, but there is the risk of damage from termites, not on metal pipes but on plastic pipes. If you use plastic pipes, you are less likely to have frost damage in Campbelltown but, if you use plastic pipes in areas somewhere near Cairns, they will need to be of a very explicit type to avoid being chewed up by the considerable number of different members of the termite family that live there and have a pretty wide ranging diet, including plastic pipes.

So, whilst it is a good idea to have common standards across Australia about some of the academic aspects of training required for somebody who is a plumber, or for somebody who is involved in animal husbandry, nonetheless, it has to be made relevant to the local circumstances or it will be useless. We all know that, because we in this country, fairly or otherwise, 50 years ago refused to recognise the qualifications of very well-educated people coming from Europe.

I know that the member for Norwood understands what I am talking about in this respect. We refused to recognise their qualifications because they came from different climates and different cultural circumstances, where the materials that were used and the things that had to be dealt with were claimed to be so different as to warrant additional formal training and examination before they could be allowed to practise whatever it was, whether a profession or a trade, once they got here. This country extends from the tropical to the subtropical, from the cool temperate to the cold climates, across the whole range, except that we do not have any arctic climates in Australia, other than, perhaps, in the few towns in the higher parts of the Australian Alps.

I am anxious that the minister understands the perception abroad in the public mind that, whilst we want to have qualifications that can be recognised nationally, we nonetheless have to have training that is relevant to the local circumstances in which people are going to work. At the present time, people do not see what we have been doing in the last 20 years as providing training outcomes that they see as more relevant to their lives than the training outcomes they had yesterday. This bill, in its current form, does not do anything, in my judgment, to help sell the view that the opposite is the case, that what the minister wants the public to understand and believe will be better understood and believed by them as a consequence of the passage of this bill. It will require a lot of telling and a lot of selling before these provisions are accepted. I am hopeful that the minister will be able to take that message on board and ensure that the bill is understood here in South Australia and convey it to his interstate colleagues, so that they are not convinced by their own rhetoric or propaganda that they are delivering what the public expects and believes they should be delivering.

The Hon. M.K. BRINDAL: I certainly understand the last points made by the member for Hammond and I will take these to the ministerial council. I take seriously our obligation, as a parliament, as a TAFE sector, to spread that sort of message in the community. I take the member's point about Launceston and Cairns, but the national agreed competencies are customised in the detail, for this very reason, to local needs and situations, without sacrificing the standards of consistency. In fact, each agreed competency has a list of variables which are specified to enable this customisation.

If I can just illustrate the point by saying to the member for Hammond that what he said is exactly right, but every plumber across this nation will need to know how to thread metal to metal, if they are using metal pipes; how to glue PVC to PVC; how to stop leaks; how not to connect gas to water and how to get the pitch of the pipe correct so that the sewage actually flows downhill and away from the house and does not get caught up. While acknowledging the points he makes and not trying to denigrate them, the national competencies seeks therefore to establish a broad base but to allow for customisation in the broad base. I did not mean to convey

to the House that if a plumber shifts from Cairns to Adelaide he can operate exactly the same way he did in Cairns because there may be different materials and different local constraints, because at least he will have the basic competency to be able to go on the job and say, 'I have to use PVC now instead of metal.' The education point he made is a good point. I will take it to the ministerial council. It is the job of us all interested in the training sector to convey that.

It is perhaps one of the jobs remaining for TAFE to do. There was a time perhaps a decade or so ago where some TAFE institutions saw themselves as the providers who knew better than did the clients. It is true to say that in some parts of the training sector you went to they gave you what it was they thought you needed: that is one of the things we now have to overcome. It is true that the criticism of some of our training is a criticism in some cases of providers and, in some cases of the system and in all parts, whether as legislators, providers, trainees or employers, it behoves us all to do that little bit better.

Clause passed.

Clause 5.

Mr LEWIS: Does the minister really see himself as nothing more or less than the agent of the commonwealth, that is, the state training agency contemplated by the commonwealth act? Is he really handing over to commonwealth legislation?

The Hon. M.K. BRINDAL: The ANTA model is, in fact, a federal and not a commonwealth model. The idea of the minister being a state training agency, which is already in the existing act and is not a change, is that I represent the state training voice for South Australia in a commonwealth federal system. It is not that I (or whoever is my successor) am a minuscule part in some giant commonwealth bureaucracy where we have to bow to the great god Canberra: it is in fact a federal system where the minister who represents this parliament is the voice of training for South Australia. That exists and it is just a continuation of the current situation and is not a new thing.

Clause passed.

Clauses 6 and 7 passed.

Clause 8.

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

Page 9, line 10—After 'State employer associations' insert: (including the *South Australian Employers' Chamber of Commerce and Industry Incorporated*, the *Engineering Employers Association, South Australia* and the *Master Builders Association of South Australia Incorporated*).

Amendment carried.

Mr LEWIS: Will the minister tell me whom it is that he believes might make up the other up to five members? I make plain that at least two will be nominated after consultation with state employer associations to represent the interests of employers and two will be nominated after consultation with the United Trades and Labor Council to represent the interests of employees. Business SA (and that tends to be the employers' association) has an even poorer record of representative membership of all businesses in South Australia that employ people. If you added the total number of businesses in South Australia and asked how many belong to Business SA, you would come up with one figure. If you then added up all the employees who were employed by businesses that belong to Business SA and expressed that as a percentage of the total you would get another figure, and I bet in both cases that would be even more abysmal than the total number of people who belong to unions affiliated with the United Trades and Labor Council. I regard the unions that belong to the United Trades and Labor Council as not being competent to represent the interests of people who get up each day and go to work, providing for the person who gives them a wage packet value for money for that wage packet each week.

I know this is the way we go and it has been like it for a long time. That does not mean that it is not for me to question its legitimacy. That is why I began by asking who will be the other people who comprise this commission, called the Training and Skills Commission, not by name but by type. What does the minister have in mind as to whom it would be—the kind of person that he would appoint there—knowing as I do that the formal structured enterprises that belong to the organisations and the employees who belong to the organisations called trade unions are not the be all and end all to give a broad spectrum of representations of those interests, leave alone the other interests that need to be represented on such a skills commission.

Progress reported; committee to sit again.

SITTINGS AND BUSINESS

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

That standing orders be so far suspended as to enable the House to sit beyond midnight.

The DEPUTY SPEAKER: I have counted the House and, as there is not an absolute majority of the whole number of members of the House present, ring the bells.

An absolute majority of the whole number of members being present:

Mr LEWIS (Hammond): I know that members are presently muttering about what they regard as being my cause for our suspending standing orders to sit beyond midnight, and I want to reassure them, and more particularly the government, that it is not me. Parliament is here to debate legislation and, if you do not sit enough days every year, you cannot expect to get through it. And if the rate of change that is expected and the level of understanding of the legislation which rings in that change is not understood by us sufficiently to communicate it to the community, is it any wonder that they are so angry with us? I suggest to anyone who points the finger at me that the problem is not Peter Lewis but rather the number of days that we are sitting (or have failed to sit) during the last 12 months to get through the legislative program.

Motion carried.

TRAINING AND SKILLS DEVELOPMENT BILL

In committee (resumed on motion).

Mr LEWIS: Just before midnight I asked the minister a question. After explaining to the House that I thought that Business SA (as good and all as it may be) and the United Trades and Labor Council (as good and all as it, too, may be) did not represent by any measure a majority of the businesses that employ people on the one hand, or a majority of employees in the work force in this state on the other. I wanted to know from the minister what type of persons—by virtue of the relevant qualifications and/or experience they had—he felt he would be inclined to include in the no more than nine members that he is proposing to appoint on recommendation

through the Governor to the Training and Skills Commission, which is established in the bill under the division 2 provisions of clause 8.

The Hon. M.K. BRINDAL: I apologise to the member for Hammond; I got lost in our procedures. The amendment which uses the word 'including' means that the minister is not limited to consulting only the South Australian Employers Chamber of Commerce and Industry, the Engineering Association and the Master Builders Association; it is just that those three will represent the starting point, and hopefully the matter will be canvassed much more widely when it comes to employers. When it comes to the matter of employees, the member for Hammond will acknowledge that it is much more difficult to go to bodies, other than the trade union movement, that represent employees. Whether the UTLC represents the mass of workers (and I am sure it does not: it is well known that union memberships have fallen), nevertheless it is about the one body that you can contact to get a cogent voice for employee interests. That is reflected in the current act and remains reflected in this act. If the member for Hammond has any suggestions how additionally to consult employee interest other than through the UTLC, I am sure he will share them with the committee, and I would be interested to hear them—and I am not being facetious.

On the member for Hammond's point about the type of person—and as he said I cannot give him the individual names—I can only say that all the persons together must have the abilities and experience required for the performance of the commission's functions. So, they will need to have relevant abilities and experience. The member for Hammond obviously wants me to go further. I would say people such as the current chair. If the member for Hammond looks at the current composition of the ACE (Adult Community Education) Board, for instance, or the Overseas Qualifications Board, with their specific expertise, some least of those—and remember a subcommittee structure is possible under this act—are the sorts of people who will have the broad ranging abilities in the area of training, but then some of the specific expertise either with overseas qualifications or with adult and community education to be considered as part of a matrix.

The member for Hammond would realise what I am trying to say, I think. It is not that every member can have every skill, but what we have to put together is a board of nine people who together have all the skills necessary to fulfil the functions of the commission. I hope that in a generic sense explains to the member for Hammond at what we are trying to get.

Mr LEWIS: I thank the minister. I reckon it was about 19 years ago that I made a suggestion to the then minister Harold Allison that what we might do is not just rely upon people for these kinds of statewide bodies to be nominated by vested interest groups that are formal and established, but rather also allow for election to those bodies at the same time as local government or state government elections are held where they are elected at large. They spend as little or as much as they wish on such a campaign knowing that the rewards are not all that flash, but they are in terms of dollars adequate and in terms of satisfaction enormous. If we had three people elected at large from the broader community, with everyone on the electoral roll being optionally and not compulsorily able to vote for any one of those who offer themselves for these positions, we might end up with a more representative body than we have at present where vested interests dictate those policies that tend to be pursued when it comes to the crunch, through which policies we institutionalise the rigidities which those formal organisations bring into society and the shibboleths that come with them as part of their trappings.

They must be seen to be taking into consideration the kinds of pedagogy—if I can use that word deliberately as a term that has now come into favour in education—of the organisation that nominated them lest they lose their credibility and standing, and I know the member for Spence probably agrees with me on that point.

The Hon. M.K. BRINDAL: I note the reasonably original suggestion of the member for Hammond because I was not here 19 years ago. We will have a look at that. I will say very quickly something that might shock the opposition and, indeed, some of my own members a little. I would say to the member for Hammond that in the matter of training I have not really found the UTLC to be a sectional interest group. I have to say, in the face of this House, that Ian Curry, Patrick Wright and Robyn Buckler, who are our three members of the group, are some of the finest contributors and are entirely motivated by the best interests of training and the development of employees, whether or not they are trade union members. So I am not decrying the sense in which the member for Hammond used the words 'sectional interest'. I am just saying clearly to the House that in this case those people provided by the UTLC to serve in these capacities are exemplary and have contributed greatly to both the development of this legislation and to the ongoing thinking of the ARC, the VEET board, SSABSA and all the areas that have been added. This is one area where I would commend the UTLC, though one of the few.

Clause as amended passed.

Clauses 9 to 19 passed.

Clause 20.

Mr CLARKE: The clause deals with the applications for registration for training providers and I am just wondering what resources the commission will have to ensure that, once the private training providers have been accredited, they are regularly checked up on to ensure the standards to which they have committed themselves are in fact being adhered to. I remember when I was on the commission and we accredited some private providers with respect to hairdressers, and there was some debate at that time as to whether or not we should have done it but we did it.

However, I note from some informal discussions I have had with various hairdressing salons and the like, in the course of general conversation on training, that a number of them have expressed some concerns to me as to the quality of the graduates from these private training providers. The proprietors of these hairdressing salons did not believe that those who were being churned through these private training providers were up to the mark and, in many instances, employers had to almost significantly seek the retraining of those who had just been trained to bring them up to an acceptable standard.

I imagine that is just one example. I will not go through any others. I am concerned to ensure that once these private training providers are accredited they are kept up to the mark. I realise that people inspect the premises and tick the various boxes as to whether they meet the criteria established by the commission, but what happens thereafter to make sure that they keep up to the mark?

The Hon. M.K. BRINDAL: The Australian quality standards are attempting to lift the bar across the whole area. But, quite specifically, rigorous audits are always undertaken on application. So, when somebody applies to be a registered

training organisation, they are audited very thoroughly. In addition, twice in every five years every organisation is routinely audited against its performance and matching its criteria, and any complaint from a student—or any complaint, in fact—that is put in routinely will result in an audit of the organisation. It has worked better, perhaps, in South Australia than in any other state, although we have had one or two glitches—and we have deregistered ARTI (Australian Rural Training Institute); the shadow minister was aware of that. There is a bit of a contretemps going on in the court with a beauty salon now. We have rather good trainers here, they are not fly-by-night substandard people, and, in answer to the member for Ross Smith, we think that the system works very well: on registration, twice in five years, and immediately on complaint.

I know that both the shadow minister and the member for Ross Smith raised the matter of hairdressing, and some of that is not so much in connection with the training provision, if they get the training. It is not so much a problem with the RTO; it is a problem with the employer who takes the person on because they are to be trained, and then does not deliver the trainee to a training organisation to get the proper training. That is dealt with also in here, and it much more strengthens it for those young people. I am sure that every person in this committee will agree that you cannot take another human being on—I do not care whether you are the biggest corporation in Australia or a small business—as a trainee, promise to train them, take a subsidy from the taxpayers of Australia to do just that and then cheat them. This act seeks very strongly to stick up for the rights of people, be they young, middle aged or elderly, who engage in a contract of training. It is just like anything else. I cannot go to Radio Rentals and buy a TV and then find that there is no picture tube in the television; that it simply does not work. I would have them in court in two minutes, and no-one in this committee would blame me. Our trainees have exactly the same legal rights.

An honourable member interjecting:

The Hon. M.K. BRINDAL: As quickly as I could. But the shadow attorney opposite would probably take years.

Mr CLARKE: I am somewhat comforted by the minister's response and the point that he has made that some employers, when they get the trainee, do not allow that person to be properly trained. I think that hairdressing is a particular area that needs to be regularly monitored. They seem to try to turn them out into shearing sheds. For the minister and I, the difference between a good and a bad haircut is infinitesimal as to the effects. But for others who have invested something like $50 or $100 on a particular hairstyle, only to be ruined by an ill-trained trainee, it is a considerable loss of income.

The Hon. M.K. Brindal: Are you thinking of the member for Spence now?

Mr CLARKE: No. I should imagine that, if anyone had to wash his hair, they, in turn, would have to have a bath in Phenyl. I suggest that the hairdressing industry needs particular attention. Will the commission keep a file, if you like, of industries that are causing particular problems for regular inspection?

The Hon. M.K. BRINDAL: I do note the member for Ross Smith's comment about the member for Spence.

Clause passed.

Clauses 21 to 24 passed.

Clause 25.

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

Page 18, after line 33—Insert the following subclause:

(4) The Commission may, without further inquiry, accept and act on any recommendation of the Committee under subsection (3).

Amendment carried; clause as amended passed.

Clauses 26 to 31 passed.

Clause 32.

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

Page 23, line 14—Leave out 'or an Australian workplace agreement'.

I move this amendment with the concurrence of the shadow minister.

Amendment carried.

Mr CLARKE: With respect to clause 32, I raised in my second reading speech some concerns I had about Trans-Adelaide, as it then was, when it lost a number of contracts to private industry. I found out that there was literally a huge percentage of bus operators who were trainees. Frankly, I think that was an abuse of the traineeship system to get the wages subsidy from the commonwealth government, and it denied training opportunities to unemployed people, because many of those bus operators were, in fact, people who were in previous employment. I do not blame them for seeking a better job but, when you have a proportion—over 50 per cent—of bus operators who are trainees, I think that is just an abuse.

The other point is that at the time I understood that the ICTC, as it is known—or it might have been the ITAB—had a plan for the next couple of years for something like 900 trainees, I think it was, to be engaged by TransAdelaide, at the time, to train as bus operators. Again, that seems an extraordinarily large number, given that there are only about 1 100 metropolitan bus operators in Adelaide.

I want to know whether the department was aware of what I term an abuse—the minister may call it something else—and, if so, what steps have been taken to ensure that particularly Crown agencies do not get involved in that again, and properly keep to the principles behind traineeships? And, are mechanisms in place to ensure that, should such an incident recur, it will be highlighted to your department, whether it be in the private or the public sector?

The Hon. M.K. BRINDAL: Yes, I was aware of that in a way which I will explain, and I think the shadow minister was, as well, because of changes that we made. In fact, I am not sure that when the STA (or TransAdelaide) was dissociated, or whatever one says happened to it, that so many of the bus drivers were themselves under a contract for training. I cannot comment on that. But I am aware that it was the full intent of the Minister for Transport—who announced this quite publicly at the time—that many of the redundant drivers who had been with the STA would be taken on by the new operators. I then became aware that the new operators seemed to be preferring new people to existing fully qualified bus drivers, because the new people—

Mr Clarke interjecting:

The Hon. M.K. BRINDAL: Yes, because the new people, because they were not qualified, could qualify as trainees and, therefore, would get a subsidy. I can say to this committee—and this is a personal opinion—that I considered that to be an horrendous waste of taxpayers' money. If we need only X number of bus drivers in this state, and we already have X who are looking for work, why should we disregard them and pay good taxpayers' money to train other people to be bus drivers while having to retrain the bus

drivers to do something else? If that is the sort of world we live in, it must be a mad world.

Accordingly—and this is why I say I think that the shadow minister understands this, too—we changed the rules. It simply cannot happen now, because we changed the rules, although not totally because of this situation. There are also retail firms that seem to have trainees. The first day you join you become a trainee, and when you finally finish as managing director you are still a trainee. First, you train them to work on the checkouts, then you train them to stock the fridges, and then you train them to be a section manager and a buyer, and so on ad infinitum, until everyone in the store is getting a training subsidy.

We have changed the rules specifically to stop those sorts of things. Public money for training should not be used where the employer has an obligation to upskill his or her own work force because, at the end of the day, the greater the skill of the worker, the better the bottom line of the business. In my opinion, it should not be the job of the public purse to pay for training at all levels. I note that the Minister for Education is present in the chamber. The Minister for Education happens not to have an unlimited budget and, while he and I are totally committed to training, neither of us is committed to a waste of training dollars.

Clause as amended passed.

Clauses 33 to 38 passed.

Clause 39.

Mr CLARKE: Clause 39(2) provides:

> A party to a contract of training may, after the commencement of the term of the contract and within the probationary period, terminate the contract by written notice to the other party or parties to the contract.

I understand that the probationary period can be set by the commission and, presumably, that would exclude that employee from having any access for an unfair dismissal. I can understand the probationary period being set but I would imagine, and I would like the minister to confirm, that the probationary periods would vary from occupation to occupation. For example, there would be some occupations where you might need a month's probation to see whether a trainee is suitable for that type of work; in others it may be as little as a week.

I would be worried if the commission set a straight standard of a three month probationary period, say, for a 12 month contract of training, and that might be far too long for many occupations, because you should be able to work out whether or not, given the nature of the work involved, the probationary period ought to be less than, say, three months.

The Hon. M.K. BRINDAL: It is typically formula based. A formula generally is one month if it is a 12 month traineeship and three months if it is a three or four year apprenticeship.

Clause passed.

Clauses 40 to 42 passed.

Clause 43.

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

Page 29, after line 9—Insert the following subclause:

(3a) The commission may, without further inquiry, accept and act on any recommendation of the committee under subsection (3)(b).

Amendment carried; clause as amended passed.

Clauses 44 to 47 passed.

Clause 48.

Mr CLARKE: A matter concerning agricultural and veterinary products and authorised officers was debated recently in this place. The member for Stuart managed to get an amendment through to say that authorised officers had to ask permission before they could disturb the farmer on his personal residence before they could enter the property, even if they had a warrant from a magistrate. I do not see anything similar here in this clause under powers of entry and inspection, so I wonder whether it was an aberration on the government's part to accept the member for Stuart's amendment with respect to authorised officers under the Agricultural and Veterinary Products (Control of Use) Bill. This clause provides that a person authorised by the commission can enter a place at any reasonable time. He does not have to knock on the door and say, 'Please, I won't disturb you too much.' There is a difference between the rights of some members of the farming community versus the rest of us.

The Hon. M.K. BRINDAL: I can absolutely assure the member for Ross Smith that the member for Stuart, among others on this side of the committee, is very zealous in such matters, and he would let me get away with nothing.

Mr Clarke: I do not see it here in an amendment.

The Hon. M.K. BRINDAL: No, but I can tell the honourable member that in other places around this parliament he questioned this provision quite closely, not only once but on several occasions. These powers have existed in this legislation for 20 years, so when you were involved the same powers were there. I think that the reason the member for Stuart, being an entirely reasonable person, has not insisted on greater powers because the powers are there to protect apprentices and trainees. They are contained in the current Vocational Education, Employment and Training Act 1994. They will be replaced in this bill and they were contained in the Industrial and Commercial Training Act of 1981, which preceded the VEET Act.

Mr CLARKE: I was just making a point. I understand what you are saying.

The Hon. M.K. BRINDAL: I understand. I put on the record that it is important to note that members of the commission or officers authorised under this bill are not empowered to detain persons or seize property. The powers enable the person only to inspect and request the information related to training activity authorised by the commission.

Clause passed.

Clauses 49 to 53 passed.

Schedule 1.

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

Page 34—

Clause 1, line 4—After 'panel of' insert:
not more than 7

Clause 2—

Line 8—After 'State employer associations' insert:
(including the South Australian Employers' Chamber of Commerce and Industry Incorporated, the Engineering Employers Association, South Australia and the Master Builders Association of South Australia Incorporated)

Line 9—After 'panel of' insert:
not more than 4

Line 11—After 'panel of' insert:
not more than 4

Amendments carried; schedule as amended passed.

Schedule 2 and title passed.

Bill read a third time and passed.

STATUTES AMENDMENT (MOBIL OIL REFINERIES) BILL

Adjourned debate on second reading.

(Continued from 14 November. Page 2769.)

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

A quorum having been formed:

Ms HURLEY (Deputy Leader of the Opposition): This bill basically seeks to provide the mechanism by which the rates paid by the Mobil Oil Refinery to Onkaparinga council are reduced. In partnership with that, it provides measures to assist Onkaparinga council as a trade-off for the loss of rate income that it is about to receive. It is a slightly unusual way of providing industry assistance to the Mobil Oil Refinery, and it has provoked some controversy both within the council area and outside it. I think it is probably worth quoting some comments on this matter from the *Advertiser*, as follows:

Transport mogul Allan Scott has called for a change of government in SA. 'I think it is time' he told the *Advertiser* yesterday. Mr Scott, whose transport group has been a significant financial supporter of the Liberal Party, said he believed the economy would improve if Labor won power. 'I know people have expressed concerns about. . . Mike Rann but I reckon Mike Rann will be all right and . . . Kevin Foley is a really good bloke,' he said.

Mr Scott said the Liberals had 'sold the farm and there is not much left to sell'. 'We have to try to sort the state out,' he said. Mr Scott also questioned the appointment of Rob Kerin as Premier to replace John Olsen last week, saying it was 'not a really good solution for a bloke to be put in as a part-time Premier at the present time'.

Mount Gambier-based Mr Scott, who runs one of Australia's biggest trucking companies and owns the Port of Portland in Victoria, said Labor seemed to 'always do more for people'. Mr Scott has been a major player in both business and political circles for years and it was his intervention in 1996 that helped bring about the demise of then premier Dean Brown in his leadership battle with Mr Olsen.

An editorial in *The Border Watch*, the South-East newspaper owned by Mr Scott, last week called for the Independents in Parliament to vote to bring down the Liberal government. Mr Scott's anger was sparked by a new deal—

The SPEAKER: Will the deputy leader link this to the Mobil oil refinery in her remarks very quickly?

Ms HURLEY: Certainly, sir. The article states:

Mr Scott's anger was sparked by a new deal to provide the Port Stanvac oil refinery with a $700 000 cut in its annual rates bill to end a long-running dispute between Mobil and the Onkaparinga Council.

'I am extremely upset,' Mr Scott said. 'It is wrong that our government can give them $700 000 a year yet a South Australian company can't get anything.'

Mr Scott said his company employed more than 3 500 people Australia wide and had 'never got a thing from the Liberal government.'

'They won't do anything for SA companies, they always help people from out of the state,' he said. 'If Mobil is entitled to half rates and taxes then so are we. It's time they looked after their own backyard.'

Nevertheless, despite these concerns—and I am sure that some of the residents' concerns might be dealt with by other members of the House—Labor has indicated that it will support this bill. There is no doubt that for some time there have been question marks over the viability of the Mobil oil refinery at Port Stanvac, and the government has already assisted in a sense by advancing the environmental petrol standards and therefore requiring preference to the petroleum product coming out of the Port Stanvac refinery. However, it is obviously an important piece of infrastructure for South Australia which employs a significant number of people in South Australia and is an important industry here. Labor is unaware of the details of the exact deal worked out between Mobil, the Onkaparinga Council and the state government, but we trust that the deal is a good one. The Liberal state government deals have often not been that good in the past, but I certainly hope that this one is a good one which will secure jobs for people in the Port Stanvac refinery and ensure the continuing viability of the refinery.

Mr HILL (Kaurna): I will speak only briefly in relation to this measure. I indicate that I support it, as does the opposition. I support it reluctantly, because of the impact it will have on my constituents. This measure has come about as a result of lobbying over a fairly long period of time by the Mobil oil company to reduce its rates and other costs. I believe the managers of the company in Adelaide were operating under pretty strict instructions from their masters in America. They have said that, unless they can get the kind of restructure of their costs that they have asked for, the presence of the company in South Australia would be threatened. Of course, that is of great concern not only to South Australians but also to the southern suburbs and the City of Onkaparinga, because at least some of the people who live in the southern suburbs rely on Mobil for employment.

Over the past three years the member for Reynell and I have had a number of negotiations and discussions, as has the member for Kingston, David Cox, with Mobil, with the City of Onkaparinga and with our own constituents about the best way of handling this. The member for Reynell and I have been consistent in saying that if Mobil needs some assistance from government, then the state government should treat Mobil in the same way it treats any other industry and it should go through the proper DIT or other assessment processes as any other company would that needed assistance. It is unfair for the burden of rescuing Mobil to be placed on the heads of the ratepayers of the City of Onkaparinga. Unfortunately, the government has chosen not to accept our advice on that matter and indeed the burden is being put on the heads of the ratepayers of Onkaparinga.

I know from phone calls and letters that I have had over the years when this has been mentioned in the local press that the residents of the southern suburbs are not at all happy with this process. I have to say that the city council has negotiated quite well, I think, over this issue with the state government and, as I said in the press at the time when this package was announced, it really screwed every last dollar out of the government over this. I think that the package is a reasonable compromise but it is unfortunate that, in the end, the ratepayers of the City of Onkaparinga will be worse off as a result of the decisions that have been made.

One hopes that, as a result of the package that has been brought forward and which we are discussing here tonight, the refinery will, in fact, be secured for the southern suburbs, because it is important for employment and business opportunities in the south; but it is also important for South Australia so that we can have an assured supply of fuel.

I want to do one further thing and that is to read to the House a letter that I received from one of my constituents, who is a former employee of the oil refinery and also a shareholder. I think he has one or two shares in Exxon Mobil, as a result of working in the industry, which he has held onto in his retirement. It means that he has access to the annual report from Mobil and he has written a very good letter to me, where he articulates the concerns that he has about the measures that are in place and really puts into perspective the strength and wealth of Mobil. The letter reads:

Dear John, Please find enclosed the Exxon Mobil Annual Report to shareholders and information of their ongoing attempt to have their council rates reduced at the Adelaide refinery. One of the main

parts of the report is the LETTER TO SHAREHOLDERS [Pages 3-4] highlighting record earnings of $17.7 billion American Dollars. The Cash Flow was also a record $29 billion and a return on capital of 21 per cent.

This is the parent company, and its child, if you like, is asking the state government of South Australia and the City of Onkaparinga for a reduction in council rates of something like $700 000 per year, and yet its parent company has record earnings of $17.7 billion, with a 21 per cent return on capital. If it pursues this kind of deal from governments elsewhere in the world, I am not surprised that it has profits at this level. The letter continues:

The Chairman also pointed out that the Exxon Mobil stock significantly outperformed the S&P 500 last year as it has done in the last 30 years, 2000 also saw an increase in annual dividend payments for the 18th consecutive year. [Not a bad company to have an investment in.]

As a shareholder I am very disappointed that with record earnings year after year that Exxon Mobil should bully the Onkaparinga Council into cutting significantly the rates at the Adelaide Refinery.

The savings to Exxon Mobil is but a grain of sand on the beach, but to the Onkaparinga Council it will have a serious impact and runs contrary to the Exxon Mobil COMMUNITY INVESTMENT PROGRAM [Pages 26-27]—

this is no ordinary worker from Mobil, let me tell you; this man knows what he is talking about—

where they state that their commitment to the community is rooted in a simple but fundamental belief that it makes business sense to invest in a better quality of life in the community where we live and work, bullying the council to cut their rates does not equate with Exxon Mobil's Community Investment Program.

I am a stronger supporter of the viability of Refinery and its place in the South Australian economy, it exports 100 per cent of its Lubricating Oils and supplies 90 per cent of our Fuel requirements, it is a very important asset [and I must say that I agree with that], but it should live up to its Community Investment statement and pay its rates like we all have to do, it certainly can afford it

The reason Exxon Mobil intimidates State Governments and the Council for rates—

and I would say, by way of interpolation, that the reason Exxon Mobil America intimidates its local managers here in South Australia and puts pressure on them—

and charges to be dropped or cut is because they claim that as the Adelaide Refinery is the smallest refinery in Australia and the most vulnerable and under the greatest threat of closure.

That argument contradicts the advertisement placed in the *Advertiser* on Saturday 30 June 2001, under Executive Appointments, which was for a Manager Human Resources for the Adelaide Refinery, in which ExxonMobil claims that the Adelaide Refinery is an important and strategic ExxonMobil asset in Australia.

And he has enclosed the advertisement for me. The letter continues:

In conclusion I believe it's unfair that the Onkaparinga Council and their ratepayers should be the one to bear the burden of the State Government's pressure to cut the refinery rates, as all South Australians benefit by having an oil industry in their state. I believe that if ExxonMobil have their rates cut, all South Australians should share the costs.

That letter sums up the arguments extremely well, and I certainly concur with it. We support the measure, because it has been agreed to by not only the oil company and the government but also the City of Onkaparinga, acting on behalf of the ratepayers in the south. Personally, I accept it with some reluctance. I am glad the matter is resolved, because the uncertainty over the last few years has been worrying for all the parties. The matter is now resolved. Hopefully Mobil and the Port Stanvac oil refinery will have an assured future and will be able to increase their production and their employment in the southern suburbs.

Ms THOMPSON (Reynell): The member for Kaurna's constituent has summarised well the points I would like to make. I would like to thank the local general manager, Glen Henson, for paying the local members the courtesy of advising us early in the piece of the negotiations that they were undertaking with the state government. 'Early in the piece' means about this time three years ago, so it fills me with fear and trepidation to think that this is the state government that is representing me and my constituents—members of the south and people of this state—in dealing with international companies. It takes three years to negotiate a simple arrangement about rate reductions, changes in cargo rates, and so on.

However, there is another aspect to this, too, and that is that Mobil has approached every minister of trade since about 1975 asking for similar reductions, according to local information that I have gathered from staff at Mobil and from people who have worked at various times in the Department of Industry and Trade.

Over the last 25 years they have been told that the refinery was going to close unless something was done. It was only this government which decided that it would take this threat seriously. I am sure that Mr Henson was under pressure, as the member for Kaurna has said. However, the pressure can work both ways, and this government simply has an appalling track record in its ability to negotiate with international companies. Sure, we have managed to get some here but often at what cost? In this case, it is at the cost of the sporting facilities, the community development work and the employment development work undertaken by the City of Onkaparinga.

I am sure the minister is about to respond that the package deal agreed with the City of Onkaparinga includes industry development work. It includes the outplacement of staff of DIT to the City of Onkaparinga to work on industry development. That is one aspect of it. A lot more work is required than the outplacement of staff to identify industry opportunities. There is training money and support money for business.

Many financial investments are required to support the work that is being done by the excellent industry development staff already located in council and the many trade associations in the area, and I think particularly of the Lonsdale Business Association, the Hackham Business Association and the fledging Reynell Business and Tourism Association. Those organisations need cash in order to advance their plans. The placement of officers from DIT locally in Onkaparinga will help them to get a far better appreciation than they seem to currently have of the issues in the south. However, it is not nearly enough to ensure the economic development of the south.

As the minister would know I have cited in this place many times the fact that the work force participation rate in the south has been veritably plummeting and that this is a signal of an area that needs strong economic development focus. The outplacement of the officers, if not supported by grant and seeding money, will not be nearly enough. The City of Onkaparinga has been using seeding money and has been undertaking support for the business associations to enable them to develop the area. It will now be restricted in its ability to do that because of its decreased revenue. Similarly, the excellent work that is being undertaken in community development in areas with high levels of social difficulty will of necessity be curtailed because the pie simply is not big

enough. We have roads that are unsealed in urban areas. This work also will be restricted because the pie is not big enough.

The sporting clubs, based on people who give much of their time with little reward except seeing something that they love continue, will have to struggle again. We are not a wealthy community. We cannot afford $400 barbeques when it is necessary to re-mark the lines on the tennis court. People struggle to pay the money to support their sporting clubs and again this fund that the City of Onkaparinga spreads so effectively will be reduced. It has taken three years for this government to negotiate such a wondrous deal that will impact badly on the quality of life in the south. Sure, we need Mobil to stay there and we need those jobs desperately, but it is difficult, when you hear the sorts of figures quoted by the member for Kaurna, not to wonder whether the reaction of some of the former staff of DIT, who said, 'Huh, they've finally found a minister who can be conned,' was accurate.

I cannot endorse this resolution with enthusiasm. As the member for Kaurna said, we have been involved in the negotiations in an indirect manner and have been kept briefed. We know that this is as far as the City of Onkaparinga can go. It has agreed reluctantly to accept the arrangement. I agree, also reluctantly, to accept the arrangement.

Mr CLARKE (Ross Smith): From the statements by the members for Kaurna and Reynell, sentiments with which I concur (particularly the letter read out by the member for Kaurna), it would seem eminently sensible that we oppose this legislation at this time because, as the member for Kaurna pointed out, this has not been looked at by the IDC of the parliament, which has worked in the past on a bipartisan basis to assess these types of industry assistance packages to make sure that the state is getting value for money. I understand that that has not been the case on this occasion. We are taking too much on trust.

I have not been involved in any of these negotiations, but I have read that the government is justifying a cutback in income for the City of Onkaparinga by something like $700 000 a year and a loss of income to the state that is not specified in the second reading speech, but certainly some additional cost is incurred by the state government by assisting the City of Onkaparinga with money to help offset the loss of rate income of around $600 000 over three years. This parliament is now in the position of saying that we are giving away $700 000 of the City of Onkaparinga's income every year and as a state government we are picking up $600 000 just for three years. I do not know how much we are giving them with respect to these other tax and loading charges that are casually mentioned in the minister's second reading explanation.

South Australia is being treated increasingly as a Third World banana republic, because they know that we are desperate for jobs and investment. We now have a corporate welfare mentality, not amongst the poor corporations that are struggling to survive but amongst large multinationals. According to its annual report, in the last financial year, Exxon made a profit of nearly US$18 billion. We in South Australia have been issued our instructions by a multinational and, because of an ever increasing greed for more money, we will screw the City of Onkaparinga and its residents for $700 000, not because the organisation is going broke but because it wants to increase its profits even further.

During the whole of my time with the union (from 1974 to 1993) when it had members at the Port Stanvac Refinery, every year, as secretary—like every other union secretary with members at that refinery—I was told: 'You are on the hit list. The Adelaide refinery is on the hit list; it will close within a year.' That was a regular threat that was used to try to cower the work force. Maybe it has been on the hit list for many years, but at some time or another we need to stop saying, 'We are so desperate for jobs in this state that, to keep a multinational in this state, by way of subsidies (hidden or otherwise) we will pay it more than it gives back to us.' I do not know if that is the equation in this particular exercise, but before this parliament signs off on such a significant saving for a large multinational company, where the major parties are involved directly, the IDC should have a look at it to assess whether the South Australian community will get value for its dollar. At the moment, we only have the government's word for that.

I think that is a big call for this parliament to make in terms of the expenditure of ratepayers' money—and in terms of the taxpayers of South Australia generally. As the member for Reynell pointed out—it might have been the member for Kaurna—there will be a cutback to services for the City of Onkaparinga. The government has put pressure on that council to drop its rates in order to benefit the whole of the community of South Australia, but only the City of Onkaparinga will pick up the tab. The citizens of Walkerville will not amalgamate because they are selfish and want to stay on their own little dung heap.

An honourable member interjecting:

Mr CLARKE: They wouldn't lose their jobs. They have been there since 1840 and have all the basic amenities. They want to isolate themselves and keep the lowest rates in the state and not have to share their wealth with the outlying suburbs of South Australia so that other areas which need services can get them more quickly and at a better level. I agree with the member for Reynell that if, overall, it is good for South Australia then it should not just be one section of our community that picks up the bulk of the tab. So, I oppose this bill not because I oppose the Port Stanvac Refinery but because I do not want to vote in support of something about which I have been told very little. We have been given the skimpiest of second reading explanations and the skimpiest of details.

I do not know, for example, what the track record of the refinery has been over the years in terms of employment level, both the direct number of employees and the number of contractors on site, say, over the last five years, what has been the trend—up, down and, if so, how far down? What commitments has the government got from Mobil with respect to its continued presence in South Australia and for how long? Have any minimum full-time equivalent staffing levels been written into any contracts with the Port Stanvac refinery so that we can say, 'Okay Exxon US has backed their Adelaide operations to say they will maintain a certain level of full-time equivalent employees for the next five, 10 years, or whatever it might be', or whether there is a clawback provision with respect to any agreement that is entered into so that, if Port Stanvac refinery suddenly does hit the skids in two years' time, for example, and someone in the head office of Exxon decides to close Port Stanvac, that is not much consolation to the citizens of the City of Onkaparinga who, by that time, have forgone $2.1 million in rates for an entity that might disappear.

The minister may have all these answers, and I would happily want to ask him about whether he can answer those

types of questions because I think we are entitled to know that before we dispose of so much of the taxpayers' dollars.

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): I thank members for their contributions and I thank the opposition for its support for this bill. I will put a few facts on the table here, which members who read the debate in the other place may already know. The Mobil refinery has been paying the Onkaparinga council $1.2 million per annum in rates and, if members compare that with rates paid by other refineries in other states, it is paying approximately $200 000 to $300 000 more in council rates—

Ms Thompson: No, they're not.

The Hon. M.R. BUCKBY: That is the information I have been given. There is quite a difference in the rates. The information that I was given, and that the Treasurer in the other place was given also, from reports by the Mayor of Onkaparinga was that, if the land was under normal rating in terms of residential, it would be raising around about $100 000 in rates. One of the things that we all want to see in this state is that the Mobil refinery remains in South Australia. Obviously it produces jobs in South Australia. As members opposite have said, it ensures that we have a supply of fuel available to industry and to residents of South Australia alike, and so it is important that we maintain it.

This has been a long and protracted process. While members opposite might say that it is a relatively simple situation, it has not been a relatively simple situation purely because of the fact that the Onkaparinga council is having to forgo rate revenue and the refinery, in terms of its ongoing viability and competitiveness, is arguing for those rates to be reduced. So it has been a long and protracted process for the very reason of getting the two parties to get to some middle ground where everyone could agree that a reasonable rate revenue is being received by council and where Mobil is satisfied with the level of payment it is making.

In answer to a couple of inquiries from the member for Ross Smith, there are no guarantees if Mobil decides to pull out of South Australia in three, five, 10 or 20 years. There are no guarantees as to whether that will happen. I can say, though, that pressure from the parent company has been applied to Mobil for some time because, when I was working for the Centre for South Australian Economic Studies in 1991, I undertook an economic impact study of the Mobil refinery. Mobil approached the centre to use our input/output model to make estimates of the number of employees, the gross revenue and the value-added impact of Mobil on South Australia in terms of justifying its existence in South Australia.

Pressure was applied at that time by the parent company in terms of the competitiveness of Mobil. I cannot remember the figures now (we are talking 10 years ago when I did this) but, by using the model, we proved that Mobil was a very significant employer in the southern suburbs, that the value-added coming from Mobil was certainly an important factor in the state's economy and that Mobil was an integral part of the state's economy. The member for Ross Smith mentioned the charges that were being waived. The charges payable on the outward loading of crude oil have totalled $126 214 since the indenture acts were amended in 1994.

So, over the past seven years, $126 214 has been received and, since 1994, the government has received a total of $22 163 with respect to charges payable on imports on finished fuels. The levels of income from that are really negligible. I again thank the members of the House for their contributions and support for the bill.

Bill read a second time.

The SPEAKER: I indicate that this is a hybrid bill within the meaning of joint standing order (private bills) No. 2.

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): I move:

That joint standing order (private bills) be so far suspended as to enable the bill to pass through its remaining stages without the necessity for reference to a select committee.

Motion carried.

In committee.

Clauses 1 and 2 passed.

Clause 3.

Mr CLARKE: Will the minister explain why the government did not refer this bill to the IDC for investigation on a bipartisan basis? If it is the best deal for South Australia that was possible, in all the circumstances, why not lay it out on the table for the major parties—the government and the opposition—to analyse the results of those negotiations and to come to a decision—in camera if it all had to be in commercial confidence and the like—so that we could all feel comfortable that it had been properly examined and that on balance, whilst there were some warts, it was still a good deal for South Australia. Why did the government not go to the IDC?

The Hon. M.R. BUCKBY: I am not aware why the minister in another place did not go down that track but I assume that it would be that, given that negotiations were continuing between council, Mobil and the government, and making progress, and that a final agreement was arrived at between all three, it was deemed to be not necessary. Had an agreement not been reached, that might have been the trigger for the minister to say that it should go before the IDC.

Mr CLARKE: The minister says there are no guarantees attached to this agreement. So, if Port Stanvac closes in two or three years, the community has just lost $700 000 a year and we have no guarantees whatsoever. Did the government in its negotiations seek guarantees from Exxon as to at least a minimum period of time so that we could be certain that it would be open for X number of years? Did the government obtain information as to the likely full-time equivalent employment levels, either directly employed by the refinery or, if they are converted into contractors, over a period of, say, five years? Did the government ask those questions and get the answers in terms of formulating a view as to whether or not this was a good deal for the state overall and, if we did not, why not?

The Hon. M.R. BUCKBY: I am not aware whether the minister in another place sought those sorts of assurances, and I will seek an answer from the Minister for Industry and Trade for the honourable member. This makes sure that Mobil is more competitive in terms of its operations and therefore one would expect that it would remain in South Australia. But, as I have said, there have been no guarantees given by Mobil. However, the arrangement that has come to pass ensures that its competitiveness will be improved and, as a result of that, that it should remain in South Australia.

Mr CLARKE: What does the $700 000 that they are saving on the rates each year represent as a percentage of the overall operating costs of Port Stanvac? Is $700 000 like a 50 per cent saving in their operating costs? Are we talking about half of 1 per cent of what it costs to run the refinery? I am trying to work out the order of magnitude. If it is a flea bite,

they might save $700 000 a year out of it but, in the overall context of the operations, it is insignificant and there is no great incentive for them to stay any longer than they want to; it is just nice to have the savings. I am trying to get some order of proportion as to what the savings mean as an overall percentage of the operating costs of the refinery.

The Hon. M.R. BUCKBY: I am not sure of what Mobil Oil's gross turnover or operating costs are and would need to seek that information either from their annual report or from the company direct.

Mr Clarke: Is there any reason for having you here, then?

The Hon. M.R. BUCKBY: I am sure. We will undertake to gain that for the honourable member.

Clause passed.

Clause 4.

The Hon. M.R. BUCKBY: I move:

That clause 4 be inserted.

This is a money clause and could not be inserted in the other House.

Ms THOMPSON: The impact of this clause is to allow Mobil, as the second reading explanation says, to take advantage of its deep port facilities by receiving shipments of crude in very large crude tankers and redistributing any surplus to other shallow water refineries in the region, including Altona in Victoria. My question is whether the environmental impact of this has been assessed. While 99 per cent of the loading is done safely—and probably 99.9 per cent of the loading and unloading of fuel is done safely—unfortunately there have been fuel spillages in the area, with very severe environmental effects. Fortunately, last time they were not as severe as they might have been.

This means that many of the southern residents are nervous about the amount of crude that comes over the wharf. We accept it as a risk required to keep the facility there but would want to be assured that, if there is going to be this extra movement of crude in the area, the government has really considered any possible environmental impacts should there be a spillage with the additional movements.

The Hon. M.R. BUCKBY: The honourable member is correct in the fact that there have been very few environmental spills. On each occasion the Environmental Protection Authority has monitored those spills and then, in consultation with Mobil, looked at its procedures for unloading and at the clean-up procedures that have occurred thereafter. The EPA will continue to work with Mobil in monitoring its safety procedures in terms of any spills or any chances for spill, or its procedures in unloading crude oil, to ensure that those are minimised. That will be an ongoing feature.

Ms THOMPSON: Can the minister assure the committee that the EPA will work specifically with Mobil on this issue of the redistribution of crude oil to shallow vessels? I do not have any information on the extent to which this occurs at the moment, but it does not seem as though it is very much, given the charges for unloading, and we really need to be certain that the procedures have been scrutinised.

The Hon. M.R. BUCKBY: I would need to seek advice on that, but what the member is suggesting would make good sense to me in terms of ensuring that, if there is to be increased traffic of this kind in the area, the EPA would need to be closely aligned with Mobil to ensure that all safety measures are undertaken. I will seek an answer from the EPA for the member.

Clause inserted.

Clause 5.

Mr LEWIS: This clause talks about money, which is for local government rates. The rates will be reduced significantly over the next four years to the end of June 2004, where they will be $410 000. I do not have any question about that. I do not have any problem about that. I do not have any problem about those parts of section 3 of the principal act where we are reducing the amount that is to be paid from $218 850 to $90 000 in June 2004. The fact remains that, notwithstanding the concern expressed by the member for Kaurna, if Mobil makes a profit, that is because it is a prudent manager, and around the world it looks at every separate, individual operation in which it is involved to determine whether that is efficient.

If you are a farmer and you have got a lambing percentage of 120 per cent, that is very good, and Mobil's high return on capital is about as good as a farmer who has a lambing percentage of 120 per cent. But, if you have one ram not getting the ewes with which the ram has been mated into lamb, you simply get rid of him. The same goes with the Port Stanvac oil refinery. If the damn thing is not profitable, Mobil will get rid of it. Taking into account the charges that we as a community in South Australia choose to make upon the oil refinery, whether it be Mobil or any other company, if the oil refinery, after meeting all the charges levied against it and adding to that the cost of its operations, was not profitable, it would simply get rid of it.

One hopes that the government, under the provisions of clauses 3 and 5, has made it possible for the oil refinery to stay here, because God help us if it has not. If the oil refinery goes, the cost for fuel, to all of us as citizens, will go up quite substantially, and, worse, so will the cost to all the businesses in South Australia that operate from here using substantial quantities of oil, either for energy for the production process and/or transport, which is a significant component of the costs of production and marketing. Those businesses will shed labour, they will be less competitive, they will seek to move elsewhere at the earliest possible opportunity, and South Australia will be the poorer in consequence of it.

Lament as you might what the company is making from the good management of its total operations throughout the world—as the member for Kaurna did—but Mobil, BP or any oil company or business operating that refinery would make the same decision to quit if it was simply not profitable. I hope that everybody here understands that. It is not some nasty, big business having its decision-making office somewhere else in the world wanting to do nasty things to South Australia. It is quite simply any business based anywhere doing to its operations here in South Australia what it must do if it is to be seen as acting responsibly by its shareholders, according to the charter imposed on that business, in this case, very much a public company, by the law—and a law, if it were a company registered in this country, which we in this parliament support. They are not supposed to do things that are not prudent; they are supposed to do things upon which shareholders can rely.

I therefore ask the minister whether he believes that these changes to the total cost of operations of the Mobil Oil Refinery is likely to secure the medium to long-term future of Mobil, or anyone else, in the operation of this refinery. I also ask the minister whether he believes that the company operating this refinery has a satisfactory enterprise arrangement with the total work force there so that they will not now seek to raise their wages to take up the slack that has been provided at taxpayers' and ratepayers' expense and, indeed, at the expense of the rest of the state of South Australia to

ensure the future viability and presence of a refinery for our benefit here in South Australia.

The Hon. M.R. BUCKBY: I am advised by the Treasurer that, in his discussions with Mobil Refinery management, they indicated that this outcome will make them more competitive and that they are satisfied that that level of competitiveness will keep them in South Australia. As the Treasurer mentioned in the other place, there is no guarantee of the time period—whether it will be five, 10, 15, 20 or 50 years—but the company management has indicated to him that this will make a significant impact in terms of their competitiveness.

In answer to the second part of the question relating to the enterprise agreement between the staff and Mobil Refinery, I am not aware of the exact agreement. As to whether there is currently an agreement in place for however many years into the future—whether it is 12 months, two years or whatever—I am sure that those employees would also be well aware of, first, the need for the competitiveness of the company to continue; and, secondly, the company is aware of the situation in terms of a natural wage increase for those employees. I think in this day and age that a reasonable level of intelligence exists on both sides to see the need for a competitive industry so that it remains here in South Australia.

Clause passed.

Title passed.

Bill reported without amendment.

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): I move:

That this bill be now read a third time.

Mr CLARKE (Ross Smith): Having come out of committee I am no wiser than when we went into committee with respect to the details of amendments to this indenture, other than what we have been provided by the bare-bone explanation in the second reading speech. I understand the point made by the member for Hammond about the value of the refinery being here in South Australia, and I do not doubt it. What I object to and what I oppose with respect to this legislation is the scarcity of information upon which members here can say with accuracy that this is a good deal, on balance. As the minister here and the minister in charge of this bill in another place have pointed out, there are no guarantees with respect to whether the Stanvac refinery will be operating one, two or how ever many years into the future. In respect of the staffing levels at the refinery over the coming years we are no wiser now than when we went into committee as to what assurances, if any, were given about staffing levels or what changes in technology will take place and what we will get out of it all at the end of the day.

No doubt those are matters which have been considered by the government in the course of these three year negotiations, but we in this place are certainly totally almost unenlightened. Whilst the member for Hammond has made an informed speech and an informed guesstimate as to the value of the Stanvac refinery to South Australia—and I understand the overall sense in which he put his argument—it is not backed up by any real, accurate, statistical information which hopefully was been provided to the government and the City of Onkaparinga before making this arrangement.

I simply point out to the House that many hundreds and thousands of South Australian based companies, employing many thousands of South Australians, are all expected to pay their full council rates and do not get any subsidy for it. They are all expected to meet all their state charges and taxes and do all the administrative work involved in collecting those state taxes and charges, and indeed are now acting as unpaid tax collectors for the Australian Taxation Office without being paid a brass razoo for any assistance and the increased costs that they meet, yet we are here today in the space of less than an hour simply accepting the word of the government that it is a good deal for South Australia. I am afraid that I am not persuaded by the scarcity of information that has been provided. As I said, we might as well not have gone into committee, because the answers we got from the minister are no more enlightening than what we got from the scanty second reading speech. On that basis I could not possibly vote in favour of it.

Mr LEWIS (Hammond): I share the concerns raised by the member for Ross Smith. I think he raises in the House quite properly what has become pretty much the government's attitude over the time it has been in office—that it doesn't matter; if it doesn't want to tell us, it will not; and it pretends ignorance or undertakes to do things and does not bother to get back to us in doing it. I thought the minister would have been able to tell us what would be the consequences of having no oil refinery here. They must have a bunch of idiots in Treasury if they cannot work that out. But, then again, it is not surprising on occasions, when you consider the way that they stuffed up the privatisation arrangements for ETSA. They must have absolutely no understanding whatever of what parliament is about if they could not anticipate that we would want to know what this represents in terms of the proportion of operating costs needed to ensure that the refinery remains viable. Otherwise, why on earth bother to do it?

I do not know whether the minister is being honest with us or not; he is not a dullard by any means and would have anticipated the same sort of concern. It is a matter for us to judge, I guess, as to whether we ought to pass the measure or knock it out and cause it to be resubmitted tomorrow when we can get that information, because I know that the minister would have no hesitation whatever in telling the Treasurer that the bill has been knocked out and needs to be restored to the *Notice Paper* on motion, with a suspension of standing orders allowing that to happen, in order to get the provisions that are essential for the future of the state; but only get them if, and when, parliament is told what parliament ought to be able to discover.

I do not see any reason at all why the Mobil Oil Refinery and the people who work there, from the floor sweeper and the weed controller, right through to the most senior manager, as being paid for the work that is done there—and we need to know whether there is any risk of this all being an exercise in futility—could not be greedy and decide that they want more money than their jobs are really worth, other than that they can demand it because they are in a position of working for a monopoly that we cannot afford to do without.

I too would have liked to know what it might represent in cost per litre on our fuel if we lose the refinery. That is, how much extra per litre it would cost us to import the stuff already refined and delivered to our tank farm. As far as council rates go, at the time that the refinery was put there, of course, it was part of rural South Australia, and there were no significant—

The SPEAKER: The member is now starting to canvass some of his second reading speech. I would like him to come back to the third reading.

Mr LEWIS: I am talking about the location of the refinery as it affects the rates that have been assigned to it by evaluation of its site, which passed through committee in clause 3 of the bill, and which have altered over the years as a consequence of that site being absorbed into the metropolitan area. That is as the bill comes out of committee. They were insignificant at the time that the refinery was located there, but they are even more significant now. I am reflecting on the inability of the minister to provide the House with the information that ought to be provided to enable us not only to happily comply with his proposition that it not be referred to a select committee but also to pass the third reading.

Bill read a third time and passed.

FREEDOM OF INFORMATION (MISCELLANEOUS) AMENDMENT BILL

Second reading.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): 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 Freedom of Information (Miscellaneous) Amendment Bill 2001 represents the Government's commitment to open and accountable government and its support for an effective freedom of information regime. The Bill includes provisions to reduce complexity and provide quicker finalisation of applications, greater transparency in the process, and a greater emphasis on the public interest in making information available. It complements the implementation by the Government of new principles for the public disclosure of the major contracts for goods, services and works. These principles are incorporated in the policy document issued in March 2001, '*A New Dimension in Contracting with the South Australian Government*'.

The Bill is one aspect of the implementation of the Government's response to the report on the Act issued in October 2000 by the Legislative Review Committee. A second aspect is the provision of a centrally co-ordinated program of education, training and accreditation to be implemented throughout all sectors affected by the Act.

In order to meet some of the criticisms of the Legislative Review Committee concerning the current operations of the Act, the Government wishes to promote a stronger application of judgement in reaching determinations. Expanding the objects of the Act is an obvious way of highlighting this. However, the objects already provide that discretion under the Act should be exercised to favour disclosure of information. So, the Government has looked to mechanisms within the Act which support using that discretion. The Bill provides for a wider application of the "contrary to the public interest" tests in the various classes of exempt documents. In addition, the Bill requires agencies to be specific about how this test has been used when documents are refused on such grounds.

The Bill provides for a reduction of time for agencies to deal with applications, from 45 days to 30 days. This is a substantial change. During 1999-2000, within the State Government, just 51 per cent of applications were dealt with within 30 days. (The comparable figure for Local Government is 70 per cent.) Most agencies will need to review their work management processes to achieve a faster turnaround time and to clearly demonstrate the need for extended time.

It is accepted that there should be provision for extending the time for response to allow, for example, for protecting privacy or other legitimate interests of third parties. The Bill allows for an agency to extend the 30-day period, having regard for the volume of documents, the length of the search, or the need to consult with third parties. That extension requires a determination, by the agency's chief executive, in the form of a written notice to the applicant within 20 days after the application was received. Thus, such extensions are to be high-level decisions for agencies. An applicant who is dissatisfied with the delay in getting the information due to the grant of an extension may appeal to the Ombudsman. This requirement will provide stronger assurance that applications are being dealt with in a timely way. At the same time, this mechanism accepts that there are circumstances where agencies need more time to provide a full response and to protect the interests of other people.

The definitions now include "accredited FOI officer", defined as an agency officer who has completed training approved by the Minister, who has been designated in this role by the principal officer of the agency and who holds a senior position in the agency. (The term "accredited FOI officer" rather than "principal FOI officer" avoids confusion with the "principal officer", or chief executive of the agency.) This level of decision-making is already in place in some agencies. In others, however, it will represent a substantial shift. The accredited FOI officer can be the principal officer—recognising that for smaller agencies delegation below the principal officer may be unnecessary or impracticable.

Under the Bill, all applications—both for information and amendment of records—will need to be dealt with by an accredited FOI officer.

The Bill specifies the greater detail required from agencies in their reasons for refusal. In addition, the notice from agencies is required to show "the findings of any material questions of fact underlying the reasons for the refusal, together with a reference to the sources of information on which those findings are based". Agencies which determine to withhold any document on the basis that its disclosure would be contrary to the public interest are required to specify the reasons for this view.

The Bill specifically empowers both the Ombudsman and the Police Complaints Authority to seek a settlement of an application during external review and requires co-operation from the parties during the review process.

To provide greater clarity over the scope of the *Freedom of Information Act*, the Bill amends the definition of "agency" to align, as far as possible, with that in the *State Records Act*. This is appropriate given the linkage between sound record management practices and ready accessibility to official records.

A significant addition to the scope of the proposed Bill is the inclusion of Local Government—as a consequence, part VA of the *Local Government Act* will be repealed. This change has required many amendments of a technical nature. Examples of this are:

- clause 4 distinguishes between a "State Government agency" and "agency" because of the different relationships with the Minister;
- clauses 28, 30 and 32 distinguish between "Ministerial certificates" and "agency certificates";
- clause 34(h) extends the provision whereby information about an elector not recorded on an electoral roll applies to the *Local Government (Elections Act)*.

Following consultation, the three Universities have also been brought within the scope of the Act and the Bill also allows them to be prescribed as agencies that are not State Government agencies.

There is an explicit requirement for the Minister administering the Act "in consultation with the Ombudsman and the Police Complaints Authority, [to] develop and maintain appropriate training programs to assist agencies in complying with this Act".

In addition, making the changes outlined in the Government's response to the Legislative Review Committee's report, the proposed Bill also includes a number of machinery changes. The main provisions are:

- the publication requirements for agencies are consolidated in a single annual information statement;
- agencies have clear discretion to waive, reduce or remit any fee or charge in addition to those circumstances where it is mandatory to do so;
- the Police Complaints Authority is able to deal with appeals against fees and charges (just as the Ombudsman can);
- agencies are specifically empowered to make a legal determination to give access to a document after the prescribed period for dealing with an application;
- agencies may appeal, at their cost, and on a point of law only, to the District Court against a direction from the Ombudsman or Police Complaints Authority;
- a standard 30-day period applies for lodging applications for internal reviews and external reviews;
- greater protection is provided for information about (or from) juveniles and people with mental illness, impairment or infirmity.

Such changes eliminate ambiguity in the Act and improve its effective operation.

I commend this bill to honourable members.

Explanation of clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 3—Objects

The proposed amendments to the objects provision are consequential to the inclusion of local government as an agency under the principal Act.

Clause 4: Amendment of s. 4—Interpretation

This clause makes various consequential amendments to the definitions in section 4 of the principal Act and—

- defines the new concept of "accredited FOI officer";
- updates and broadens the definition of "agency" to include—
  - councils;
  - any incorporated or unincorporated body established for a public purpose by an Act or under an Act (other than an Act providing for the incorporation of companies or associations, co-operatives, societies or other voluntary organisations) or established or subject to control or direction by the Governor, a Minister of the Crown or any instrumentality or agency of the Crown or a council;
  - a person or body declared by the regulations to be an agency.

Clause 5: Insertion of s. 5A

The clause proposed to be inserted makes it clear that the Act does not apply to the Parliament or to Parliamentary Committees.

Clause 6: Amendment of s. 8—Defunct agencies

The principal Act gives some functions to "the Minister" (ie. the Minister administering the Act) and some to the "responsible Minister" for an agency. This clause amends the existing reference in section 8 of the principal Act to "the Minister" to a reference to "the Minister administering the Act", to avoid any possible confusion.

Clause 7: Amendment of s. 9—Publication of information concerning agencies

This clause amends section 9 of the principal Act—

- to remove the requirement to publish information summaries;
- to make provision for the publishing of information statements by councils and other non-State Government agencies.

Clause 8: Amendment of s. 10—Availability of information statement and policy documents

This clause amends section 10 of the principal Act to remove the reference to an information summary and to remove an obsolete subsection.

Clause 9: Amendment of s. 11—Application of this Part

This clause amends section 11 to ensure that where an agency is exempted from Part 2 by regulation, the exemption only operates if the conditions of the exemption are complied with.

Clause 10: Amendment of s. 14—Applications to be dealt with by certain persons and within certain time

This clause amends section 14 of the principal Act so that applications for access to an agency's documents will be dealt with by an accredited FOI officer of the agency and must be dealt with within 30 days of the receipt of the application rather than the present 45 days.

Clause 11: Insertion of s. 14A

This clause inserts a new provision allowing the principal officer of an agency to extend for a reasonable period, the time within which an application must be dealt with where—

- the application is for access to a large number of documents or necessitates a search through a large quantity of information and dealing with the application within that period would unreasonably divert the agency's resources from their use by the agency in the exercise of its functions; or
- the application is for access to a document in relation to which consultation is required and it will not be reasonably practicable to comply with Division 2 within that period.

The clause also provides for notification of such an extension and makes an extension a determination for the purposes of the Act (so that review and appeal rights will apply).

Clause 12: Amendment of s. 17—Agencies may require advance deposits

This amendment is consequential to clause 10.

Clause 13: Amendment of s. 18—Agencies may refuse to deal with certain applications

The first proposed amendment to section 18 is consequential to clause 11. The second proposed amendment would allow agencies to refuse to deal with vexatious applications.

Clause 14: Amendment of s. 19—Determination of applications

The proposed changes to section 19(2) are consequential to clauses 10 and 11. Proposed subsection (2a) makes it clear that agencies can continue to deal with applications beyond the time limits prescribed and that a decision to grant access that is made out of time is still a determination under the Act.

Clause 15: Amendment of s. 20—Refusal of access

This is consequential to clause 30.

Clause 16: Amendment of s. 21—Deferral of access

This clause is consequential to the inclusion of non-State Government agencies (such as councils) under the principal Act.

Clause 17: Amendment of s. 23—Notices of determination

This clause amends section 23 to require agencies to provide an applicant with further details on the grounds for a refusal of access.

Clause 18: Amendment of s. 25—Documents affecting inter-governmental or local governmental relations

This clause is consequential to the inclusion of councils under the Act.

Clause 19: Amendment of s. 29—Internal review

This clause amends section 29 to match up the time limit for instituting an internal review with the time limit for instituting an appeal (which is to be 30 days under later clauses), and to clarify that there is no internal review if the determination was made by the principal officer or at the direction of the principal officer or a person to whom the principal officer is responsible.

Clause 20: Amendment of s. 32—Persons by whom applications to be dealt with, etc.

This clause provides that applications for amendment of records will be dealt with by an accredited FOI officer of the agency and must be dealt with within 30 days of the receipt of the application rather than the present 45 days.

Clause 21: Amendment of s. 34—Determination of applications

This amendment is consequential to clause 20.

Clause 22: Amendment of s. 38—Internal review

This clause amends section 38 to match up the time limit for instituting an internal review with the time limit for instituting an appeal (which is to be 30 days under later clauses), and to clarify that there is no internal review if the determination was made by the principal officer or at the direction of the principal officer or a person to whom the principal officer is responsible.

Clause 23: Amendment of s. 39—Review by Ombudsman or Police Complaints Authority

This clause—

- provides a time limit of 30 days to institute a review;
- provides for resolution through conciliation;
- requires the parties to a review to cooperate in the process and to do all things reasonably required to expedite the process;
- allows the Ombudsman or Police Complaints Authority to dismiss an application if the applicant is not cooperating.

Clause 24: Insertion of Division

This clause inserts a new Division 1A into Part 5 of the principal Act allowing an agency to appeal to the District Court against a direction of the Ombudsman or the Police Complaints Authority on a question of law. The parties to such an appeal are the agency and the person who applied for the review by the Ombudsman or the Police Complaints Authority. The agency is, however, required to pay the costs of the other party.

Clause 25: Amendment of heading

This clause is consequential to the insertion of Division 1A.

Clause 26: Amendment of s. 41—Time within which appeals to be commenced

This clause reduces the time within which an appeal to the District Court must be commenced from 60 days to 30 days.

Clause 217: Amendment of s. 42—Procedure for hearing appeals

This clause is consequential to the inclusion of councils under the Act.

Clause 28: Amendment of s. 43—Consideration of restricted documents

This clause is consequential to the inclusion of non-State Government agencies (such as councils) under the Act.

Clause 29: Amendment of s. 44—Disciplinary actions

This clause is consequential to the inclusion of non-State Government agencies (such as councils) under the Act.

Clause 30: Substitution of s. 46

This clause substitutes a new section 46 in the principal Act—

- to provide for the issue of certificates by non-State Government agencies (called "agency certificates") in relation to restricted documents and to ensure that the Minister receives notice of the issue of such a certificate (consequentially to the inclusion of such agencies under the Act); and
- to make it clear that the status of a document as a restricted document cannot be questioned in proceedings otherwise than as provided in section 43.

Clause 31: Amendment of s. 53—Fees and charges

This clause amends section 53—

- to ensure that regulations may provide for a reduction of fees (rather than just waiver or remission);
- to make it clear that agencies may waive, reduce or remit a fee or charge in circumstances other than those prescribed by regulation;
- to empower the Police Complaints Authority to review a determination of a police officer or the Minister responsible for South Australia Police relating to a fee or charge.

Clause 32: Amendment of s. 54—Reports to Parliament

This clause provides that the Minister administering the principal Act must include details of agency certificates in the annual report to Parliament.

Clause 33: Insertion of s. 54A

This clause inserts a new provision in the principal Act ensuring the development of appropriate training programs for agencies.

Clause 34: Amendment of schedule 1

This clause makes various amendments to Schedule 1 of the principal Act as follows:

- A new clause 3 is substituted. This is consequential to the inclusion of councils under the Act.
- Clause 4 is amended so that some of the categories of documents currently listed as exempt in subclause (1) would only be exempt if disclosure was, on balance, contrary to the public interest and to update a reference in subclause (3).
- The proposed amendment to clause 5 is consequential to the inclusion of councils under the Act.
- Clause 6 is amended to provide that a document is exempt if it consists of information concerning a minor or a person suffering from mental illness, impairment or infirmity or concerning the family or circumstances of such a person, or information furnished by such a person, and if the disclosure of the document would be unreasonable having regard to the need to protect the person's welfare.
- The proposed amendment to clause 6A is consequential to the inclusion of councils under the Act.
- Clause 7 is amended so that the exemptions relating to documents consisting of information with a commercial value and documents consisting of information concerning the business, professional, commercial or financial affairs would only apply if disclosure was, on balance, contrary to the public interest.
- Clause 8 is amended so that the exemption relating to documents containing matter that relates to the purpose or results of research would only apply if disclosure was, on balance, contrary to the public interest.
- Clause 18 is amended to update references.

Clause 35: Amendment of schedule 2

This clause updates the list of exempt agencies in Schedule 2 and adds the Local Government Association (which would otherwise be included due to the change in the definition of "agency").

Clause 36: Consequential amendments to other Acts

This clause provides for the amendments to other Acts specified in the Schedule.

Clause 37: Transitional provisions

This clause makes various transitional provisions.

SCHEDULE

Consequential Amendments to Other Acts

The Schedule repeals Part VA of the *Local Government Act 1934* and amends section 12 of the *Roxby Downs (Indenture Ratification) Act 1982* to ensure the *Freedom of Information Act 1991* applies to the municipality.

Ms HURLEY secured the adjournment of the debate.

ADJOURNMENT

At 1.45 a.m. the House adjourned until Thursday 29 November at 10.30 a.m.