HOUSE OF ASSEMBLY

Wednesday 17 July 2002

The SPEAKER (Hon. I.P. Lewis) took the chair at 2 p.m. and read prayers.

ROAD SAFETY

The Hon. M.J. WRIGHT (Minister for Transport): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.J. WRIGHT: I rise today to make a statement to the house about far-reaching road safety reforms that this government intends to introduce. This government's first priority in road transport is safety.

Mr Venning interjecting:

The Hon. M.J. WRIGHT: This is an important matter. Road crashes—

Mr Venning interjecting:

The Hon. M.J. WRIGHT: Just listen. You can have your reply. Road crashes cost the taxpayers of South Australia more than $1 billion per year. Apart from the significant impost on the emergency services of this state, there is an appalling litany of personal pain, loss, sorrow and family tragedy behind these figures. Improvements in road safety have been made since the peak in the South Australian road toll around the early 1970s.

A number of broad measures can be used to reduce the number and consequences of road crashes. The most effective of all these measures include improving the safety of road infrastructure, improving protection for vehicle occupants, and improving driver behaviour. A minimum of $20 million per annum will be directed specifically at safety driven investments including $5.4 million of new investments. The budget announcements of these investments provided the first step in our comprehensive strategy to reduce the road toll.

Today I am announcing the second step, an overhaul of road safety regulations. The government welcomes the views of South Australians on these road safety initiatives as every road user has a direct interest in the issue of road safety. It would be difficult to find a South Australian family that has not experienced the tragedy and trauma associated with road crashes. Having commenced our focus on road safety through infrastructure initiatives announced in the budget, the next stage is a focus on regulatory interventions where South Australia has clearly fallen behind the rest of Australia.

I will be introducing to parliament a number of regulatory measures. To put these measures into context, I remind members that they are all measures that have been successfully introduced interstate. Let me say at the outset that the Statutes Amendment (Road Safety Initiatives) Bill 2001 will not be reintroduced in its present form by this government. Whilst the initiatives in the bill are worthy, it is evident that it does not go nearly far enough in bringing the state into line with the rest of the nation. Regulatory measures include:

Demerit points for camera detected speeding offences—
The government will introduce legislation to provide for demerit points to be incurred for camera detected speed offences and prepare regulations to require that prescribed red light camera offences attract demerit points. South Australia is the only jurisdiction, aside from the Northern Territory, not to have this provision.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order! The Attorney-General makes it difficult for me to hear the minister. The Minister for Transport has the call.

The Hon. M.J. WRIGHT: I continue with the regulatory measures, as follows:

Use of red light cameras to detect speeding offences—
Running red lights is one of the most dangerous traffic offences, particularly as it is often associated with speeding. It is a major cause of crashes, yet the speeding motorist running a red light is penalised only for the red light offence. Red light cameras will also be used to detect speeding offences so that motorists incur separate expiation notices and demerit points for these offences. The legislation already permits the use of red light cameras for the detection of speeding offences, but the legislation needs to be amended to establish realistic camera-testing regimes and to introduce new digital camera technologies. These changes will bring South Australia into line with other states.

50 km/h default built-up area speed limit—
I intend to table a regulation for the introduction of a 50 km/h default speed limit in built-up areas.

An honourable member interjecting:

The Hon. M.J. WRIGHT: I will come to it. The government will work with local councils to ensure a smooth and cost-effective transition to an urban local road speed limit of 50 km/h and also to ensure that other lower speed limits set by individual councils will not be affected by the change.

Mr Brindal: That's very lucky for you.

The Hon. M.J. WRIGHT: Thank you.

Mr Brindal: You would have had me on your wheel for ever.

The Hon. M.J. WRIGHT: That greatly concerns me. Arterial roads in the main will remain at 60 km/h and will be signposted as such. New South Wales has recorded a 23 per cent reduction in all crashes on urban local roads where a 50 km/h limit has been introduced.

Mandatory loss of licence for drink driving offences of 0.05 blood alcohol content (BAC) or more—
I intend to introduce amendments to provide for automatic loss of licence upon detection of blood alcohol concentration of 0.05 grams to 0.079 grams of alcohol in 100 millilitres of blood. The first offence will carry a loss of licence for three months, the second for six months and the third for 12 months. This will bring South Australia broadly into line with all other states. Illegal concentrations of blood alcohol are involved in about 30 per cent of fatal road crashes in South Australia. The reduction of the threshold for loss of licence from .08 to point .05 in Queensland and the ACT resulted in reduced incidence of drink driving at all levels.

Mobile random breath testing—
I will introduce amendments to authorise mobile police patrols to stop motorists at random for the purpose of conducting breath tests. The present fixed RBT stations have been very effective in promoting the anti drink-driving message, but we need to move to the next step. I acknowledge that mobile random breath testing was included in the Statutes Amendments (Road Safety Initiatives) Bill 2001. However, that bill proposed to constrain mobile RBT to limited times of the year. I intend to bring South Australia up to the national benchmark.

Changes to provisional licence scheme—
As previously announced by the Premier, the government is preparing legislation to implement changes to the provisional licence arrangements. It will be a requirement for learner drivers to remain on a provisional licence until they are 20

years of age or for a minimum of two years if the provisional licence was obtained at an age of more than 18 years.

Theoretical testing of learner drivers—

The government is preparing measures to broaden the learner drivers' theory test and to increase the learner drivers' theory test pass mark to 80 per cent and broaden the test to include questions about road safety.

Practical testing of learner drivers—

The government is preparing legislation requiring that a learner driver who fails a vehicle on-road practical test cannot be retested for at least two weeks, and to require that there be a minimum period of six months before a learner's permit holder can apply for a provisional licence.

Breaches of road law by learner's permit and provisional licence holder—

Any period of suspension will be added to the period of time required to hold a learner's permit or a provisional licence. As the law presently stands, any learner's permit holder older than 16½ years theoretically can obtain a learner's permit, sit for a driving test and apply for a provisional licence on the same day. Further, there is no provision for a period of licence suspension to be added to the probationary period. As part of the package of 'P' plate measures, there will be a minimum period of six months before a learner's permit holder can apply for a provisional licence, and that any period of suspension will not count for the purposes of determining when a person can progress from a learner's permit to a provisional licence, or from a provisional to an unconditional licence.

Reduction of the open road speed limit to 100 km/h or less according to road conditions but preserving 110 km/h where the level of speed is safe and appropriate—

Transport SA will review all existing speed limits on roads under the care, control and management of the Commissioner of Highways in rural and country areas and develop a risk management framework for determination of rural speed limits in consultation with local councils. Speed affects both the risk of a crash and the severity of any resulting injuries, 50 per cent of crashes causing serious injury and 60 per cent of fatalities occurring on rural roads. The risk of a crash doubles for each 10 km/h above the average traffic speed. A speed limit of 100 km/h, except on roads assessed as appropriate and safe for 110 km/h, would be consistent with the national practice, and the government cannot ignore the significance of this opportunity to save lives on our rural roads.

Road safety audits—

Transport SA will ensure that other projects to be undertaken through this safety program are those which have been identified as high priority through a process of road safety audits. A further phase of this package will involve the development of a number of longer-term initiatives. These measures require development and consultation with stakeholders. Without making specific commitments, measures to be considered are likely to include:

- Severe increases in the penalties for speeding offences more than 35 km/h above the posted speed limit, including possible mandatory loss of licence.
- Severe increases in the penalties for drink driving above 0.15 per cent blood alcohol content, including possible mandatory impoundment of vehicles.
- Introduction of a graduated provisional licence scheme along the lines of that operating in New South Wales.
- Examination of the use of computer simulation software packages for driver training and assessment.
- Examination of the practicality of introducing front number plates for motor vehicle cycles.

Increased impetus for road safety research—

In addition to the regulatory measures announced today, I would like to remind members that in April the Premier announced the establishment of a new international research facility to be known as the South Australian Centre for Automotive Safety Research. The centre will incorporate the road accident research unit of the University of Adelaide and will collaboratively draw on the expertise of all three universities in South Australia and the automotive industry. The government will provide core funding to the centre for research into issues that are important to this state in bringing down the road toll.

The centre will also conduct collaborative and world leading safety research with Mitsubishi and other automotive companies, adding value to South Australia's vehicle manufacturing industry and contributing towards achievement of the national target for road safety improvement. I expect that progressively the findings of this research will inform the government's own road safety program as well as inform the development of new national safety standards for Australian vehicles. With all these matters, we want to work with members of the community and take account of their views. I commend this important package of reforms to the parliament.

MURRAY RIVER

The Hon. J.D. HILL (Minister for Environment and Conservation): I seek leave to make a ministerial statement.

An honourable member interjecting:

The SPEAKER: Order! Does the member for Bright have something to say?

The Hon. W.A. Matthew: No, sir.

Leave granted.

The Hon. J.D. HILL: All South Australians are vitally aware of the importance of the Murray River to the economy of this state. Metropolitan Adelaide and the surrounding Spencer Gulf region rely on the waters of the Murray River for 50 per cent of their needs in an average year, and up to 90 per cent in times of severe drought. The Murray River provides South Australians with considerable economic security; for example, the irrigation industry along the Murray River in South Australia produces some of the highest value commodities in the Murray-Darling Basin using the most efficient technologies. The river also contributes considerably to manufacturing and other industries throughout South Australia, but the Murray River provides all of us with much more than economic security.

For tens of thousands of years the Murray River has been a recurring theme in Aboriginal dreaming and has underpinned Aboriginal culture throughout the southern part of Australia. It is also the home for one of the greatest collections of native flora and fauna in the world. However, sadly, it is a river in serious decline, suffering environmental problems including loss of native vegetation, impeded native fish breeding cycles, degraded wetlands, restriction of the Murray mouth and river salinity. The government is committed to helping rehabilitate the river and, once again, to restore it to a healthy state. To do so it has embarked on an ambitious program to work with other state governments and the commonwealth to significantly increase environmental flows in the river and to tackle the demanding issue of salinity. Restoring the Murray means more water for the Murray.

The government's pre-election commitment was to increase environmental flows by 20 per cent over the next 20 years; in other words, to find more than 2 000 gigalitres of water to flow into South Australia. We have recently taken a number of steps in that direction. In April, the Premier established the Murray River environmental flows fund with his Victorian counterpart, Premier Steve Bracks.

The Hon. M.D. Rann: Historic!

The Hon. J.D. HILL: Historic, as the Premier says. This $25 million fund provides for up to 30 gigalitres for the environment of the Murray River in South Australia. On 12 April 2002 the Murray-Darling Basin Ministerial Council met at Corowa in New South Wales. That meeting was presented unequivocal evidence that the lower Murray—that is, from Wentworth in New South Wales to the mouth at Goolwa—is now in severe drought. It is clear that the 'do nothing' option is no longer on the table. As a result, ministers agreed to spend $157 million over seven years covering structural and operational changes, and investigations to make best use of the water currently available to the Murray River catchment.

Mr Brindal: How much more is it than they were going to spend before?

The SPEAKER: Order! The member for Unley will come to order and not presume to lecture the house from his seat.

Mr Brindal: I wasn't, sir.

The SPEAKER: The minister has the call.

The Hon. J.D. HILL: Thank you, Mr Speaker. The partner governments also agreed to work with the community to determine the environmental flow needs of the river and how those additional flows can best be achieved. We will examine options on the basis of three reference points, that is, of returning additional flows of 350 gigalitres, 750 gigalitres and 1 500 gigalitres over the next 10 years.

The decision of the ministerial council at Corowa was a good first step in a long path forward. The recovery of water for the health of the Murray River requires at least a 30 year commitment. Last week, the President of the Murray-Darling Basin Commission, Dr Roy Green, launched a discussion paper, *The Living Murray*, to assist the community engagement process that will help the ministerial council reach a decision on environmental flows in 2003. I congratulate the Murray-Darling Basin Commission for commencing this community discussion of the needs of the river, the needs of people who live off the river and the issues which are affecting its health. I would also like to encourage all South Australians to participate in this discussion to ensure that the needs of South Australia are represented and met, but also to ensure that we understand the issues being faced by the communities in the eastern states.

To aid that process, I have invited honourable members to attend a briefing on this issue to be given by Mr Don Blackmore, the Chief Executive of the Murray-Darling Basin Commission, and Dr Roy Green, the President of the commission. That briefing will be held this afternoon at 4 p.m. in the old chamber, and I urge all members to participate in this important discussion.

This government is committed to maintaining a multipartisan approach to the Murray River, and I commend to the house the work done by the former Select Committee on the Murray River. We have demonstrated that commitment already with the appointment of the Hon. David Wotton as the Presiding Member of the Murray River Catchment Water Management Board. I congratulate the Hon. David Wotton on that appointment. I know that he will bring substantial knowledge and skill to the tasks ahead.

To maintain a continuing focus on the Murray River in the parliament and to ensure a multipartisan approach, I will seek to establish a standing committee under the proposed River Murray Act. This is consistent with the recommendations of the Murray River select committee. The government is committed to working with our upstream partners to meet the challenge of restoring the health of the Murray. We are also ready to ensure that we are exemplary in our management of our part of the river and the Murray-Darling Basin. The state budget has set in place a sound financial basis for improving our management of the Murray. We have maintained the state's commitment to the Murray-Darling Basin Commission and other initiatives. Ongoing commitments for 2002-03 include:

- $4.8 million (including a commonwealth contribution) for addressing salinity, including salt interception schemes;
- $10 million (including state, commonwealth and industry funds) for irrigation rehabilitation of the Loxton irrigation area;
- $4.3 million (including commonwealth contribution) for restructuring and rehabilitation within the Lower Murray reclaimed irrigation areas; and
- $16.4 million to the Murray-Darling Basin initiative.

In addition, the government has committed more than $12 million to new initiatives, including the River Murray Act, the Wellington weir feasibility study and the South Australian Murray River environmental flows strategy. I am also developing legislation for a River Murray Act to give the government clear powers over the way in which the river is used.

This legislation will control planning, irrigation practices, pollution and rehabilitation programs. The object of the legislation will be to achieve a healthy, working Murray River system, sustaining communities and preserving unique values. Specifically, the River Murray Act will aim to ensure that existing and new activities that may affect the health of the river are undertaken in a way that protects, maintains and improves river health.

In summary, this government is committed to the health of the Murray River and is committed to a cooperative but strong approach to working with our colleagues in this place, the South Australian community and our interstate partners to achieve our goals.

ECONOMIC AND FINANCE COMMITTEE

Ms THOMPSON (Reynell): I bring up the 39th report of the committee, on questions raised in the Legislative Council relating to the Auditor-General's Department.

Ordered to be published.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

Ms BREUER (Giles): I bring up the 46th report of the committee, on the hills face zone.

Ordered to be published.

LEGISLATIVE REVIEW COMMITTEE

Mr HANNA (Mitchell): I bring up the 8th report of the committee.

Report received.

PUBLIC WORKS COMMITTEE

Mr CAICA (Colton): I bring up the 179th report of the committee, on the North Terrace redevelopment, stage 1.

Ordered to be published.

QUESTION TIME

The SPEAKER: Before calling on questions without notice, I point out to the house that questions directed to the Minister for Emergency Services, Government Enterprises and Police; the Minister for Health; and the Minister for Tourism will be taken by the Deputy Premier; and questions directed to the Minister for Education and Children's Services will be taken by the Minister for Environment and Conservation.

PAROLE BOARD

The Hon. R.G. KERIN (Leader of the Opposition): My question is directed to the Premier. Given that the cabinet has set a precedent for overruling recommendations of the Parole Board, will he now recommend that the Parole Board be disbanded or will he inform the Parole Board of cabinet's new guidelines for the release of convicted felons? Shortly after coming to office, the Premier overruled a recommendation of the Parole Board for the release of two convicted felons. However, the opposition is now aware that following this decision Executive Council approved the release of a convicted murderer after serving only eight years in prison. The Chair of the Parole Board, Frances Nelson QC, stated last night:

> I don't understand, mainly because I haven't been told the criteria that they use in assessing the risk—clearly at some level it must be different to ours and it would be very helpful to us if we could be told.

She went on to say that she had been trying to arrange a meeting with the Premier since April to discuss these issues.

The Hon. M.D. RANN (Premier): I am delighted to answer this question. It is quite clear from the question that the Liberals, if they had been re-elected, were going to let McBride and Watson out.

Members interjecting:

The Hon. M.D. RANN: No, you don't like it, do you?

Members interjecting:

The Hon. M.D. RANN: This is the key point about this. If you follow through the logic of your question, Mr Leader of the Opposition—

The SPEAKER: Order! I cannot hear the member for Mawson for the member for MacKillop's interjecting.

The Hon. M.D. RANN: We made a decision because we were asked to make a decision. I am very happy to explain to Frances Nelson or to those in the Liberal Party who are soft on law and order the dictionary definition of 'recommendation', because there is one hell of a difference between a recommendation and a decision. Frances makes the recommendations, we make the decisions. You might have wanted, Mr Kerin, to let McBride and Watson out—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: You might have wanted to let McBride and Watson out—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —but we decided to lock them up, and no apologies.

The Hon. R.G. Kerin interjecting:

The SPEAKER: Does the leader seek a supplementary question?

The Hon. R.G. Kerin: No.

The SPEAKER: I ask the Premier and all other members and ministers to address their remarks through the chair, rather than excite passions by referring to people by their christian names or by the second person pronoun, you. That is the unfortunate way in which people do become offended. It is intended that the Speaker would be the medium through which members are heard within the chamber and to the wider community, otherwise there would be no such position. The conventions of the parliament from which we derive our practices require us to do that. I do not care what other practices there may be in houses like the House of Representatives on this matter. Our practices are expected by the people of South Australia, judging by my mail, to be somewhat better than they were previously, and a jolly sight better than they have been in the House of Representatives in recent times.

JACOB'S CREEK TOUR DOWN UNDER 2003

Mrs GERAGHTY (Torrens): My question is directed to the Minister for Tourism. Can the minister inform the house of the race routes for the 2003 Jacob's Creek Tour Down Under cycling race and what steps have been put in place to increase the number of tourists to South Australia for the 2003 event?

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): Through you, Mr Speaker, if I could just explain that shortly I will be leaving to represent two other ministers and myself at an education, employment and youth ministerial conference. However, since I do not have to leave until 3.10 I thought it important that I should enjoy question time before going, after which point another member of cabinet will take my questions. Thank you, Mr Speaker. I am very pleased to answer the question from the member for Torrens because today we announced the routes for the Tour Down Under. The Jacob's Creek Tour Down Under is now in its fifth year. This is an important iconic event that brings together a key wine brand with an iconic sports event. This event is particularly important because it represents a showcase of South Australia to the rest of the world. As an iconic event it is important that, to attract elite athletes from around the world, the route be modified to add challenge and excitement to those cyclists who otherwise would not be keen to attend the same route each year.

This year the routes taken will travel through parts of Adelaide and parts of rural South Australia. In stage 1, the event will return to the east end of Adelaide and follow the street circuit that was so successful as an evening event in the first year. The second stage will begin at Jacob's Creek and follow a road route to Kapunda, where there will be an evening finish. Stage 3 will once again begin at Glenelg, which was such a successful start in previous years, and will tour through to Hahndorf for the finish. It will travel twice through the Hahndorf streets and will produce a spectacle that will be enjoyable from both the television and the local point of view.

Stage 4 will start at Unley, which runs a successful evening party, and all the traders and residents come out with bunting and barbecues. Stage 5 will be in Willunga and will be a circular route around the streets, and the final stage will

be in the Adelaide City Council area. It will start, as before, on King William Street and go up the Montefiore Hill, which it will traverse on 20 occasions—which is quite an effort that I am not sure I would like to follow.

Of course, an event such as this is successful on several levels. First, it is an iconic elite sports event that attracts the best cyclists from around the world but, on another level, it is important as a community-building event, where locals—residents, schoolchildren and businesses—have an opportunity to enjoy the theatre and the excitement.

It is very good to have an elite event and good to have a community-building event, but in my mind it is more important to leverage off these events and actually obtain benefits economically and for employment and tourism. This year, for the first time we are focusing on special events that will attract tourists. We are marketing both in North America and Europe and on the east coast and expect large numbers of tourists to come to this event.

Of particular significance is the way we are attracting tourists by allowing tour operators to package deals to bring tourists to the state, packaging a whole range of combinations of activities to attract different kinds of visitors. One of the interesting events this year will be what is called the Club Tour. That will be focused on the Hilton Hotel, with a series of events, free drinks, prizes, special clothes, caps and tee-shirts and an opportunity to attend the VIP launch of the teams, which is usually a private function.

In addition, for the first time we will have corporate hospitality packages, which will be targeted at businesses that are not at the level of putting in major sponsorship deals but which might like to have functions where they can entertain their customers at specific sectors of the race.

In order to capitalise on an area that was never before worked upon by previous governments, we are working very seriously on bringing cyclists from around Australia and across the world to enjoy cycle tours. In the Tour de France currently operating this week we have announced a range of activities that people can enjoy here. The first is the Breakaway Tour, which is held at stage 2. It will allow people of limited and varied experience, such as families and those who are not at elite cycling levels, to take part in the entire 140 kilometre stage of the race. This event will allow the Breakaway tourers to leave two hours before the elite athletes and experience the thrills, spills and exhaustion of a major stage in the race.

As well as this event, one of the key marketing elements of our packaging will be the Classic Veterans' Race series. Previously, there has been one of these races in a year but this year we have enhanced that to three veterans' races, marketed through the Australian Veterans Cycling Council and being packaged with our events overseas. The Tour Down Under is now in its fifth year, and it is about time that we had serious leverage into tourism to enhance the benefits for all South Australians.

HOSPITALS, GLENSIDE

The Hon. R.G. KERIN (Leader of the Opposition): Will the Premier explain to the house why, in the interests of public safety, the government did not order an upgrade in hospital security immediately following the escape of two patients from Glenside Hospital last Friday, and why it took more than 30 hours to alert the public to the incident?

The Hon. K.O. FOLEY (Deputy Premier): I am taking questions for the Minister for Health. I must say that that sounds remarkably like a question that was asked yesterday of the Minister for Health.

Members interjecting:

The Hon. K.O. FOLEY: I am just saying it sounded like it to me; it might not have been. The Minister for Health gave a detailed answer. From memory, the minister has ordered an immediate inquiry into what occurred and will report back. It was most unfortunate, and the government has responded swiftly in terms of reviewing what occurred and ascertaining what we need to do. Once we have some answers, we will provide them to the Leader of the Opposition.

The Hon. R.G. KERIN: As a supplementary question, I remind the Deputy Premier that the second part of the question referred to the 30 hour delay in alerting the public to the incident.

The SPEAKER: I will accept the reminder that the Deputy Premier has been given about that point.

The Hon. K.O. FOLEY: I am sure that the minister in her answers previously to this house has given a large amount of information on this, but I am happy to take that question on notice for the minister and ask her to give the leader a reply.

THE BIG ISSUE

Ms BEDFORD (Florey): Can the Premier advise the house about a new magazine that is being launched in Adelaide today and say how it will help the homeless and unemployed?

Members interjecting:

The Hon. M.D. RANN (Premier): It is interesting that members opposite find homelessness a laughing matter. Today I had the pleasure of launching a new magazine in Adelaide, a not-for-profit magazine called *The Big Issue*. The exciting thing is that it is a new magazine, not only for Adelaide readers, but it is designed to give the homeless and unemployed a chance to make some extra money.

The Hon. W.A. Matthew interjecting:

The Hon. M.D. RANN: Budget ads: it is really good that we have saved so much money compared to your expenditure in terms of publicising the budget. We have saved tens of thousands of dollars on what the Liberals used to spend. But anyway, launched in London in 1991, *The Big Issue* has been operating in Australia's eastern—

Members interjecting:

The Hon. M.D. RANN: Okay, you want to let out crooks. That is your message for the day. Look up at the media. That is your philosophy: open the door—a revolving door under the Liberals. You don't like governments that make decisions. I will never make an apology for locking up animals like Watson and McBride, okay? Let me explain that.

The SPEAKER: Order!

The Hon. M.D. RANN: I am never going to apologise for locking up animals like Watson and McBride.

The SPEAKER: The Premier will come back to the subject matter of the question.

The Hon. M.D. RANN: That is what the people expect of us.

The Hon. D.C. KOTZ: On a point of order, Mr Speaker.

Members interjecting:

The SPEAKER: Order! The member for Newland.

The Hon. D.C. KOTZ: The Premier is debating.

The SPEAKER: The member for Newland probably could not hear me telling the Premier to come back to the question.

The Hon. M.D. RANN: Thank you, sir, I shouldn't respond to interjections.

The SPEAKER: You are right, you should not.

The Hon. M.D. RANN: Launched in London in 1991, *The Big Issue* has been operating in Australia's eastern states for six years as a street magazine sold by the homeless, by ex-homeless and by the unemployed. What we are doing is helping make it possible for those in our community who are living rough to earn extra income and make a positive change to their lives. *The Big Issue*, which people may have seen during the last couple of weeks—I think my friend Andie MacDowell was on the front page of the most recent issue, and I am pleased I was able to help her during a difficult time in her life—is unique in that these people who sell the magazine retain half the cover price of the magazine, thereby enabling them to an extra income through paid work.

The magazine began in Australia, in Melbourne, in 1996 with financial support from Australia Post and the Body Shop, and now sells between 10 000 and 15 000 copies a fortnight. In the UK, it sells around 300 000 copies each edition, and *The Big Issue* also operates in South Africa. For the South Australian launch of *The Big Issue*, the state government has worked in partnership with the Adelaide City Council to help fund the first 12 months of the magazine's operation. The venture is an important initiative of the government's Social Inclusion Unit, which is addressing the causes of serious social problems and which is leading the way in promoting collaboration and partnerships across sectors. One of the key references of the social inclusion initiative is how we can reduce homelessness in South Australia, because we know that, at any one time, I am told, thousands of people are homeless in South Australia.

A range of reasons is responsible for that: not just housing but issues relating to alcoholism, mental health, poverty, unemployment, family break-down, and so on. We are pleased that homelessness is an important reference of the social inclusion initiative and something that we intend to address. The Lord Mayor, Mr Alfred Huang, said that he was pleased to support the program, which is an example of what could be achieved when state government and council work together. The council is strongly committed to assisting homeless people within the city. I have been advised that the city council is allocating $30 000 in its 2002-03 community development grants program.

Also, the self-help nature of *The Big Issue* makes this particularly exciting as it gives homeless people an opportunity to regain their independence and self-respect, as well as a chance to break the cycle of their homelessness and dependency on support agencies. *The Big Issue* will receive $25 000 from the state government and $25 000 from the city council. It will be available today from 20 city locations, including the Body Shop in Victoria Square, King William Street and the Central Market. I hope that members will buy some issues because it is important to realise that half the money goes directly as income for those people who are homeless and unemployed.

An honourable member: How much does it cost?

The Hon. M.D. RANN: It costs $3.

CROWN LEASES

The Hon. I.F. EVANS (Davenport): My question is directed to the Minister for Environment and Conservation. Was a regional impact statement provided to cabinet on the proposed increase in crown lease fees and freehold costs prior to cabinet making the decision?

The Hon. J.D. HILL (Minister for Environment and Conservation): No.

FILM FESTIVAL

Ms CICCARELLO (Norwood): Will the Premier, as Minister for the Arts, advise the house about the progress of the international film festival planned to be held in Adelaide next year?

The Hon. M.D. RANN (Premier): I am delighted to answer this question.

Mr Koutsantonis interjecting:

The Hon. M.D. RANN: That is a good idea; we might invite Andie MacDowell. I think she owes me one, actually. The inaugural film festival will be held in alternate years to the international Festival of Arts. We are trying to segue—and I know that is a word that people are used to—WOMAD and the film festival so that we have a significant international festival in alternate years to the Festival of Arts.

The SPEAKER: Order! I have difficulty hearing the Premier when he is not addressing his remarks through the chair.

The Hon. M.D. RANN: I am sorry, sir. The honourable Speaker certainly will be a special guest at the opening night of the international film festival, which will, we hope, include some world premieres. The inaugural Adelaide International Film Festival will be held in alternate years to the Festival of Arts. The next will be held next February. The former Director of the highly successful Adelaide Festival Fringe, Katrina Sedgwick, will be the inaugural Artistic Director of both the 2003 and 2005 film festivals. She is working hard on making these two festivals the basis of a festival that I hope will become as internationally respected and recognised as the Adelaide Festival of Arts.

By 2005 and 2007, I want the Adelaide Film Festival to be the biggest and best film festival in the southern hemisphere. Certainly, Katrina has the energy, creativity and the artistic edge to make this happen. More recently, Arts Project Australia (APA), under Ian Scobie, has been appointed as Festival Manager. APA comes with an impressive track record, having managed a number of highly successful arts events, including WOMAD and the Performing Arts Market in Adelaide.

The chair of the board of the Adelaide International Arts Festival is Cheryl Bart, who also sits on the Economic Development Board. Ms Bart is a lawyer and has been a non-executive director of ETSA since appointed by John Olsen in 1995. She is also on the boards of Electro Optic Systems Ltd and John Howard's Alcohol Education and Rehabilitation Foundation and chairs its audit committee.

Judith Crombie, Chief Executive Officer of the South Australian Film Corporation, is deputy chair of the film festival board. Judith is the backbone of the film industry in this state and is committed and dedicated to furthering the film industry in the 21st century. I know that she holds the same desire as I do to once again lead the film industry in this country.

Certainly in the 1970s the Australian film industry was born and flourished here in South Australia. Nationally, to some extent, we lost our way. We have taken the path, as in other parts of Australia, of mimicking the American film industry experience. We have seen this in the eastern states where Fox Studios, and the like, are now established. It is

usually American films being made in Australia—as they do in Toronto and other parts of Canada. We are not interested in that. We are talking about a real independent Australian film industry, and we are taking a completely different approach. We are talking about a film industry that seeks to celebrate and take advantage of local talents and use Australian stories and Australian landscapes for a worldwide audience.

It is the independence of Australian films that has universal appeal—films that range from *Breaker Morant* to *Shine* and *Lantana*—which we want to foster and encourage through Adelaide's new international film festival. Some $500 000 has been allocated for the first film festival. It is a pilot scheme for a bigger event, with $1 million to be committed by the government but much more from other partners, I hope. I understand already that the 2003 event is attracting keen interest from other sponsors; and certainly people such as Glenda Jackson and other Academy Award winners, such as Lord David Puttnam of *Chariots of Fire* and *Midnight Express* and Lord Richard Attenborough of *Ghandi*, *Chaplin* and *A Chorus Line*, are looking forward to attending our film festival in the future.

INDUSTRIAL MANSLAUGHTER

The Hon. I.F. EVANS (Davenport): Will the Premier advise the house whether any of the proposed new offences of causing serious harm intentionally, causing serious harm recklessly, or causing serious harm negligently, will apply to the workplace and therefore introduce the concept of industrial manslaughter to South Australia?

The Hon. M.J. ATKINSON (Attorney-General): It is certainly not the intention to apply them to that area, but I will get a detailed response for the member.

SECOND-HAND VEHICLES

Mr SNELLING (Playford): Will the Minister for Consumer Affairs inform the house about the outcome of any recent court action for breaches of the Second-hand Vehicle Dealers Act?

The Hon. M.J. ATKINSON (Minister for Consumer Affairs): The Commissioner for Consumer Affairs has advised me today that one of Adelaide's illegal backyard car dealers was fined $17 500 plus costs and levies in the Adelaide Magistrates Court yesterday. The prosecution came as the result of an investigation by consumer affairs and saw Damir Brajlovic of Athelstone plead guilty to one count of unlicensed car dealing by selling 24 motor vehicles and nine counts of odometer windback. I understand the total odometer windbacks on the nine cars was nearly 700 000 kilometres, equivalent to about 958 trips from Adelaide to Melbourne.

Mr Brindal interjecting:

The SPEAKER: The member for Unley will have the call should he be sharp enough on his feet.

The Hon. M.J. ATKINSON: I hope this sentence discourages others from breaking the law and preying upon car buyers. Next to buying a house, buying a car is usually one of the most significant purchases made by consumers, and the purposes of the Second-hand Vehicle Dealers Act is to protect the public. Anyone who carries on the business of selling second-hand cars should be licensed and fulfil the requirements of the act.

Consumers risk losing their money if they buy cars from unlicensed dealers. Licensed dealers must provide warranty protection for vehicles costing more than $3 000 but have travelled less than 200 000 kilometres and were first registered less than 15 years ago. I advise anyone planning to buy a second-hand car to contact the Office of Consumer and Business Affairs and to ask for a copy of its free publication *Buying a Used Vehicle*, which clearly explains consumer rights and dealers' obligations.

SELF-FUNDED RETIREES

Mrs REDMOND (Heysen): Will the Minister for Social Justice advise the house why the government has broken its promise to honour all previous government commitments and has now cut concessions for self-funded retirees? In conjunction with the federal government, the former Liberal government committed to fund a range of concessions to assist almost 20 000 South Australians who support themselves in retirement without pension. The state funding for this initiative has now been cut and the federal funding has been lost. Labor members and candidates gave assurances during the election campaign that a Labor government would honour this commitment.

The Hon. K.O. FOLEY (Deputy Premier): I am happy to answer this question. From memory, we put out a press release to all media nearly two weeks ago, when the country cabinet meeting was being held in Whyalla. Contrary to the views of the member opposite and those expressed today by the head of one of the self-funded retiree organisations, during the election campaign I recall this issue vividly. I think the Leader of the Opposition would as well, given that he made a significant gaff during the election campaign in respect of the letter.

My recollection of what we said at that time—this is from memory and I stand to be corrected—was this: we would honour those concessions that were part of the former government's May 2001 budget. The particular concessions that were announced during the election campaign were additional concessions to what had been included in the previous government's May 2001 budget.

At the time, I said that we would honour those concessions that were part of the former government's budget, not your election promise. My recollection of events goes something like this: when the federal government campaigned for re-election, it introduced a further element of concessions to the community. In the lead-up to the state election campaign and during the campaign, the former Liberal government announced that it had written to the federal minister indicating its preparedness to take up that offer. That was a decision to take up the offer. However, it was not formally agreed to. My advice was that there had not been a formal sign-off between the formal government in any written agreement. From memory, that is the advice I was provided. The important point here is that, whilst a letter had been exchanged with former minister Brown, the Deputy Leader of the Opposition and the then health minister, it was not formally signed off between two governments.

It should also be noted that my understanding is that no state government has taken up—

An honourable member interjecting:

The Hon. K.O. FOLEY: —hang on; let me get to that—this offer, with the exception of Western Australia, which already had the concession, anyway. I understand it already had a concession.

An honourable member interjecting:

The Hon. K.O. FOLEY: That is my understanding; I stand to be corrected. Western Australia already had in place a concession scheme and was happy to take the commonwealth money to supplement its own money. No other state government, of which I am aware, has taken up the offer. If the commonwealth government wants to extend this concession to self-funded retirees, it can do so. It can either fully fund it 100 per cent or it can give 70 per cent of the concession to self-funded retirees. I am not stopping it. We were responsible for delivering on Labor's election promises, and we did. We were not responsible for delivering the Liberal Party's policies.

NORTHERN TERRITORY EXPO

Mr HANNA (Mitchell): Will the Minister for Local Government advise members of this house about the delegation he led to the Northern Territory Expo last week, and can he inform members about the potential benefits that are expected for South Australia as a result of that delegation?

The Hon. J.W. WEATHERILL (Minister for Local Government): It was my proud duty to represent the Minister for Industry—

An honourable member: What was the temperature?

The Hon. J.W. WEATHERILL: —it was 30 degrees—Investment and Trade, who was unable to attend because of his commitments in relation to the state budget. Since 1999, the Department of Industry and Trade has led a South Australian delegation to the Northern Territory, using the Northern Territory Expo as a vehicle for South Australian industry and government to explore opportunities in the territory to promote their capabilities and to forge relationships with the government of the Northern Territory and with Northern Territory companies. The focus of this year's delegation was to build on the collaborative relationship that was to be developed during the construction phase of the Adelaide to Darwin rail project, and to explore the potential for future ventures with Northern Territory companies with respect to other major projects.

In this year's delegation there were 29 participating companies, comprising 16 from the Upper Spencer Gulf and 13 from other areas around South Australia. One of the official functions that I carried out during that time in Darwin was to speak at and witness the formal signing of a memorandum of understanding between our Upper Spencer Gulf cities—that is, Port Augusta, Port Pirie and Whyalla—and the city of Palmerston in the Northern Territory. The memorandum of understanding proposed to develop a collaborative alliance between the four cities by encouraging business growth between the regions; community development, based on learning and sharing each other's experiences at a council level; and to improve local council organisation.

The importance of this relationship is twofold. There are obvious opportunities that present themselves beyond just the physical link of the rail line. There are massive opportunities to tap into the relationships that the Northern Territory government and businesses form with the Asian community, and it is quite remarkable to see the extent and depth of those relationships in the Northern Territory. There are also important similarities, in terms of social problems, between the city of Palmerston, the city of Port Augusta and other of the Spencer Gulf cities.

Mr Brindal interjecting:

The Hon. J.W. WEATHERILL: Precisely. While I am on the subject of the memorandum of understanding and its anticipated benefits, I must pay a tribute to the efforts of the mayors of the cities of Port Augusta, Port Pirie and Whyalla, who, with their respective councils and administrations, made this happen. In particular, I would like to congratulate Mayor Joy Baluch of Port Augusta, who is known to all of us in this house (and with whom I enjoyed lunch today, and I hope she is still here—she is). I thank her for her efforts. She has been a driving force behind this memorandum of understanding and an important part of developing the relationship between those cities.

I also would like to recognise Mr Roger Hartley and his colleagues and staff from the Department of Industry and Trade, who organised the delegation in a very professional manner. Many members of the delegation commented on the way in which Mr Hartley supported them and facilitated the capacity of the business representatives who travelled to Darwin to make and form relationships with Northern Territory businesses.

PRISONS, PSYCHOLOGICAL SERVICES

Mr BROKENSHIRE (Mawson): Will the Treasurer explain why essential psychological services to our prisons, including the Adelaide Women's Prison, have been cut? Yesterday, the Hon. Terry Roberts confirmed the following:

> The service provisioning within the prison system has been reduced in terms of psychological services. The operational arrangement that we had with the university—

The Hon. M.J. Atkinson: Are you quoting from another house?

The SPEAKER: Order! The member has been here long enough to know that he cannot quote debate from the *Hansard* record of another house. If the member is quoting from a speech or a statement made by the minister outside the chamber, that is another matter, but if he is quoting from the *Hansard* report that is a pretty serious breach of standing orders.

Mr BROKENSHIRE: I could just use the words that I heard on radio between the Hon. Terry Roberts and the Hon. Rob Lawson. In essence, the operational arrangements with the University of South Australia will be one of the victims of these cuts. I understand that the honourable member did indicate that it was a difficult decision that they made and that the cuts will impact on services.

The Hon. K.O. FOLEY (Tresaurer): I am happy to get some further information on that matter but, as I said, the budget was tough but fair. There were expenditure cuts and reductions, and that is what happens when you put together a tough but fair budget.

ROAD SAFETY

Mr RAU (Enfield): My question is directed to the Minister for Transport. Will the minister provide information regarding the consultation process surrounding the draft compliance and enforcement legislation to further improve heavy vehicle road safety?

The Hon. M.J. WRIGHT (Minister for Transport): The public consultation process on the National Road Transport Commission's national release of draft compliance and enforcement legislation is well under way in South Australia. The wider community and the industry now have an opportunity to say what they think about the draft legislation, which focuses on improving safety on our roads, particularly in the heavy vehicle industry. If it gains support

from the community, it could be a landmark reform resulting in far-reaching changes in the road freight industry and major improvements in safety, industry fairness and productivity.

Key features of the draft legislation include recognising that the actions, inactions and demands of people off the road can significantly affect safety on the road; introducing modern enforcement powers nationally consistent and linked with other laws such as occupational health and safety and environmental protection; and introducing an innovative range of penalties which will give courts an extensive variety of options to target the causes of road safety breaches and foster a culture of compliance within the industry.

The consultation process is well under way with community sessions already having taken place in the northern regions of Whyalla and Port Augusta—and I would like to acknowledge and thank the member for Stuart who attended the session that was held in Port Augusta with me—Port Pirie and the metropolitan area. Areas of the South-East and the Riverland will be canvassed in early to mid-July. The areas of Yorke Peninsula, the Mid North and possibly the Far West Coast of the state will also be canvassed later this month. The consultation process is expected to be completed in early August 2002. Feedback is essential to make this legislation workable for everyone. It is also very important that, when I am asked to vote on behalf of the government on a final package prepared by the NRTC, I am informed about what South Australian stakeholders expect from this legislation, what their concerns are, and how they can best be addressed.

MOONTA BAY LAND

Mr MEIER (Goyder): My question is directed to the Minister for Environment and Conservation. Will the minister overturn a decision by his department not to hold an agreed price for freehold land for a constituent of mine from Moonta Bay who made application to freehold his two miscellaneous leases some two to three weeks ago at $1 500 per lease but is now being asked for $12 000 to freehold the same land? Two to three weeks ago one of my constituents, Mr Bill Fountain, telephoned the Department of Environment and Heritage at Kadina seeking to freehold his two miscellaneous leases. They included sections 526 and 567, and 569 and 570 in the hundred of Tippara. The department said that it would prepare the appropriate paperwork and send it to him within a short time. The letter of offer arrived on 11 July (which, as we know, was budget day), and on it was written the following:

> One application purchase price $1 500 (one title will issue over two sections). One application purchase price $1 500 (one title will issue over four sections).

Mr Fountain went in to pay for the land on 12 July and was told that the offer no longer applied. It would now cost him $12 000, not $3 000. A subsequent telephone call by Mr Fountain to an officer overseeing crown lands in the Department of Environment and Heritage failed to resolve the issue. My constituent feels that it is totally unfair and unethical not to accept an agreed upon sale offer.

The SPEAKER: Before calling on the minister, I tell the house that the question borders on being out of order because it could be argued that it anticipates debate on a measure that is already on the *Notice Paper*. However, as it is an explicit inquiry and details the circumstances justifying the grievance that the constituent has raised with his member, I will allow the minister to answer it as it relates to those matters, without straying into any remark which may anticipate debate on the measure that is on the *Notice Paper*.

The Hon. J.D. HILL (Minister for Environment and Conservation): On the face of it, if the facts are as the member said, I agree with him that it sounds unfair. I will happily have a look at the case and, if an offer has been made, it sounds reasonable to me that it should be honoured.

OUTBACK SA OFFICE

Ms BREUER (Giles): Will the Minister for Environment and Conservation explain how the new Outback SA office will service the Spencer Gulf cities region?

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the member for her question and acknowledge her great interest in things to do with that region. She certainly has asked the right question, and I have the right answer. I think the Iron Triangle was perhaps closer to her lips, but she did not use that phrase. I am delighted to be able to inform the house what is planned for the Spencer Gulf region.

As members may or may not know, the government will soon open the Outback SA office in Port Augusta at 9 Mackay Street—and I am sure that the member for Stuart and the Mayor of Port Augusta will be delighted by this news. This office will coordinate the functions of several state government agencies providing services in South Australia's western and northern regions.

The Outback SA office will include staff from the pastoral branch of the Department of Water, Land and Biodiversity Conservation, the Outback Areas Community Development Trust, National Parks and Wildlife SA and the Arid Areas Catchment Water Management Board.

Members interjecting:

The Hon. J.D. HILL: Well, new ministers, new government and new outcomes. The office will also have close links with Transport SA and with the Department for Agriculture and Fisheries' Rural Solutions Group. The development of the Outback SA office is being facilitated by the Department for Administrative and Information Services and is intended to be located in the same building as the proposed Services SA outlet. This will provide the community with a single convenient location for doing business with many government agencies.

I know that members of the former government did a lot of work on this, and I acknowledge their part in it, and members of my government have also put a lot of effort into this development. The development of the Outback SA office is another example of our commitment to a whole of government approach to working with communities.

MINING AND PETROLEUM EXPLORATION

The Hon. W.A. MATTHEW (Bright): Why has the Premier permitted a cut in the funding of a vital program to encourage new mining and petroleum exploration despite the fact that the government expects to receive more than $88 million in mining royalties in the 2002-03 financial year? The Targeted Exploration Initiative South Australia (TEISA) was funded by the previous government to encourage new exploration in mining and petroleum. A new program known as TEISA 20/20 was to be established in the 2002-03 financial year with a budget of $1.99 million, increasing to $2.425 million by 2004-05.

The budget papers show an expected income to the government from mining royalties of $88.15 million. However, in a budget press statement entitled 'Boost to mineral and petroleum exploration' the government reveals that only $1.14 million has been allocated to TEISA 20/20, a cut of $850 000 (more than 42 per cent).

The Hon. K.O. FOLEY (Deputy Premier): I am happy to answer that question. During the budget bilateral process that I undertook, one of the highlights was a presentation given to me as Treasurer by the senior officer—and I wish I could recall his name—from the mineral section of PIRSA.

The Hon. W.A. Matthew: David Blight?

The Hon. K.O. FOLEY: Yes, it was David Blight, from memory; you are right. It was one of the more outstanding, passionate presentations by an officer about a funding program. It was a large ask of money in the context of the budget, particularly with the difficult situation that we were facing, but Dr Blight was extremely passionate, extremely committed and extremely persuasive in his argument as to why we as a government should provide the ongoing funding for this program—a program started under the former Labor government, under Premier Arnold, Deputy Premier Blevins and the minister for business, the now Premier, the Hon. Mike Rann. Quite appropriately, the support was sustained under the former Liberal government and the Leader of the Opposition (the then premier) and the former minister (the member for Bright).

It was a good program. As I think Dr Blight said in this meeting, if ever as a state you have an opportunity to win the lottery, this is one of those programs by which you will do it. If you are ever going to find the next major mineral resource in this state that will give us both enormous economic benefits and royalty streams, you will do it through this program; this is where you can win the lottery. But that was not the most persuasive part of it. It was just a very good contribution from a committed officer on a program about which he was extremely passionate.

As a specific answer to the question, I will be happy to have reconciled the dollar amounts that the member referred to; I do not have them with me. But it is my recollection that what was put forward by the department was what was funded.

An honourable member interjecting:

The Hon. K.O. FOLEY: I am just saying that that was my recollection. I will obtain an answer for the honourable member on that. Yesterday in a contribution the honourable member made the point that the former government had already allocated this money in the 2002-03 budget. I have to correct him: that was not correct. I was not going to raise it because it was not of major moment, but the minister in his first bilateral with former Treasurer Lucas put forward a bid for money but, as the honourable member would recall, those discussions about the budget did not progress much beyond that and there was no formal decision that I was aware of taken within government at the time.

Members interjecting:

The Hon. K.O. FOLEY: That is what I am advised.

Mr Brindal interjecting:

The Hon. K.O. FOLEY: I am not criticising you: you hadn't set your budget. The point of the matter is that it was a good program, one that deserved funding, and I will be happy to obtain a more detailed answer from the minister.

PARTNERSHIPS 21

Mr KOUTSANTONIS (West Torrens): Can the minister acting for the Minister for Education and Children's Services update the house on the progress being made to rectify the inequities in preschools associated with the Partnerships 21 scheme?

The Hon. J.D. HILL (Minister for Environment and Conservation): During the last few years members would have been well aware of controversy over the former government's Partnerships 21 scheme. That scheme was criticised roundly by many people involved in education as a scheme that set two groups of people with different rights: the P21 schools which were either blackmailed, bullied or for various reasons decided to join the scheme, and a small group of schools that decided not to join the scheme. Those schools that did not join the scheme were punished by the former government. That bully, the former minister for education, punished those schools that did not join the P21 scheme. This government does not agree with discrimination against schools that did not join the P21 scheme. We have introduced a new regime of fairness, with equity and a fair share of the resources.

The minister has already rectified many of the problems in relation to the schools, and she is now working on rectifying the problems in relation to preschools. So I am very pleased to inform the house that the minister recently approved the provision of laptop computers and other support mechanisms to non-P21 preschools. Each of these preschools is receiving a finance and administration grant of $50 per eligible child—something that was not given by the former government—plus four planning days per year, a laptop computer and an introductory training and development program.

The Hon. S.W. Key: What about a set of steak knives?

The Hon. J.D. HILL: There were no steak knives, I can let my colleague know. This arrangement will give non-P21 preschools access to the same technology that has been afforded their P21 counterparts. So, under our government, all preschools and all schools will be treated in the same manner regardless of their attitude to the P21 scheme introduced by the former government.

CONSTITUTIONAL CONVENTION

Mr WILLIAMS (MacKillop): Will the Attorney-General inform the house of the proposed timetable, cost and arrangements for the proposed Constitutional Convention? In a ministerial statement on 6 June this year, the Attorney-General said that cabinet had approved $570 000 for the financial year 2002-03 for the Constitutional Convention and that four staff members will be funded out of that $570 000. The statement did not mention the process of deliberative polling, but stated that the process of the convention was not yet finalised. The opposition has been informed that the cost of the deliberative poll will be $300 000. When will the arrangements be announced?

The SPEAKER: Can I tell the member for MacKillop—

Mrs Hall: You're not the Attorney-General!

The SPEAKER: Can I invite the member who said that to simply not speak when the Speaker is speaking, as interjections are out of order in any case. My point to the member for MacKillop was quite simply that those matters which relate to the discretion which I must exercise, as I have advised the house before, need to be the subject of corres-

pondence between himself and myself. I invite the Attorney-General to give the information relevant to the responsibility which he has in his keeping under the justice portfolio. The honourable the Attorney-General.

The Hon. M.J. ATKINSON (Attorney-General): I was pleased to meet with the honourable shadow attorney-general recently to discuss the Constitutional Convention. I proposed to him that a steering committee be established, which would include the opposition, the government and the Speaker, to look at these matters. Given the importance and likely cost of the convention to the state, the government is not prepared to finalise the format, content or timing of the convention until all options have been carefully reviewed and considered. I appreciate that this is an important public issue, that it has attracted much public interest and coverage.

Mr Brindal: Just tell us who's running it.

The Hon. M.J. ATKINSON: When the position of the government has been determined by cabinet, the house will be advised as quickly as possible. Members of the opposition, including the member for Unley, can be assured that the government will consult them intimately on all aspects of the Constitutional Convention, and I would hope that there is some common ground.

Mr Brindal: Do we go to the Speaker or do we come to you? It's a simple question: who's running it, you or the Speaker?

The SPEAKER: Would the member be willing to repeat that interjection, or otherwise apologise and withdraw?

Mr BRINDAL: Mr Speaker, I asked who was running it, the Attorney-General or the Speaker. If you would like me to ask that question, I will certainly ask that question.

The SPEAKER: I will be pleased to receive it in writing.

OUTER HARBOR DEEP SEA PORT

The Hon. M.R. BUCKBY (Light): My question is directed to the Minister for Transport. Further to the question asked over two months ago, will the minister inform the house when the government will make a major announcement on the development of a deep sea port at Outer Harbor and the subsequent infrastructure? On 14 May in answer to a question from the Leader of the Opposition, the Premier advised that he would be making a statement at a future date.

The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning): This is obviously an important question about an important piece of infrastructure for the state. There are a number of related issues which concern the port of Adelaide. That matter has been referred to the major projects and infrastructure committee of the cabinet. It is presently under consideration by that committee. A decision is expected shortly. We will be more than happy to bring that matter back to the house. That committee is chaired by the Minister for Government Enterprises, and no doubt a ministerial statement when an appropriate decision has been made on the disposition of that particular decision and its broader effects on the port of Adelaide will be made to the house.

I understand and appreciate that it is an important issue about the future infrastructure needs of the state, not only for the grain industry but also all of the trade that we do out of the port of Adelaide. We appreciate its significance. We do not believe that a decision of that sort should be made in a precipitous fashion. A number of positions have been put to us by industry. We have received delegations from not only the interests of those who promote Ausbulk Limited but also those who presently run the port. There are also a number of other propositions that exist from different sectors within the grain industry. It is fair to say that there is not a clear view that is being expressed. The industry is not speaking with one voice, so that makes the role of government even more difficult to provide an answer. But we will consider all of those matters. We will make a sensible decision and report it to the house.

GRIEVANCE DEBATE

TOURISM INDUSTRY

Mr HAMILTON-SMITH (Waite): I rise to draw to the attention of the house the significance of the cuts to tourism promulgated by this government in its budget, cuts that have been concealed by the government in its media releases associated with the release of that document. It could be, at a quick glance at the budget papers, that this government intends to slash anything up to $16 million out of the tourism industry. I will explain how it intends to do that, and how it has concealed that from the people of South Australia.

In its media release associated with the budget, the government admitted that it was to slash the Better Road infrastructure fund (a tourism road infrastructure initiative of the former government) amounting to $545 000. It owned up to that, and it owned up to some restructuring at the Entertainment Centre. However, it did not explain to the people of South Australia the real meat in this series of cuts and how it will impact on small businesses, local governments and tourism providers in regional and city South Australia. This government is not funding the $4.131 million of tourism business development funding that existed in last year's budget. It is gone.

In tourism infrastructure development, this government will be providing $4.8 million less to the tourism commission and, in addition, it cannot explain the slowdown in spending since Labor came to office earlier this year which has resulted in an underspend of budgeted infrastructure funding. Those two issues together could result in an infrastructure penalty on the industry in excess of $7 million. As well as that, this government is cutting $3.64 million from tourism marketing based on that which we spent last year. In event development, over $4 million is to go; and, even if you allow for $2 million to be transferred to the Treasurer as a consequence of the mysterious decision to transfer the Motor Sport Board and the Clipsal 500 event to the Treasurer and take it away from the Minister for Tourism, in excess of $2 million is still being stripped from events.

That alone, on the basis of the government's own budget papers, will cause a drop in economic activity and economic benefit to the state from $78 million under the former Liberal government to $50 million under Labor—$38 million less of economic activity. It is a disgrace. Of course, the government has concealed deep into the budget documents the real impact on the Entertainment Centre from which it plans to strip over $2 million from employee entitlements, supplies and services. It is not very hard—

The DEPUTY SPEAKER: Order! The member for Waite has the call. I ask members to extend the courtesy of hearing him in silence; thank you.

Mr HAMILTON-SMITH: It is not very difficult to conclude that the damage done could easily add up to $16 million, or more. In questioning of the Minister for Tourism yesterday, we were not able to establish why the government had cut tourism business development funding. The minister provided the wrong answer to the right question. In fumbling for her notes, I think the minister pulled out the infrastructure answer instead of the answer as to why business development funding had been cut. When asked a question about why infrastructure was being cut, all we could get was waffle in regard to the member for Bright and the Y2K compliance responsibilities, and something about the Kangaroo Island development coming to a close.

Close scrutiny of the budget papers reveals far more damage than that. This budget contains broken promises right, left and centre. The impact on the tourism industry is frightening and will be explored much further during budget estimates.

HARTLEY, TOWNSHIP

Ms BEDFORD (Florey): One of the happy tasks I have to perform is to visit my duty electorate, which is the seat of Hammond. I was happily in that area on the weekend—

The Hon. M.J. Atkinson interjecting:

Ms BEDFORD: —recruiting members, as the Attorney-General so rightly pointed out, at a barbecue where I was fortunate enough to meet some wonderful local people.

Mr Venning: Hammond?

Ms BEDFORD: Hammond is my duty electorate, and I diligently drive to it from time to time. At the barbecue I met Mr Max Samuel, who had just turned 60. In some ways it was a party for Max. Max has been a farmer and a shearer in the area for many years, and that is quite a challenge when one considers that there is no water of any real use in the district. I understand that Max has looked after a neighbour's property for 43 years. Also at the barbecue were his sister Vera (now Moyle) and Eric Harvey. They all attended the Hartley school.

Hartley is a small settlement on the banks of the Bremer River. The village was first referred to as 'The Bremer' and was set up by Wesleyan Methodists on a section of the Hundred of Strathalbyn. Isaac Cross was granted some land there, and his father, William Jacob Cross, named the area Hartley after his farm in Devonshire in the UK—a practice that was followed, obviously, by many pioneers in the area. Max and Vera both attended the Hartley school, and they told me some of the history of the area. Sadly, the second school in the area lost to the history of the state as a result of the cost of restoration and insurance. Other schools in the area are now facing a similar demise, as is the extinction of rural education. Many of those smaller schools, of course, have been amalgamated into larger schools.

The Hartley school was built on an acre of high ground near Chauncey's Line Road on land donated, I understand, by Max Samuel's grandfather. He and other residents of the Hartley area used local material to build the school. Max's father and grandfather were obviously involved in that building. Money was raised by subscription or shares, and the donors became the trustees who administered the school's finances. The school, which cost £164/8/- to build and furnish, was opened on 7 July 1919 by the Hon. H. Peake MP. Before the school was opened, children had to walk 4½ kilometres to Woodchester School across the Bremer River over Cross's Bridge, which is another local landmark.

Max and his sister talked to me a great deal about the old hall at Woodchester, but I have none of that history with me today. They also talked about the old Hartley Methodist Church, which is the landmark I use to know the turn-off to the property. The old Methodist church now has only two walls standing and, unfortunately, the community was not successful in obtaining a federation grant to restore it. There is, of course, a bit of controversy about how best to restore the building: whether to leave the two walls secure or to try to rebuild the roof. I understand that, from a little of this history, the church was built in 1865 on an acre of land released by Sarah Cross for a place of worship and for a cemetery for her burial and that of others. Her husband, William, had died in 1856 and was buried in an unmarked grave on the flats of the river.

This area, which is steeped in history, was settled in the late 1830s, not long after the township of Adelaide was established. The Bremer River was discovered by a group of four explorers who gave a detailed report in the South Australian gazette and *Colonial Register* of their journey from Adelaide to the Murray River. Originally, they named the river the Hindmarsh after Governor Hindmarsh, but when they discovered this name had been taken for a river at Victor Harbor they changed the name to the Bremer River after Sir James Bremer, who founded Port Essington, now Darwin.

The Aborigines in the area called the river Meechi. The catchment area for the river, which is rich in Aboriginal history, is the eastern side of the Mount Lofty Ranges from Mount Barker to north of Brukunga and Harrogate, where the river rises. The Mount Barker creek joins the Bremer at the Junction Bridge at Salem (on the Strathalbyn to Callington road). This creek often provides a large volume of water to the river, although, as Max pointed out, there is very little usable water in the area. Occasionally the river does flood, and it has had a couple of big floods.

Mr Venning: That is where my ancestors came from.

Ms BEDFORD: And where they learnt to swim, no doubt. The record flood was in January 1941, obviously within living memory of the member for Schubert. The big flood in December 1992 peaked slightly over 3½ metres.

Time expired.

DOCTORS, INDEMNITY INSURANCE

Mrs REDMOND (Heysen): I rise to inform the house of a matter that was brought to my attention by a local GP. I was very interested yesterday when the member for Enfield participated in the grievance debate and talked about negligence claims against GPs. He raised a very valid point that, mostly, people want an apology and are not looking for insurance payouts. That is a sentiment with which I agree. I think that we perhaps need to look at some legislation so that people are protected when they give an apology, and that may go a long way to resolving some of the problems that exist.

Mr Venning interjecting:

Mrs REDMOND: He, no doubt, one day will be. I have a constituent who wrote to me, and this person—

Mr Venning interjecting:

The DEPUTY SPEAKER: Order! The member for Schubert is getting carried away—and he might be! The member for Heysen.

Mrs REDMOND: I thank you for your protection from the member for Schubert—who is on my side, I thought. The matter I wish to raise relates to a GP in my area who has written to me because of her concerns about this insurance

problem. I will read part of her letter. She is a 38 year old RACGP trained and experienced, vocationally registered GP; she has done six years in rural areas; and she has now settled in the Adelaide Hills. She has a long-term commitment to the community and, as a board member, I know that she has served on the local hospital board. She does not use a locum service because in our area we are blessed to have GPs who, in a cooperative manner between the practices, actually run the GP after-hours service, so we do not need people from outside the area—who often get lost anyway. She is very keenly involved in the whole local area, in particular in medical practice.

Unfortunately, this GP was insured with United Medical Protection, which is the organisation that failed recently. This GP has never had a claim made against her and she has none reported against her at present. Once United Medical Protection was placed in the hands of liquidators, she ascertained that she is able to get cover under the alternative, but the difficulty is that no-one can give her cover for any incidents which may have occurred in the past seven years when she was under the cover of United Medical Protection. For that period she has no cover. She is very uncomfortable about the fact that she may be able to get protection currently, but no-one will give a guarantee that protection, under some alternative insurance provider, will do any more than what this one has done. It might give her protection from day to day, but she is not satisfied that in a few years it will be any more financially viable and she may well face the same prospect; if another insurer goes down the tubes she may find that she is not covered for incidents that are occurring now, even if she has current insurance, and she will be left out on a limb. This GP writes:

> I pride myself on practising best practice, evidence-based medicine. I am not naive enough to think that I am incapable of imperfection. General practice is extremely complex and the duty of care seems increasingly far reaching.

Maybe that is another aspect we can address in legislation. She continues:

> It would be all too easy at some stage in my career, especially with the benefit of hindsight—

which we all know is perfect—

> for the judicial system to find my judgment lacking. My family's home and assets would then be exposed. I could probably not even afford to defend such a case, even if I felt I was in no way negligent and the chances of failure were slim.

She is placed in a situation where she has now taken time off this month. She has decided to have a month off while she considers whether to stay in general practice; indeed, whether to practise as a doctor at all. If we lose someone of her calibre because of this insurance issue, we are facing just absolute disaster as a community. It is so important that we come to grips with what the member for Enfield said yesterday, that is, that it should be possible to make an apology and not face consequences for that; and to ensure that we recognise that our doctors are not capable of perfection at all times. They have to be able to make mistakes because none of us goes through life without making mistakes, and the occupation they have chosen makes it all the more difficult for them never to make a mistake. If we do not solve this problem, we will lose valuable contributors, such as this GP, to our communities.

MATERNITY LEAVE

Mr RAU (Enfield): I appreciate very much the member for Heysen's supportive comments in relation to this insurance issue. I hope it is something that we can develop a little here. I want to raise two issues today. The first is a matter to which I referred before, that is, the issue of paid maternity leave. The matter was referred to on the radio again this morning. I heard on the way to parliament this morning that the Prime Minister has apparently indicated support for the proposals being put forward by Prue Goward in relation to paid maternity leave. I say again today, as I have said before, as far as that goes, it is to be commended.

However, the Prime Minister and the federal government, in particular, do not seem to have been as ready to embrace what was once one of their fundamental policies, that is, a pro-family policy or family taxation policy. While they are addressing issues such as the low birth rate, which I tried to address the other day—and I think the member for Bragg agreed that the best way to deal with that is for people to get on with it—the situation is that the family unit, whether it be, for instance, the traditional nuclear family or a de facto couple, who choose to arrange their affairs in a particular way, are taxed as individuals, not as a unit. The fact is that those individuals are not operating as individuals: they are operating as a unit.

In many circumstances, in the traditional unit, because it is the simplest to comprehend, there are two parents and a number of children. Whether the adults be married or de facto is immaterial: those two parents choose, for whatever reason, to have one of them in the work force and the other doing other duties. The problem is that the person in the work force is taxed at the marginal rate of an individual taxpayer. Even though they are supporting a number of other people and, hopefully, contributing to the problem of the low birth rate and assisting in terms of the demographic problems that will apparently confront this country in the future, the tax system in fact is acting to their disadvantage.

I would go so far as to say that the present federal taxation system actually discriminates against families and works in favour of individuals. To the extent that there is any bias in the tax system at all, it is a bias against families. This needs to be looked at. I hope that in the present debate about paid maternity leave, which is an important debate and which should be watched with great interest here, the debate is broadened out so that we actually consider the whole effect of the taxation system, both for the people in the paid work force and for the people who are not in the paid work force. The federal government, in particular, needs to consider approaching the question of family taxation as a separate issue and to move forward in that regard.

The other matter to which I wish to refer briefly is a matter far closer to home. It is a domestic matter for members of this parliament and for other people who work in the parliament. As we all would be aware, we are now spending a considerable period of time in this place for many weeks, four days a week. Although it is not recorded by the media so often, we are spending long hours here. Most of us are here in the morning at 9 o'clock or 10 o'clock and we are here until late at night. These days that is three days a week.

When working those sorts of hours, one thing that is very handy is a cup of coffee; particularly as the night wears on members need to keep themselves awake somehow and coffee seems to help out in that regard. In the short time I

have been here, I have discovered a number of committed coffee drinkers in the parliament.

Ms Bedford: It is better than wine.

Mr RAU: It is better than wine, absolutely, and better for the figure, I am told. The important aspect of this is that although we have excellent staff in the parliament—and I cannot be positive enough about my views of the staff—we tend to have fairly average coffee. I have consulted with the member for Norwood, who is a self-confessed expert on coffee. Of course, she represents the seat of Norwood, which has some of the finest coffee establishments in South Australia. I have consulted also with the member for Colton, who has excellent coffee establishments in his area. Unfortunately, the member for Adelaide is not here, so I have not been able to consult with her. My consultations lead me to the conclusion that the standard of the coffee here, through no fault of the staff, is not what it might be. But I have some good news for the parliament.

Ms Bedford interjecting:

Mr RAU: Yes. I understand that moves are afoot for a new gee-whiz machine to be installed on approval in the dining room area and that, if parliamentary members are sufficiently enthusiastic and enraptured in their reports about the coffee they start drinking over the next few months, this might become a permanent fixture.

An honourable member interjecting:

Mr RAU: Yes. I encourage everybody, not just the people who are in the chamber but those who are not in the chamber: if you start getting good coffee over the next few weeks, for goodness sake, report it to everybody you possibly can, particularly to presiding officers—the Speaker or the President—and let them know that this marvellous coffee has changed your life. Hopefully, the machine associated with this will be purchased. It might even then be installed in the Blue Room, where all staff can enjoy it, and we will all be better off.

GOVERNMENT CONSULTANTS

Dr McFETRIDGE (Morphett): It is always good to listen to the member for Enfield. I appreciate his input to the house and also his input with regard to my ascendancy through the various levels of parliament. Today, I would like to talk about the use of consultants. I am the first to recognise that no-one can be the font of wisdom for all matters. It is the right of every member of parliament, every government and every private firm to seek expert advice when they require it. Criticism that is given when advice is given but found to be incorrect or charged for in an exorbitant manner is probably quite warranted. However, we should not criticise merely because some people decide to use expert advice so that the final outcomes will be the best to serve not only their businesses and individual wants and needs but also, more particularly in this place, the political outcomes of the government of the day.

The previous Liberal government was, and still is being, criticised for using consultants. I would like to defend the previous government for its use of consultants, because, as I have just said, without good information you can make decisions that will not provide the best outcomes for the state, and everybody wants the best outcomes. Whether the outcomes, information, deliberations or decisions made by those consultants were worth the money we paid for them is a matter for a discussion at another time, and I know there is a political will behind the various arguments.

I will be watching the use of consultants by the present government, because I recognise that it will need to use consultants. In fact, in the budget papers the government used a firm of interstate consulting accountants. It was not Arthur Andersen but something like that. I think the name was Anders. Let us hope the firm has done a better than job than Arthur Andersen.

With regard to the list of consultants that the government is using, it is devising many names not to disguise but to remove a little of the political and public flak from its use of advisers. So far we have had review boards, advisers and a team of experts. We have also had a group of eminent lawyers, independent analysts, a generational review committee, a social inclusion board, a development committee and contractors. The fisheries department has admitted that it has hired a consultant. However, it will probably need more than a consultant to work out the problems with compensating the poor families on the Murray River who have had their livelihood snatched from them. As I have said before, the government was assisted by an interstate firm of accountants, and it was named as a consultant in book 3 of the budget papers.

The list of government reviews—and I assume they will involve some of the consultants cum advisers, cum team of experts, cum independent analysts, cum development committees, cum groups of eminent lawyers—is indeed numerous. I will not criticise the government for looking at the past government's actions for its own political purposes. That is something we expect it to do.

This opposition will be questioning vigorously the investigations undertaken by the government. I ask permission of the house to table a list of 48 reviews that the Rann Labor government has put into place. I will not question the value of these reviews, but it will be interesting to see their outcomes. However, I am worried about the cost of the reviews. It will be interesting to see whether we get value for money and whether we get open and honest government. It is something to which I look forward and, certainly with open and honest government, we will get bipartisan support, and the opposition will be as one in that, because I know for certain that the opposition does want the best outcomes for this state.

PRISONS, PSYCHOLOGICAL SERVICES

Mr HANNA (Mitchell): I rise to give my complete support to the Hon. Terry Roberts, the Minister for Correctional Services, in his comments that cutting psychological services to prisoners was a very hard decision to make. I can well understand that it would have been a hard decision for the minister to make, as one of the most important areas of expenditure in his entire portfolio is the provision of rehabilitation services.

One of the services which has been cut to give a budget saving of approximately $200 000 a year is the Forensic and Applied Psychology Research Group, which is essentially a section of the University of South Australia, the Director of which is Prof. Kevin Howells. For the last four years, this group has been involved in training, service provision, directly, and research to further the rehabilitation of prisoners in our system, and in particular many of those who are the subject of community correction orders, if I can put it in those general terms.

I want to be more specific, because we will gain some short-term savings. However, I query the long-term implica-

tions of this cut. The psychologists to whom I have referred have been focussing on a criminogenic needs approach, an internationally acclaimed approach which has been promoted in countries such as the United Kingdom and New Zealand, with the Labour governments in those countries being fully supportive. It is a very targeted approach to rehabilitate offenders with a very specific concrete focus on reducing recidivism. After all, that is what it is all about. When we talk about rehabilitation of prisoners, the most noble and worthwhile goal is seeing that they never offend again.

The work that is the subject of this budget cut involves training staff so that the actual Correctional Services officers have a better understanding of how to treat prisoners; training psychologists so that there is a pool of psychologists in Adelaide who can work specifically with this kind of rehabilitation of offenders; and a general education in a range of university faculties.

Secondly, there is direct service provision in the Adelaide and Port Adelaide areas. This is for people, for example, who might be the subject of a parole order that they seek psychological assistance while serving their time on parole in the community. It might be as a result of a court order for someone who is ordered to undertake community service work in lieu of going to prison.

Thirdly, the Forensic and Applied Psychology Research Group also conducts research and evaluation so that we know whether or not we are doing the right thing in terms of rehabilitating prisoners and ensuring that they will not be back in the prison system, with all the long-term savings that that would involve. This is just one example of a cut in an area where there is a great need for increased funding, not decreased funding.

I am afraid that there has been a chronic failure to address the rehabilitation issue in our prisons. It is true that prisoners are not popular. It is true that many in the community will cry for blood and want tougher penalties to resolve the issue of crime statistics. But, in the long run, the only way in which we will reduce prison numbers is by rehabilitating those people who have already gone down the unfortunate path of committing serious offences and ending up in prison. It is my hope that this Labor government will begin to address this important issue and, once this tough, but fair, budget is out of the way, I hope to see some progress in this area.

CROWN LANDS (MISCELLANEOUS) AMENDMENT BILL

The Hon. J.D. HILL (Minister for Environment and Conservation): I move:

That standing and sessional orders be so far suspended as to enable Order of the Day, Government Business No. 27 to be taken into consideration forthwith.

The SPEAKER: There not being a majority of members of the house, ring the bells.

An absolute majority of the whole number of members being present:

Motion carried.

Adjourned debate on second reading.

(Continued from 15 July. Page 773.)

The Hon. I.F. EVANS (Davenport): For those members who are not clear, the reason why we are bringing forward the bill to be debated at this time is that the member for Fisher has given notice in relation to establishing a select committee regarding this bill and associated matters, and it is the normal practice of the house that the second reading debate be held prior to the vote being taken on the formation of a select committee. As we strongly support the concept of the select committee, the opposition has agreed to participate in a second reading debate, of sorts, this afternoon. It will not be an extensive debate, but I know that certain members wish to place on record some of the issues in relation to the bill. The opposition, naturally, will reserve its position until the select committee (the establishment of which will later be the subject of a motion by the member for Fisher, and which we assume will be supported by the house) can comment further in relation to this bill.

The house should understand that the opposition has had this bill for two days. The normal practice is, of course, that we have the bill a lot longer than that before being asked to comment on it. We have not been able to consult anyone on the bill; we have not been able to seek a briefing from the department; we have not even been able to go to our own party room and seek any indication about the bill. However, we know that all our electorate offices, particularly those in rural communities, have been flooded with calls and inquiries about the very nature and intent of this bill, because implied in the bill, and announced by the minister and the government, is an intention to increase the annual leasehold cost to a minimum of $300 (so, obviously, there might be a sliding scale of increasing rents for some leaseholders), and also, for those who wish to get out of leasehold and freehold the property, an increase in the flat fee of $1 500 to a flat fee of $6 000. One injustice of which we are aware is that the new lease costs do not start until 1 January but, for those who wish to freehold between now and 1 January, the new freeholding cost of $6 000 began as of 11 July. So, those who want to take action and avoid the increase in lease costs of a minimum of $300 are hit with an extra cost of at least $4 500 from 11 July.

The opposition has a whole range of issues and concerns in relation to this bill, and I know that a number of members will speak on this measure. We have agreed, in the interests of advancing the parliament's program, that all our speakers will keep their contributions short. So, those historians who are reading this debate at some time in the future should refer to the committee stage of this bill to, I guess, appreciate the full aspect of the opposition's view on this bill. It really is as a courtesy to the house and to the member for Fisher that we want to get the select committee up. We will have a contracted second reading contribution by a number of members this afternoon. Hopefully, the select committee will get up and we will be able to deal with the matter more fully when the select committee reports.

Members of the opposition think that the government has misread and misunderstood this issue. We think that it has misread the anger about the increase in costs and the way in which the increases introduced in this bill have been applied to country South Australia and to those who have leases under the Crown Lands Act. There was no consultation on this issue. We know that today during question time the Minister for Environment and Conservation said that cabinet did not even bother to obtain a regional impact statement on a decision taken in the budget that will affect 15 000 (although my recollection is that it is closer to 16 500, but I will

accept the minister's answer and say it is 15 000) leaseholders throughout South Australia. There was no regional impact statement and no consultation, and they introduced this proposal in the budget. There are literally thousands of people in South Australia who are concerned about and affected by this piece of legislation.

I will not make much comment regarding the Riverland area, because I know that the member for Chaffey has done some very good work in relation to the select committee concept. I know that something like one-third of the people affected by this legislation are in the Riverland and, therefore, in the Chaffey electorate. I think that the government has misread this issue, judging from the amount of anger in country South Australia about the lack of consultation and the way in which the issue was announced, and also about the very steep increases announced on what are perpetual leases. These are leases that were signed at various stages throughout South Australia's history, some of them many decades ago. They are perpetual leases, fixed at a sum in perpetuity. The government is seeking to use a legislative instrument to retrospectively change 15 000 contracts. I know that the country community—the Farmers Federation and others—will have many issues regarding that aspect.

Those who have done any reading on the history of South Australia (and I thank the member for Chaffey for providing me with information about this matter during the week) would know that a lot of these perpetual leases, of course, were a legal instrument set up as a way of developing the remote areas of South Australia, because at the time the small population in South Australia did not have the financial capacity to develop the remote areas in the state, given the rate, or tax, base that existed during that period of the state's development.

So, they developed a legal instrument known as these crown leases in different forms so that they could then sign up private individuals to go out into remote areas (or areas that are marginal in their capacity to carry stock or crop) to invest in that area and look after the land. Some would argue that, in effect, there has been a cost saving to government over many decades because of the good nature and goodwill of farming and rural communities which, through these leases, have looked after large tracts of land at little or no cost (generally no cost) to the taxpayer.

I will not hold up the house any longer. I have agreed with the government to shorten the debate so that the select committee can be set up, but I place on record that the opposition strongly reserves its right on this bill. We have simply become involved in the second reading debate today (two days after the bill was introduced) as a courtesy to the parliament and the member for Fisher so that the select committee can be established and so that the government can be made fully aware—this is what this process is all about—of the implications of the decision that it has announced.

We hope that, through the select committee process and an appropriate reporting process to the house, not only will members of the opposition be able to have a far fuller debate but also the government members that have announced this decision will understand the full impact that this legislation is going to have on country South Australia. So, we reserve our right. We are happy to partake in this debate today as a courtesy to the house even though we have only had the bill for two days, and we strongly support and congratulate the member for Fisher and the member for Chaffey on their very good work in relation to setting up the select committee.

Mrs MAYWALD (Chaffey): In the light of the contribution that the previous speaker just made to the house, I will also make my comments brief at this point, but I reserve my right on this government initiative. I believe that this is bad policy: it is policy on the run—a grab for cash with no thought of the consequences. The minister has already indicated that he has not undertaken a regional impact statement. That, in itself, is quite astounding considering that the impacts of these perpetual leases will probably only be felt in regional areas.

In the electorate of Chaffey alone there are 4 352 perpetual leases. Currently, the rental rate on those leases is $116 774. The effect of this measure—just on perpetual leases and not including all the other agricultural and miscellaneous leases and shorter term leases—on my electorate is a $1.3 million take from the people of the Riverland. That is an incredible increase and impost on one community and one electorate of fewer than 30 000 people.

It is quite extraordinary that no regional impact statement has been undertaken on this measure. It is also quite extraordinary to see the comments that the minister has made in respect of this issue which demonstrate a clear lack of understanding of the issue and of what perpetual leases are. The minister's comments are a clear indication that he is being led by a department that is not providing him with adequate information to be able to make informed comment in respect of this matter. Today's press release is another reflection of that. In his press release, the minister states:

> Most of the existing annual rents for leases are less than $25 a year and so the government is planning to increase the minimum annual rent for a lease to $300 a year so that a crown lease isn't just a taxpayer funded gift to a business or individual.

What an extraordinary comment to make. Most of these perpetual leases have been purchased at full freehold value. The Valuer-General rates them as freehold value, council rates are based on the freehold value, the emergency services levy is paid according to the freehold value, but the minister quite incorrectly refers to them as peppercorn rentals. Peppercorn rentals apply to cosy little deals done with the likes of the wine industry on the Wine Centre. The difference is that the wine industry does not have the capacity to sell that property at the end of the expiry of its lease.

Perpetual leases are transferable—and they are transferable at a freehold market value—and, to all intents and purposes, in the commercial sector these agreements to sell perpetual lease titles are reached in good faith that those leases are in perpetuity. It is a nonsense to suggest that people have taken on something that the taxpayer is subsidising; it is also a nonsense to suggest that these particular leases are providing people with an advantage at taxpayer expense.

A number of these issues will be fleshed out by the select committee. I support very much the member for Fisher's endeavour to have this select committee established, and I look forward to the real issues in respect of this matter being discussed. I also look forward to a resolution of this matter. At the moment, it is an extremely unfair tax, it is an extremely unfair measure, it has been ill thought out, it is bad policy, and it demonstrates how dangerous it can be to implement measures on the run without actually going out to the public and having a mandated position to bring forward increases. My further comments will be reserved for the debate on the select committee. However, I reserve my right on this particular piece of legislation, and I put on the record that, as it currently stands, I strongly oppose it.

Mr WILLIAMS (MacKillop): My comments will be brief for the reasons indicated by the member for Davenport. I support everything that the member for Davenport and the member for Chaffey have said, and I congratulate the member for Fisher for bringing to the attention of the house his intention to move for a select committee on this matter. I indicated some of the problems that I have with this legislation in my contribution on the budget speech last night, but I want to put on the record that, as the member for Chaffey just said, I think this is a very ill-conceived piece of legislation brought to this place through ignorance of what happens in the real world outside of Adelaide.

Unfortunately, the government struggles with issues in rural and regional South Australia and will continue to do so because it has no members with any understanding of what actually happens in the real world once you get beyond the bounds of metropolitan Adelaide—that is, apart from, of course, the member for Giles. I would not be surprised to learn that the member for Giles has also been ambushed by this piece of legislation as have we on this side of the house.

I bring to the attention of the house a personal interest that I have in this matter. I have an interest in several crown leases one of which this particular piece of legislation would have no effect on: that is, a war service perpetual lease. From memory, the other one is a very small piece of perpetual lease land containing, I think, 23 hectares. From personal experience I can describe those 23 hectares. Approximately half of this land is natural scrub; it is not under a heritage agreement but it is natural scrub. It also contains a stone reserve on which the local Wattle Range council operates an extensive rubble pit which covers probably three or four acres. There are about another five or six acres, which comprises the rest of that stony rise, and it is of absolutely no productive use from an agricultural point of view. That leaves possibly half a dozen to 10 hectares of land (at the most) that has some agricultural use.

It is typical of the sort of land which was given out to, principally, operators of farming enterprises at the time that these perpetual leases were issued because no-one else was taking up and using this land. In most instances it is marginal type land. That does not mean that it is in what we refer to as the marginal areas of the state. There are many perpetual leases in my electorate and in the Lower South-East in a very productive area of the state, but the historical context of when and why they were issued is something which has been completely missed by the minister and the government. That is why I welcome the idea of having a select committee into this where all these issues can be canvassed. It would be my hope that the select committee might bring back to this parliament recommendations that the parliament should consider of converting all crown perpetual leases to freehold title forthwith.

I will conclude my remarks there, sir. I look forward to the deliberations of the select committee as well as having the opportunity to discuss the select committee's recommendations, presupposing that the move to establish the select committee is successful. I am sure it will be successful, but I look forward to the recommendations of that select committee coming back to the house and being able to discuss those in the house and then moving on to what, hopefully, will be a significantly different bill.

Mr VENNING (Schubert): This is a very important issue not only for me, personally, but also for the electorate that I represent as a rural member of parliament. I congratulate the member for Fisher for introducing this very important issue, which is a very important diffuser in quite an emotive debate. I do not have a conflict of interest in this matter. I and my family do not have any leases that can at this time be freeholded, purely because we have already done that, and the only lands that we still have are some original little old water leases that were set aside on the riverside from the old days to enable us to water our stock. We are told that these are subject to native title, so we have not been able to freehold them, although I admit that we did try.

Twelve years ago in my maiden speech in this place I raised this matter as a very important issue for me as a rural member of parliament because freeholding was not an acceptable practice then and the costs were very high. This issue does not cross the great divide of political parties here in South Australia. The Labor government over the years has resisted giving freehold title to private owners, so I want to remind members of the Mitchell report of the mid-1970s: a long-time phobia of socialist governments was to give people unassailable rights to own and control their own land has certainly been turned down by consecutive Labor governments.

This is just another attempt to revert to that principle, but it differs in that, rather than prohibiting freeholding of lands, it just makes it financially prohibitive. I give credit to the previous government and ministers Dale Baker and Rob Kerin and the current minister who, like other ministers, agreed that the cost of administering the thousands of leases was in excess of amounts being collected, and they acted upon it.

I am proud to remind the house that the member for Stuart, the Hon. Graham Gunn, and I worked with the ministers to introduce the excellent scheme which existed until last Thursday and which allowed leaseholders to freehold leases for a flat rate of $1 500. And it went further and allowed leaseholders to 'bulk up' or amalgamate adjoining leases into one title while paying a one flat fee of $1 500.

We also went further and brought in the ability of shack owners to freehold their shacks as long as they met certain criteria. It was a great success and thousands of landowners have taken advantage of it, but it does leave some 15 000 leases still remaining. It is obvious that by this latest action the Labor government has a complete lack of understanding of rural issues in terms of its own crown land lease and licence/rent increases. This action has been taken without any consultation with farmers and landholders, affecting 15 000 leaseholders statewide, with no deadlines or dates given for farmers to freehold their land prior to these increases.

This is an outrageous decision being made on the run, with landholders feeling very betrayed, as they were led to believe that annual crown land lease and perpetual lease fees could not be altered because, after all, what does the word perpetual mean? It means forever.

Telephones in the office of my electorate in Schubert have been running hot, in fact as hot as with any issue that I remember in my 12 years as a member of parliament. This has been the case in many other rural electorates, as well as at the South Australian Farmers Federation and, of course, the crown lands department. If one tried to ring the department in the last two days, one would have got an answering service, because they are just unable to cope.

Of gravest concern is that many landholders have already paid for the land outright, having invested in improvements and paid rent as well, assuming that the leases were perpetual. I have been to land auctions and purchased land, and I have

to say that the tenure of the land really was not a factor in the price I paid for it. It did not really matter whether it was a perpetual lease, crown lease or freehold: the price was the going retail price of the land. The rentals were low, and it was usually a third or fourth factor in considering what price should be paid for that land. Tenure never came into it.

I think the government thought that farmers were enjoying the access to their land just by paying these minimum fees. Well, that is a gross misunderstanding and I think the minister now knows that he got it wrong. To expect landholders to pay the huge increase of $6 000 to freehold perpetual lease, as opposed to $1 500, is an extortionate figure, particularly when some farmers have up to 70 leases, with some of these in fact being native vegetation holdings not in production. Others, as I said earlier, are subject to native title.

The rise in annual crown land perpetual leasing fees to $300 is an unfair move that will affect many town residents and farmers, particularly in the Riverland and on Eyre Peninsula. I am hopeful that the establishment of a select committee will be successful in reviewing these changes and their implications, and implementing exemptions for landholders.

This Labor government has not understood the impact of rent increases of this magnitude on town residents and farmers in all areas of our state—a move particularly heartening for those who have not been able to afford to buy their leases freehold, or could not do so because of native title. One of my constituents was told today, 'If you can't afford to pay for your lease, hand it back.' What a disgrace! That officer ought to be sought out and dealt with, because that is a disgrace. What an offhanded comment it is just to be told to hand the lease back.

I have spoken to the minister, for whom I have a lot of time, and have asked him whether he would consider implementing a moratorium, that is, a three month set aside period to allow landowners to take stock of their situation and to freehold their land under the existing rules and regulations. Even if we are successful and the select committee proceeds, I think it would be appropriate if the minister did introduce a moratorium, because those landowners could then make the decision to freehold under the existing rules knowing that, irrespective of the findings of the select committee, they would secure their land.

This action affects approximately 1 800 people in my electorate and I share, and understand totally, their great concern. Perpetual means just that—perpetual; forever. I fully support the setting up of the select committee and again congratulate the member for Fisher, and I reserve my right in this regard. No other issue is more important to a country person, myself included, a farmer, than the tenure of his or her land.

The Hon. R.G. KERIN (Leader of the Opposition): I join this debate to thank those who have been responsible for having this matter referred to a select committee, and I thank the minister for agreeing to it. I think that unintended consequences have come about from a lack of understanding of what the measure would actually mean to a whole range of people and what it does to the history of tenure within this state. We have heard today that no regional impact statement went with this decision, and that is a major worry, particularly for this government with new ministers, not many of whom have had a lot of experience either regionally or in business.

I think it is very important that just the views of one lot of bureaucrats do not rule the decision making process. This is a matter that really spells out the need for regional impact statements and a variety of impact statements, depending on the actual decisions. It shows that there was a lack of knowledge within the cabinet of what would actually be the outcome of this proposition.

Several issues are involved. One that was a fair surprise to many members opposite when we spoke about this in the Appropriation Bill debate was the fact that many have multiple titles. When you start multiplying as high as 60 or 80 by the $300, it starts to show the impact that this will really have.

The other thing is that there was not a good understanding from within government of just how these people came to have this land. In most cases, they have paid freehold for the land so the cost of ownership is there, just as it is for freehold land, yet it appeared, from much that has been said—and certainly with the release that went out—that there was a bit of a feeling that the total cost of ownership was what these people were paying as an annual lease fee. In particular, there was the example of the property in Whyalla, where it was said that a very low amount of money was paid for a property worth well in excess of $1 million.

The issue is that the building on that property is where most of the value is, and that building belongs to its owners. With that sort of scenario, if that building was sold next year it would have been sold at basically the same as the freehold price. To say that that person is getting the use of that property and that value for only a couple of dollars a year is purely incorrect and just shows an ignorance of what this form of tenure is all about.

I welcome this going to a select committee. Blocking budget moves is not what this is all about: this is about making sure that we all understand the consequences of what we are actually doing.

Mrs PENFOLD (Flinders): My staff and I have been inundated with calls about the way in which this impost will make many farmers unviable. Nobody has yet learnt how to live on fresh air, so the increased rentals will see many leases surrendered. At least one of my constituents has already investigated this action, only to be told that he would have to pay all the expenses of surrendering a title. Surrender of a title would bring no return to the owner, only debt. I wonder how many of those on the government benches would pay to give away their home, their livelihood and all their assets to accommodate a debt that someone else placed on them.

It is patently obvious that the Labor government does not realise that, if there are fewer farmers producing less product, the state's income will be less, and the spin-off from that is a downward spiral into state debt, higher unemployment and fewer services all round. I quote from letters received in my office that are typical of the comments I am hearing. The first one reads:

> My reason for writing is the situation regarding the issue of perpetual leases. This new money grab by the Labor government from these leases comes as a big financial blow to us. We have three sons in their late twenties and early thirties who have made farming at Colton their life. Having three sons established in farming without any assistance has come at a huge personal sacrifice for the five of us. A lot of debt is still to be paid. For John Hill MP to suggest that we have been privileged people and a burden on the SA taxpayer can only be described as an insult to us who pay our fair share of tax.
>
> We have 15 of these leases—some on properties we have bought, others are original and have been held by the family for 126 years. We considered them as good as freehold for the purpose of farming, and the nominal rents were only there to fulfil a legal requirement, and there was no need to pay the large cost to convert them to

freehold. This type of money was required elsewhere. To give us no warning of the huge indexed rent rise and virtually block the conversion to freehold is most unjust and a victimisation of a number of farmers with a suggestion we have debt to pay.

This new fee, which I fear will be in excess of $5 000 a year, coupled to our council rates of $8 500, becomes a very large tax burden on our land. Our area is only marginal and we now struggle to make a reasonable return for our effort. This country originally was offered to settlers in 1876. My great-grandfather was the first to take up a block. The properties were small and it was considered that a square mile (640 acres) was enough for a family. That was a mistake then, and from the very beginning people could not survive on that much land and began to leave and have been leaving ever since because of cost pressures. Subsequently, these holdings are now made up of many small leases, which the new government is going to target for state revenue.

I am sure they are not fully aware of what they are doing, and the logics of it are very misguided. I would be pleased if you, in your capacity as a member of parliament, could oppose this proposed tax and do what you can to prevent it from happening.

One of the families who cleared land at Ungarra described their weekly work. They loaded the cart with bags of chaff for the horse, along with food for themselves for a week, then travelled by horse and cart to the work site. There the bags of chaff were stacked to make a shelter, which gradually disappeared as it was fed to the horse during the week. The men plied axes by hand to fell the trees. At the end of the week they returned home to provision for the next week of back-breaking, hand-searing toil. There were no hot showers or warm baths to ease their muscle pain.

The rent rise for one of the many constituents who have contacted my office is 50 000 per cent. The International Monetary Fund, Scrooge and every usurer in the world could scarcely have conceived of a greater financial swindle—and on those often least able the pay it. Another farmer writes:

Each situation is different. We farm with three sons who will take over this land. Do you want young farmers?

Further on, he writes:

We have three blocks on leases. . . that have money owing on them to the Department of Lands, taken out as far back as the 1940s. We had no idea this money was owing as we have only bought these in the last 10 years or so. We have been told by the department that this has to be paid out when the block is made freehold. These debts are $1 700, $1 200 and $400. Could this lead to litigation against the department?

Another writes:

There appears to be little thought given to the impact on farmers in the transition. For example, we feel that there should be an amnesty period whereby the leaseholder has the opportunity to freehold before the 400 per cent price increase. After consulting with professionals and the Department for Environment and Heritage, [we] concluded there was no commercial advantage in freeholding the land. You hold three perpetual leases for which in the past you have paid $30 per annum and without warning this has increased to $900 indexed overnight, as well as the opportunity to freehold at $1 500 per lease to $6 000. Then the minister's news release on 11 July 2002 would lead the general public to believe that we have only ever paid $30 per annum for this land and not the $255 000 to the vendor, along with $10 460 of government fees. Minister Hill's press release is misleading and demeaning to the farmers of this state.

The following came from another, on the issue of public risk:

. . . and if all of a sudden crown leaseholders are treated like tenants, then I guess the landlord (the state government) is responsible for the public risk. I contacted the Department of Lands and I was told that I couldn't freehold without surveying the coastline, and it may cost as much as $10 000. I was advised not to worry about it as it was only necessary to freehold if you wish to subdivide.

These titles made it possible for ordinary men and women to settle South Australia. It was done with blood, sweat, tears and lives but, as these pioneers endured heartbreak, loneliness, illness, isolation and every fickleness that weather could contrive, the state prospered. There are those who have inherited the character of their forebears to work the land despite all personal and other hardships they may encounter. The members who sit in this parliament today enjoy the fruits of their deprivation, their struggles and their hardship, but what is galling in the extreme is that many have no comprehension of our state's history and the ordinary people who made it great. That is demonstrated nowhere more clearly than in the proposal to arbitrarily lift rentals on leased properties to what in some circles could be called a scam. If this is an example of what we can expect to see from a Labor Government of Premier Mike Rann, then God help us.

The Hon. G.M. GUNN (Stuart): I am pleased to participate in this debate. Let me say from the outset that I do not personally have any perpetual lease land. I am not sure if a member of my family still has a perpetual lease or if the due process to convert it to freehold is complete. I have had some in the past, and I took the opportunity to do the sensible thing which every South Australian landholder should be given to do, that is, freehold their land.

When we had a debate sometime ago in relation to rentals in the pastoral industry, I made a comment in February 1998 that it was not the role of the government to make life as difficult as it possibly could for these people or to try to extract every dollar out of them no matter what the cost. At that stage we had the shadow treasurer going off about bad public policy. I think the shadow minister for the environment went on the *Country Hour* and attacked me. He blamed me and the right wing of the Liberal Party for this concession to people who were in dire financial need.

Let us just look at this situation rationally and sensibly. The people of South Australia have believed for a long time that people hold perpetual leases in perpetuity and that the rents are fixed and cannot be changed. That has been the accepted understanding throughout the agricultural world for as long as I can remember. As recently as a few days ago, a constituent of mine telephoned my office and inquired about freeholding, because the person had bought a relatively small farming block at Wilmington and paid $55 000 for it—full commercial value.

He inquired from the department of environment at Port Augusta about the letter that he received from the then minister, the member for Davenport, when he wisely extended the number of leases that could be freeholded, about his opportunity to freehold. The officer advised him, and has since confirmed it, that the offer was open-ended, there were no time limits on this offer and that he was not to worry about it. He had indicated that he was in a bit of financial difficulty, but when he was in a position to do it, it would be all right: he could do it for $1 500. That is the advice that has been tendered to people.

Just look at the situation that we now have. Why would someone want to make life difficult for these people who are on limited incomes? There has been an accepted practice that, if governments want to introduce these sorts of measures, these policy changes, then they tell the people at election time. This measure was not in the manifesto; there is no mandate for it. That is the first point.

Secondly, if they proceed, this matter will end up in the High Court. Let us not make any mistake about that. That is where it will end up, cause there was a clear breach of contract. Let us take a couple of examples. It was my constituent at Morgan who was mentioned in the paper this morning. He has 70-odd leases. Those leases were cut up into

400 acre blocks, because there was an anticipation that they would be used for closer settlement. Fortunately, that did not take place because that land was totally unsuitable for closer settlement. These leases need to be in areas big enough to be viable so that they are not put under economic pressure and you do not denude or ruin the country.

This individual is one of the best pastoralists in South Australia and has sound management practices. If you hit him with another $20 000, he then has to increase his ability to raise more money. If we are going to talk about cost recovery, as the minister did, let us not just pick on the few poor perpetual leaseholders but cast the net right around. Let us get cost recovery in the metropolitan transport system. That will bring in millions. Then we would not have to worry about perpetual leaseholders. Let us just get 50 per cent. Let us get cost recovery in a wide range of things. We know that that is a nonsense, the same as this is a nonsense—absolute nonsense.

The unfortunate thing is that, when the enlightened bureaucrats put this to the minister, they did not—or I hope they did not—actually tell him the whole story. Did they tell him the average size of these leases? I have one out from Terowie: another bloke has about 70 acres, and some of the leases are three and a half acres in size. When they originally settled these areas they had a homestead block with a common area around it. They should have taken the trouble to get some understanding of the history and the reasons why these leases were held.

Another constituent of mine at Hawker has 21 leases. He runs 3 500 sheep, breeds a couple of thousand lambs and does a little bit of tourism. He wanted to freehold them and he was told, 'No, you can't.' He wanted to freehold them and could not do it. It is a stupid law: he should be able to do it. So, he will now be hit with over $7 000, and it will destroy his viability. What would happen if we went down to the electorate of West Torrens and whacked $7 000 on some of the small businesses down there? I wonder what the member for West Torrens would be saying?

Mr Rau: He'd be upset.

The Hon. G.M. GUNN: And rightly so. The member got it in one. And so are we upset. Let me say that, for my part, either the matter is fixed or I will use my best endeavours to ensure that it is fixed all right. This bill should never have come into this house.

If the minister wants to be advised by that small group, that anti-farmer brigade in the department of environment, fine, but he will buy a lot of fights. I have another one, out the back of Quorn. A gentleman has 12 leases. If you increase his rental, he will be of business; there is no doubt about it. He will lose his house and it will put him out of business. We know there are certain elements who do not like people having the private ownership of land. I could name them and, if this argument goes on, I will do so.

The minister is not alone in being dudded by some of these people. I admit that, because they deliberately dudded the previous government until some of us got hold of it. They dudded the previous government. This is what they did. We brought in a freeholding policy in 1993, and it was for all agricultural land and some adjoining land. Sir Humphrey and his little band of merry public servants did not like it and they resisted it vigorously. After a while when we were getting these complaints, I decided to have a very close look at this matter and I asked some questions behind closed doors. This went on for a few weeks, and my blood pressure was rising considerably, because I knew they were telling the minister only what they wanted to tell him.

I decided that we would have to progress this matter a little further. I got a freeholding form and asked the then premier why the best merino studs could not be freeholded. He said that I was being rather silly. I then read out all the areas being exempted. We soon woke up to the fact that this policy had never been approved: it was contrary to government policy. Sir Humphrey had won again. He is not the first minister to be dudded by this group. They have more tricks up their sleeve.

There is one final thing I want to say. If they are successful in this particular enterprise, what else have they got up their sleeve? What other foolish idea have they been briefing the minister on? The minister is talking about modernising. I think the minister's term was, 'modernise the Crown Lands Act'. Who will modernise it? Who has been advising the minister? Who has been putting up these ideas? Is it the Wilderness Society? That organisation is having a fair bit of influence, and we will have a little more to say about that as time goes on.

Mrs Geraghty interjecting:

The Hon. G.M. GUNN: The honourable member, of course, would be an expert in this field of nonsense.

Mr Venning interjecting:

The Hon. G.M. GUNN: That is right; you have got it in one. I am looking forward to the select committee because there is a bottom line. The minister wants to get the money in to make it easier for people to freehold. Stem the area and you will fix the problem overnight. In the last few years, this area has attracted more activity in my office than has occurred for a long time. The minister has done one thing: a few of those wobbly rural people have stiffened right up. It has brought them right back. Thank you, minister. There is no doubt they are flying the flag very high, and I thank him for that.

I say to members that this measure would put many rural producers out of business. I look forward to the select committee. If that is not successful then I look forward to a vigorous attempt to defeat this bill in the parliament.

Mr MEIER (Goyder): I also support this debate. Whilst I have serious reservations about the bill, I am quite prepared to agree to the second reading so that we can then seek to establish a select committee to examine the issues to which the member for Fisher has alluded. I would like to thank the various Independent members and the member for Chaffey for agreeing to seek to have this issue assessed further. I, too, have had quite a few constituents contact me or my office very upset at the new proposals. In fact, I highlighted the concerns of one of those constituents in question time today, but I will not go into that further.

It is very interesting to look back in *Hansard*, particularly February 1998, when there was debate on this issue, and the member for Stuart alluded to this. In that debate the then shadow treasurer, the member for Hart, the present Treasurer, in a debate on pastoral land management and conservation, etc., said, referring to pastoral leases:

> As the shadow treasurer, as soon as I see dollar signs my ears prick up and I have a bit of a listen and a look.

It is interesting that the now Treasurer had apparently identified people who had miscellaneous leases and other leases as possible targets from whom to get more money. It has been highlighted by many of my colleagues (myself

included) that farmers have paid for this land. To all intents and purposes it is the same as freehold land if you want to purchase it: it is sold at the current going rate. It is not as though they are getting something for nothing. To some extent it is a bit of an insult that they have to pay $1 500 to freehold, but really it is to cover administrative costs. I hope that this issue can be overcome.

One letter I received from a constituent at Bute identifies the fact that the family has three sections that are perpetual lease holdings. The family had paid the current freehold prices for their land at respective times. They had sought recently to see whether they might freehold it and they were told that it would be $1 500 per lease, which is $4 500. They felt that was unfair because they had paid for the land. They wanted to know why they should have to pay that sort of amount simply to freehold their land. Now, of course, that amount would be $18 000.

In their letter to me they indicate that they are far from impressed with the television advertisement featuring the Premier in relation to the budget, and I can well understand their concerns in this respect. I trust that the bill will pass the second reading. I, too, reserve my position with respect to the third reading, and I trust that the issue will be referred to a select committee.

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank all members who have contributed to this debate. Obviously, this issue has caused a reasonable amount of concern for a number of members and their constituents. I am very pleased that we are going to establish a select committee to deal with the issues. I think we can—

Members interjecting:

The Hon. J.D. HILL: No, I am very happy to have the select committee deal with the issues. I know that we have a balanced group of people on that select committee who will deal with the issues in a fair and open way without emotion, anger, rancour and all those other negative emotions. I think that this is an area of policy that does need reform. I raised considerable issues in my second reading explanation but I will not go through them now. I do take on board the comments made by all members. I hope that we can go through a sensible select committee process to emerge with a package that not only deals with those concerns but also protects the government's bottom line.

Bill read a second time.

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

That standing orders be so far suspended as to enable me to move a motion, without notice, to refer the bill to a select committee.

Motion carried.

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

That the bill be referred to a select committee and that the committee examine—

(a) the impacts and consequences of the amendments proposed in the bill on the South Australian public;
(b) the cost of administering the Crown Lands Act 1929 with and without those amendments;
(c) the impact of those amendments on contracts of purchase and property values;
(d) the desirability or otherwise of freeholding crown leases;
(e) equity issues arising from the principal act and the bill;
(f) methods of achieving a return on crown lands consistent with the 2002-03 state budget; and
(g) any other matter that the committee considers relevant to the principal act or the bill.

Mrs MAYWALD (Chaffey): I am happy to second this motion, and I rise to put on the record at this time that I am the owner of a perpetual lease being section 429 of the Hundred of Holder. This is a household block just outside the township of Waikerie comprising just less than three-quarters of an acre and a house. It is important I put that on the record at this stage and advise that it is also listed in my register of interests.

Motion carried.

Bill referred to a select committee consisting of Messrs Evans, Gunn, Hill, O'Brien and Such, Ms Breuer and Mrs Maywald; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on 14 October 2002.

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

That standing orders be so far suspended as to enable the committee to authorise the disclosure or publication, as it thinks fit, of any evidence presented to the committee prior to such evidence being reported to the house; and to provide that, upon presentation of its report to the Speaker, the Speaker has the authority of the house to publish the report.

The SPEAKER: I have counted the house and, as an absolute majority of the whole number of members of the house is not present, ring the bells.

An absolute majority of the whole number of members being present:

Motion carried.

PUBLIC WORKS COMMITTEE: HAPPY VALLEY RESERVOIR

Mr CAICA (Colton): I move:

That the 178th report of the Public Works Committee, on the Happy Valley Reservoir Project, be noted.

The Public Works Committee has examined the proposal to apply $22 million of taxpayers' funds to the Happy Valley Reservoir Rehabilitation Project. The Happy Valley Reservoir was completed in 1896 and is situated on a tributary of the Field River in the hills south of Adelaide. The dam is constructed of earth with a clay core and is 25 metres high and 806 metres long, giving a capacity of 14 530 megalitres, of which 4 187 megalitres is useable given the limitation of the pumps at the filtration plant. The reservoir provides a short-term balancing water storage capacity supplying the Happy Valley Water Treatment Plant. The water from the treatment plant supplies the requirements of 40 per cent of the metropolitan area.

In 1996 SA Water commissioned risk assessment of the corporation's 17 large dams. The assessment nominated the rehabilitation of Happy Valley as one of the highest priority projects because it represented the second greatest opportunity for improvement in life risk reduction and had high economic consequences of failure. This project involves the following modifications to the Happy Valley Reservoir:

- Raising the reservoir embankment by around 2.5 metres and lowering the maximum reservoir operating level by 0.65 metres to contain floods; and improving the capacity of the bypass spillway.
- Placing a layer of stabilising fill, or berm, with a built-in filter layer on the downstream face of the existing reservoir embankment to minimise the effect of dam leakage; and
- Alteration of pipework below the dam wall to allow placement of the new stabilising fill.

SA Water has engaged a panel of experts, comprising four engineers and a geologist, to review the suitability of the rehabilitation works designed by consultants PPK Environment and Infrastructure, in association with the Snowy Mountains Engineering Corporation.

The emphasis of its review is dam safety design and construction issues. The panel reports directly to SA Water on the suitability of the proposed designs, and any recommendations are forwarded to the design consultants for inclusion in the project. The panel will be asked to review the final design documentation when completed to confirm that the required level of risk reduction has been achieved.

The committee notes that part of the work needed to construct the berm may necessitate traffic diversions around Chandlers Hill Road for a period. The committee is told that the following safety outcomes are expected of the project:

- a significant reduction in the risk of failure of the dam by internal leakage or structural failure of the dam or foundations;
- a significant reduction in the risk of failure due to an earthquake or a large flood event; and
- an increase in the security of the water supply system serviced by the Happy Valley reservoir, which covers 40 per cent of Adelaide.

The primary aim of this project is to apply current best practice dam engineering standards to ensure that the probability of failure is as low as can be practically achieved in accordance with the current design guidelines. The calculated risk of failure needs to be reduced from the current 1/1 000 to 1/100 000 or less. The remediation measures will address the risk of failure from flood, earthquake and internal failure, providing a structure with a design life exceeding 100 years.

The committee is told this project is not being undertaken for the purpose of generating additional revenue. It is a risk reduction project necessary to limit the risks associated with dam ownership and operation, and is essential to ensure the ongoing viability of SA Water's business.

The total amount applied for the construction of the project is estimated at $22 million. This estimated cost is in year 2001 values and makes no allowance for the goods and services tax. There will be no change in the operating costs of the reservoir which are currently $350 000 per annum. The PPK design report estimated the maximum consequences of failure of the Happy Valley dam to be a possible loss of 478 lives, $130 million in infrastructure plus SA Water business costs. This does not allow for any financial impacts resulting from injury, loss of life or the economic cost to the state associated with loss of water supply to 40 per cent of Adelaide. Reconnection of water supply to all affected consumers would take up to six months, with consequential losses estimated to exceed $2 billion.

An economic, financial and risk analysis indicates that, although the cost of the dam failure would be very high, the resultant benefit cost ratio in the economic evaluation is low, as the probability of dam failure in any one year is very low. Although the project cannot be justified on a purely economic basis, the analysis does not allow for the notional economic consequences of loss of supply to 40 per cent of Adelaide's population for a minimum of three months.

Allowance for the project has been incorporated into SA Water's financial plan that determines the dividends SA Water will pay to the Consolidated Account. Therefore, the impact on the Consolidated Account has already been factored into the Government's financial plans.

The target date for overall project completion is December 2003. The project construction works will be split into two stages: stage 1, which includes the construction of new pipe work on Chandlers Hill Road, is scheduled for September 2002 to October 2003; stage 2, involving berm construction, will occur between November 2002 and December 2003.

The committee accepts that the inherent risks of dam failure, both prior to and during the rehabilitation project, are small but feels that the community should have been informed of the necessity for the upgrade and the risks involved prior to the proposal coming to the committee. The committee is also of the opinion that the consultation process, when conducted, should be comprehensive, including the provision of appropriate services for residents of non-English speaking backgrounds and, where possible, the provision of information advice in public areas such as shopping centres, and the convening of public meetings. The committee is further of the opinion that in the course of this consultation process all relevant community representatives, including the local member of state parliament, be included.

The committee is concerned that the emergency response plan presently being developed does not contain any form of early warning system such as a network of sirens or similar devices that may be used to give the community the best possible opportunity to evacuate should it be necessary. Although the committee accepts the unlikelihood that such a system would ever be needed, the committee is of the opinion that its establishment and the appropriate education of the affected residents as to its use and their response to it would be both prudent and appropriate.

Pursuant to section 12C of the Parliamentary Committees Act, the Public Works Committee recommends the proposed public work.

The Hon. R.B. SUCH (Fisher): I have a particular interest in this matter as the Happy Valley reservoir is totally within my electorate, and I trust it will remain within my electorate. I have 1 400 households to the west of the embankment, and many of the people who dwell there have built only in recent times, on land that was sold to them by the government, I believe by the Department of Transport. So, there is an interesting irony.

The issue is serious, although we need not undertake or encourage any unnecessary scaremongering. The expert advice I have had is that the wall is safe, but we need to make sure that, as far as is humanly possible, it is as safe as we can have it. The reservoir is just over 100 years old, and we know from expert advice that it could be replaced with a couple of big concrete tanks. However, I am sure that the cost would be significantly greater than upgrading the wall, and the aesthetics would not be anywhere near as pleasing as having the reservoir there.

When the dam was built and it filled, it covered what was part of the original township. I was talking to one of the long serving members of SA Water who believed that they shifted all the graves at the time. I trust they did. In any event, it is a bit late now if they did not. The reservoir is situated over the old township.

When it was built it had a bypass drain around it, and that still functions at most times. It was built at the same time as the reservoir to make sure that tailings from the silver mine in the Hills above Aberfoyle Park did not enter the reservoir. When you consider that that bypass drain basically has not been altered significantly in 100 years, you realise that it has

coped with an enormous increase in residential and shopping centre development.

However, there have been times in recent years—although not many—when stormwater has entered the reservoir. That reservoir supplies 40 per cent of Adelaide's drinking water. The minister says that the issue does not need to be addressed at present. However, in time it should be. Under this current proposal which has been considered by the Public Works Committee there is only an intention to modify that bypass drain slightly.

Some years ago, SA Water indicated that it needed to sell some of the buffer zone land around the reservoir to fund an upgrade of that bypass drain. Now that that land (which was compulsorily acquired from locals) has been sold, SA Water is saying, 'We don't need to spend that money on upgrading a bypass drain after all.' That is a sore point with me, because for years they did not want people even walking on that buffer zone south of Chandlers Hill Road, yet this year it has been sold off for $8 million to Fairmont Homes to build a retirement village.

The pretext some years ago was that they needed the money for capital upgrade of the reservoir—the bypass drain—but now we are told, 'No, we don't need to; if we cut the grass in the bypass drain it's okay.' It is an issue that must be addressed in time, because I do not think that the people of Adelaide would like the thought of drinking water that may be flavoured with some of the runoff from some of the local road system.

The Happy Valley Drive—which borders east of the reservoir—proposal was strenuously resisted by what was then the old EWS on the ground that it posed a risk to the reservoir. The government of the day overrode the department and insisted that the road be built. What is happening—and I guess SA Water has contributed to it itself—is that that reservoir is very much under pressure in terms of maintaining the integrity of the water in it, which is fed from the Mount Bold reservoir by way of a huge pipeline system. I do not believe that that reservoir can be compromised in any way by any further actions, because the existing buffer zone now is pretty thin, if one looks at it closely. The reservoir at its deepest point is approximately 30 metres (about 100 feet), so it is quite a substantial amount of water.

The proposal that has gone to public works is a significant one. It will require something like 20 000 semitrailer loads of material coming in as either rock or fill, with some adjustment to the existing wall and internal relocation of some of that material. So, the people who live nearby in Oakford Estate, and some of the other people in O'Halloran Hill, will experience 20 000 semitrailer loads of soil and rock being moved around over the next few months. The issue of closing Chandlers Hill Road is of concern to me. I know that there may be a time when it has to be totally closed to shift a couple of main pipes supplying Adelaide, but I would be very concerned about—in fact, I would be opposed to—the closure of that road for six months, as initially sought by SA Water. I think it is unacceptable to close a major arterial road in the area for a period of six months. I strongly urge SA Water to construct a deviation road to minimise disruption to that major arterial road, which would pose great inconvenience and some danger to my constituents.

In order to upgrade the wall, which has to be raised, the trees (and many of them are significant trees; even though they have been planted they are now, by their size, significant) all have to be removed (sadly, the trees in front of the wall), and they will not be replaced because of the possibility that tree roots might help fracture the wall. I have stressed to one of the senior personnel of SA Water that I want to see that area landscaped so that we do not have some huge, ugly looking wall without any relief in terms of aesthetics—whether that be planting shrubs or grasses and reeds, and so on. That issue needs to be addressed. There is an opportunity, I believe (and I have spoken to the Premier about this), to use the conservation corps to, in fact, replant some of the pine forest area on Black Road, which now forms part of the buffer. That is a pinus which has been totally unsuccessful (it is not pinus radiata), and I urge the relevant ministers to have it replanted with native trees and shrubs in a phased operation, using the conservation corps.

It is interesting that, since this matter has been made public, I have not heard of any great concern from locals. One of the longstanding locals, Dud Nicolle, has raised some issues with me. I know that, through the Public Works Committee, there was a suggestion that, in order to allay concern, the people have a siren to alert them if there was any danger from the wall cracking in the future. I do not believe that that is feasible, because by the time people heard the siren they would be down at Hallett Cove—if they were still around; the sheer volume of water would be so enormous. And because of the fact that we have schools nearby that use sirens, and ambulances and so on, I do not believe that that is feasible. I think the best course of action is to fix the wall and ensure that it is made super safe so that people can live their lives knowing that they are safe and secure.

I just digress quickly, because time is against me. A senior member of SA Water has told me about when Mount Bold was constructed. My father was one of those who worked on that project. He came out of the navy and could not get a job, and in the depression he worked on that project. The men slept on hessian bags and rode their push-bikes out there six days a week. They had foremen watching over them, and any labourer who slacked off was immediately sacked and one of the unemployed was brought on to replace them. Fortunately, we have moved beyond that sort of mentality and approach to people working on sites under the control of what is now SA Water. I look forward to this project taking place and receiving the assurance that my residents are safe. I also look forward to the matter being handled expeditiously and in consultation with the community, so that any concerns can be allayed. It is an exciting proposal, and I look forward to its completion.

Dr McFETRIDGE (Morphett): I support this report. My veterinary clinic is at Happy Valley, and for many years my family and I lived at Happy Valley. We overlooked the Happy Valley reservoir, and certainly I have always been impressed by the size of the wall that was constructed so many years ago. I have seen the old photographs of the navvies slaving away. That is what they did back then; they worked exceptionally hard, under exceptionally difficult conditions, to build this magnificent structure that is the existing wall. Anyone seeing those photographs would realise how lucky we are to have the work force and the working conditions that we have today.

I am not sure exactly of the total area that the reservoir covers but I would think that it is certainly 200 or 300 acres of water. The most spectacular part about the reservoir surface is the large tower that was constructed in the late 1800s, I believe, that projects above the surface of the water. It is used for monitoring water quality and, certainly, is another feat of engineering achievement for the people who

constructed it back in the late 1800s. The large wall that holds back the huge volume of water is parallel with Chandlers Hill Road. Chandlers Hill Road takes a deep dip down into a gully, which I believe was one of the tributaries to the Field River. The wall is quite a spectacular site when one is driving along Chandlers Hill Road, and one can only imagine what would happen if there was an earthquake or a defect in the wall. I certainly would not like to be in the way of that volume of water. The devastation that such a huge volume of water would wreak, if let go, is something that I do not want to contemplate.

I support this project with a great deal of enthusiasm. It was interesting to hear mention of the honorary historian of Happy Valley, Mr Dud Nicolle. I have known Dud for many years through the Happy Valley CFS. Dud is one of the very few people in Australia with four bars on his national medal as a member of the CFS. Talking to Dud about some of the history of the Happy Valley reservoir is quite amazing. The story about the old township that was inundated when the reservoir was full is something that should be recorded in the oral, if not written, history of Happy Valley. I cannot agree with Dud's idea of setting off a siren if there was a problem, because both the old CFS station and the new CFS station have very loud sirens, and they are right next to the Happy Valley reservoir, and it might cause a degree of alarm—more than that of a fire alarm—if a siren were used to warn people of any possible dangers from the collapse of the wall.

There is a connection between the Happy Valley reservoir and the Mount Bold reservoir, which is another huge feat of engineering achievement. Not many people know that a tunnel runs between Mount Bold reservoir at the back of Clarendon, under the hills, down to the Happy Valley reservoir. Although I have not been in it, I know that the tunnel is large enough to drive a large four wheel drive vehicle through it. I believe that the bluestone that was excavated during the construction of the tunnel was used in the construction of the wall for the Happy Valley reservoir. The techniques that were used back then certainly are well and truly out of date now. It is an absolute credit to the engineers who designed the wall, and the workers engaged in the construction of that wall those many years ago, that we have been able to sleep at night in Happy Valley, and certainly down the valley from the reservoir. I support the project, and I wish all those associated with it well.

Mr BRINDAL (Unley): In speaking to this report of the Public Works Committee, I would like to commend the committee for the work that it has done on this matter and follow the remarks of the member for Morphett in a somewhat more salutary vein. When this matter was introduced (before it went to the Public Works Committee), the Premier announced in the *Sunday Mail* that the government was about to spend $22 million on rectifying a wall that was perfectly safe. However, to make doubly sure it was going to spend $22 million.

Having had the privilege of spending enough time around the cabinet table, I wondered why something that was totally safe was to be reinforced. We got the answer in the Public Works Committee, and it deserves to be put on the public record. It is clearly illustrated in the report that the wall has slipped one metre, it does not meet modern construction standards, and this $22 million upgrade will bring it to within the required tolerances for dams according to the Australian standard, but it will not bring it up to the Australian standard.

The reason that it will not bring it up to the Australian standard—on the evidence, this is quite clear—is that in this day and at this time an urban dam should not be constructed with houses below it. There is a margin for error which, in this day and age, could mean that if such a dam were constructed tomorrow it would be constructed in such a place where there were no residents below it within the immediate possible area of flooding.

I would hate anyone to say that the opposition is scaremongering, because it simply is not. This is not a dangerous dam. This dam will be improved through the construction proposed—and the Public Works Committee is unanimous in its support of this project—but it would be unfair not to point out that the evidence clearly shows that, to be absolutely sure of safety, the government should consider buying all the residences on the flood plain below the dam. It is possible in theory and in practice that if there was a cataclysmic event such as a seismic shock—and I know, Mr Speaker, that you were around at the time of the 1956 earthquake which, as you would know, could happen again at any place—

The Hon. R.B. Such interjecting:

Mr BRINDAL: Sorry, the 1954 earthquake. That shows that the member for Fisher is slightly older than I, because I remember it as 1956. However, I am a bit younger!

The Hon. R.B. Such: Were you conceived as a result of the after-shock?

Mr BRINDAL: No, I assure the honourable member that I was not conceived as a result of the after-shock. The fact is that to be completely sure of the safety of residents they should not be living below that dam wall. If there is a leak, the evidence suggests that between two and six hours is probably the time frame but that within up to 24 hours the wall would collapse completely. It is worth commenting in that context that the new foundation is to be put in place eight metres from the existing wall, because that is the minimum distance required for safety reasons, as there will be an increased risk during the construction of the foundation.

I am pleased that the minister is here to listen to this, because the members of the committee (Labor and Liberal—and most of the members are here) were unanimous in their recommendation that some warning process should be put in place. Responses to questions about the processes to be involved if any failure occurred during construction were, at best, questionable. I am looking at the chairman of the committee, and I think it would be fair to say that the answers to those questions were somewhat evasive, not that they were shirking their responsibilities, but it is clear that they thought that, in the event of the dam wall starting to fail and there being a civil emergency, they would simply ring the CFS, the MFS or the SES to fix it up.

The whole committee (the members for West Torrens, Norwood, Colton and Schubert and I) felt that the residents would be much safer if they were alerted to the degree of probability and if some sort of a warning system was installed downstream in the valley so that, in the event of something going wrong, people would know and get out of the area.

It is not a huge problem because the valley is not very wide and you can get out of any home to a level where you would not be in danger in about 10 minutes. However, the committee was fairly concerned that, at this point, there had not been adequate consultation with local residents and that there was some risk. As members of parliament, we all felt that the people involved had an absolute obligation to inform residents of any possible risk and to take whatever procedures they could to ameliorate that risk. The counter response was

that you might panic some of the people in the area, but I think we all agreed that it is better to inform people and tell them that there is no need to panic—so that if anything goes wrong they can act in an appropriate way—than not to inform them simply because you did not want to worry them with all the consequences that could result.

I, together with my colleagues on the committee, commend the government for this work. I note, however, that there were other solutions (albeit more expensive ones) that were not presented for us to consider. On the balance of probabilities, perhaps SA Water should or could have considered other alternatives which would have resulted in a much greater degree of safety for those people over a much longer period of time. Those are not decisions for the Public Works Committee but, if those matters are drawn to the attention of the Public Works Committee, I believe it has every right to say to the house that this is a viable project but that better and safer methods could have been employed if they wanted to spend more money.

Motion carried.

SUMMARY OFFENCES (TATTOOING AND PIERCING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 July. Page 689.)

The Hon. R.B. SUCH (Fisher): Members would be aware that I have, in the past, sought that a similar measure, in some respects at least, be dealt with by this house and by another place. Sadly, because of some querying by people in another place, the measure did not complete its passage by about five minutes.

I do support this measure, which has one significant amendment in relation to body piercing compared to the original bill that I introduced, and that is that it exempts body piercing in the region of the earlobe; and I think that is probably a sensible modification from my original proposal.

I still support the measure as strongly as I did in the past as to parents being aware if a minor and, in this particular case, someone under 16 is to have body piercing in any part of the body other than the earlobe. The dangers of careless body piercing have been outlined before: blood poisoning; the risk of hepatitis; AIDS; and the list goes on. So, we do not have to go through all that again, but the reasons and concerns that are shared by people in the medical profession are still valid, and I think there is merit in that particular aspect of the bill.

I have been contacted in the past by parents who have expressed concern as they thought their child was having some simple body piercing and they found that their child, under the age of 16, had come back with the eyebrow, or some other part of the body, pierced. There is a very significant risk of piercing near the eye, as well as piercing of the tongue and many other parts of the body. So, that aspect of the bill is still relevant, and I support it and trust that it will receive a speedy passage.

The member has introduced in this bill a new provision relating to tattooing and a cooling off period of three days to apply to adults. The prohibition of tattooing of minors still would apply. I think it is a sensible provision because I suspect that a lot of people get tattoos when they are affected by alcohol, the moon, or some other extraneous influence and many come to regret it.

The member who has put this measure forward is not saying that you cannot have a tattoo: what he is saying is that time is needed to think it over and maybe, with the opportunity to think about it, you may not proceed. If you visit the prisons, you will notice that many prisoners have not just one tattoo but multiple tattoos. Tattooing has never appealed to me, and I have better things to spend my money and time on rather than having myself tattooed.

I have one constituent in particular who basically has all his face tattooed, and that was, I think, during time spent in incarceration. I think he has come to regret that because, in effect, he is marked for life unless he can afford very expensive plastic surgery to have it changed.

Members interjecting:

The Hon. R.B. SUCH: I am talking about the cooling off period. I am not saying that people cannot be tattooed: it is a personal choice. What I am saying is that the concept of a cooling off period is appropriate. The member is not taking away people's rights to have a tattoo, or the right of a child to have his or her body pierced if the parent knows about it and agrees. What the member is doing is putting in some safeguards, putting in a bit of a handbrake, so that people do things after they have considered the consequences; and I think that is reasonable and sensible, particularly when it relates to children in terms of body piercing, as it already does in relation to tattooing for minors.

But for adults, when you might have a bit of bravado after some alcohol, I think it is appropriate that people have time to think about getting tattooed. The world will not end if they have to wait a few days before they get 'I love mum' tattooed on their backside or wherever. I know that in some cases it is probably handy to have parts of your body tattooed to indicate left from right but, once again, that is a personal choice.

I commend this bill to the house and I trust that it will receive a speedy passage, and that people in another place will also consider it with the intent with which it has been proposed, and that is to ensure that people making these decisions do so in a calm, rational way and that the legitimate interests of children are protected. So, I commend the bill to the house.

Mr BRINDAL secured the adjournment of the debate.

GAMING MACHINES (LIMITATION OF EXCEPTION TO FREEZE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 July. Page 694.)

The Hon. R.B. SUCH (Fisher): I commend the member for Mount Gambier for this measure. I think it is entirely appropriate and I trust it will have swift passage through this house.

The Hon. J.D. HILL (Minister for Environment and Conservation): I indicate that the government supports this bill. This bill will close a loophole in the legislation for the freeze of gaming machine numbers in South Australia. The intention of the freeze that was passed by the parliament in December 2000 was to pause the presence of gaming machines in our communities. Accordingly, the Liquor and Gambling Commissioner cannot approve new applications for poker machines anywhere in South Australia.

However, licence holders can currently relocate a hotel or club and have their gaming machine entitlement shifted to new premises. For example, hotels in rural and regional areas

can be bought and moved, with their gaming machines, to new premises in metropolitan areas which have higher populations. That could mean an increased presence of poker machines in Adelaide suburbs and is clearly a breach of the intention of the freeze.

This bill is timely, given that the Liquor and Gambling Commissioner has an application before him to allow a licence to be moved from Whyalla to Angle Vale. This bill is retrospective and therefore it will disallow any such approval by the Commissioner made on or after 8 May 2002. This bill will restore the integrity of the freeze. It will stop gaming machine licences being moved across regions and across communities. However, it will not stop hotels and clubs with gaming machines from relocating to new venues within the locality from where they have moved.

The Hon. Nick Xenophon has introduced a similar bill in the Legislative Council. However, that bill would restrict the movement of licences to within one kilometre of existing premises. The government does not want to stop clubs and pubs from investing in their businesses and building better facilities in their neighbourhood, which could be a consequence of the Xenophon bill. For example, the Roosters Club is seeking to move its club to new premises in Sefton Park, which will be further than one kilometre from its current premises at Prospect. This bill is a considered measure that will improve the regulation of the state's liquor and gaming industry.

My task, as Minister for Gambling, is to reduce the incidence of problem gambling. I want the parliament to consider reforms to break the cycle of gambling addiction that is supported by research. I do not want to see the parliament adopt measures that are best described as window dressing or potentially counter-productive. The government wants to maintain the integrity of the freeze so long as this parliament determines that a freeze should exist. I commend the member for Mount Gambier for introducing the bill in this place and the Hon. Nick Xenophon for introducing a similar bill in the other place. I indicate, once again, that we support the bill, and would urge the house to consider it in all its stages today.

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

The SPEAKER: May I crave the indulgence of the house and point out that I, too, supported the passage of the bill just passed.

STATUTES AMENDMENT (EQUAL SUPERANNUATION ENTITLEMENTS FOR SAME SEX COUPLES) BILL

Adjourned debate on second reading.

(Continued from 5 June. Page 521.)

Mr BRINDAL (Unley): I wish to speak in support of this bill, for a number of reasons. One is to note the inordinate time that the bill has been before the house in this parliament and in the last parliament before anyone has even spoken to it. I believe that any private member who brings a measure before this house has a right to have it heard and debated, and I find it extraordinary that this measure should have been before this house for so long and not even been put forward for debate.

I do not intend to delay the house long on this measure. It is a matter that I would point out to members was actually canvassed on ABC radio today, and I hope that some members had the opportunity to listen, because it might inform the decision making process at this time. There are those in this chamber whom I have heard in the corridors and who, I presume, in debate will say that this is some insidious plot by the honourable member to do things other than what the bill says it will do. I cannot speak for the honourable member. I can speak for the bill that is before this house, and I would tell members that I was convinced in this matter when I sat some time ago with Justice Kirby at a dinner.

Justice Kirby was pointing out to me that he is a long-standing judge of the High Court of Australia and a very eminent jurist. He happens to have a homosexual relationship—and I do not think that is any secret—and he has had the same partner for, I think, in excess of 30 years. He pointed out to me that he could go into the street and marry a person of the opposite sex at any time and that person would automatically and instantaneously acquire all the rights of his accumulated benefits of 30 years of superannuation, yet the person with whom he had had an economic relationship—because I do not think the physical side of it comes into it—for all that time could never be the beneficiary.

On ABC Radio this morning it was pointed out that for all of us, whether it is parliamentary superannuation, state superannuation schemes or private superannuation, it is a contractual thing. It does not matter who we choose to bequeath our money to: the rules of our superannuation acts are laid down, and we can say 'We've fallen out with our wife' or 'We don't want to leave it to the children.' That has no bearing on the provisions of most superannuation acts. In the contract it says who the benefit is payable to.

I believe that this measure will make quite clear that it is possible in a contract in which a person contributes their money, their money is invested and in most schemes the employer puts in a contribution and the employer's money is invested (so we are actually talking about my money put in, that money being managed, the employer's money being put in and that money being managed), for my or any other person's contractual right to say who will be the beneficiary of that contract. I believe that is what this measure is about and I think the law as it currently stands has a measure of unfairness.

In this debate there will be those who will argue that this will have an impact on the Treasury. I would say, 'So what?' Is the Hon. Diana Laidlaw in another place going to be forbidden from marrying because if she marries she will have an immediate impact on the Treasury? The fact is that, as a single person in the other place, she has a right under superannuation. If she marries, the instantaneous liability of the state increases.

The Hon. I.F. Evans: Kevin Foley won't be at the wedding!

Mr BRINDAL: No—well I don't know, he may well be the guest of honour. But the point is that those who would say, 'No, we can't pass this measure because somehow it's going to impact the bottom line of the government Treasury' want to think about single people choosing to marry, because that too will impact the bottom line of the Treasury. Not one of them will be arguing against marriage or against a single person in superannuation being able to marry and, therefore, acquire greater rights, but they will argue in some measure that some people who are in a same sex relationship should not be able to enjoy those benefits. I inform the house that I have no personal interest in this matter, despite occasional rumours—

Members interjecting:

Mr BRINDAL: I'm just saying. I have a very great number of electors in my electorate for whom this is a significant matter. It matters to them; it counts for them. I am elected to represent them just as I am elected to represent everyone else, and this is a matter of gross unfairness to those people and I fully intend to support the honourable member in this measure. I commend it to the house and hope that this house will do the same.

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

The Hon. R.B. SUCH (Fisher): I rise to support this measure and I commend the member for introducing it. It has had a long history, as members would appreciate, in terms of seeking a passage through this house. I want to make some brief comments. At the end of the day, this is about justice and fairness. I do not believe governments have any right to intervene in people's private lives in terms of their sexuality or sexual preference—and this applies as much to heterosexuals as to anyone else—as long as they do not target children or engage in activities that are not wanted by the other person or party. I do not believe governments should be seeking to stop people from exercising their freedom of choice, if that is their particular orientation. The current laws clearly discriminate against people by virtue of their sexual orientation and their sexuality.

We have within our society, sadly, a very strong element of prejudice, both overt and covert, directed against people who are categorised as lesbian or homosexual. That is very unfortunate and unfair, and reflects badly on our community. Also, it shows a degree of immaturity and an unwillingness to accept that people should have a freedom of choice in regard to their sexual orientation, with the provisos I made earlier in relation to children or unwanted attention focused on another adult. That applies whether someone is homosexual or heterosexual. I do not distinguish between the two. So, I intend to support this bill.

I understand that some amendments may be proposed which I am told could improve the bill, but the general thrust of this proposal in terms of equity, fairness or justice, whatever you call it, stands and should be supported. I will be supporting this measure and following its progress through the committee stage with interest, particularly if, as intimated to me, there are some amendments which may improve the bill further. I commend the bill to the house.

Mr HANNA (Mitchell): I rise briefly to support the bill. I would be surprised if there was any fuss about it. The bill removes discrimination against people who might be of the same sex and in an intimate relationship. At the moment, serious injustices can arise where couples who might have been together for 30 years, for example, could have their wishes betrayed because of the law, and the accrued superannuation benefits of one of such a couple could go to someone who has very little real connection with that couple at all.

I cannot see any reason why an adult should not be able to choose the recipient of their superannuation entitlements when it comes to the time they are to be paid out—on the death of the person, for example. It is not a bill about homosexuality at all, as far as I can see. It is a bill about making it a level playing field as far as superannuation benefits are concerned. I support the bill.

Mr HAMILTON-SMITH: I move:

That the debate be now adjourned.

The house divided on the motion:

AYES (18)

Brindal, M. K.	Buckby, M. R.
Chapman, V. A.	t.) Evans, I. F.
Goldsworthy, R. M.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L. J.
Matthew, W. A.	Maywald, K. A.
McEwen, R. J.	Meier, E. J. (teller)
Penfold, E. M.	Redmond, I. M.
Scalzi, G.	Such, R. B.
Venning, I. H.	Williams, M. R.

NOES (18)

Atkinson, M. J.	Bedford, F. E. (teller)
Breuer, L. R.	Caica, P.
Ciccarello, V.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Key, S. W.
Koutsantonis, T.	O'Brien, M. F.
Rankine, J. M.	Rau, J. R.
Snelling, J. J.	Thompson, M. G.
Weatherill, J. N.	Wright, M. J.

PAIR(S)

Brokenshire, R. L.	Conlon, P. F.
Brown, D. C.	Lomax-Smith, J. D.
Kerin, R. G.	Rann, M. D.
Kotz, D. C.	Stevens, L.
McFetridge, D.	White, P. L.

The SPEAKER: Order! As there are 18 ayes and 18 noes, I give my vote in favour of the ayes.

Motion thus carried; debate adjourned.

SELECT COMMITTEE ON THE CROWN LANDS (MISCELLANEOUS) AMENDMENT BILL

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

That the select committee on the bill have leave to sit during the sittings of the house during the rest of the session.

Motion carried.

DAIRY INDUSTRY

Consideration of the Legislative Council's resolution.

(For wording of resolution, see page 549.)

Mr McEWEN (Mount Gambier): I move:

That this house concur with the resolution of the Legislative Council contained in message No. 12 for the appointment of a Joint Committee on Dairy Deregulation; that the House of Assembly be represented on the committee by three members (of whom two shall form a quorum necessary to be present at all sittings of the committee); and that the members of the joint committee representing the House of Assembly be Mr Koutsantonis, Dr McFetridge and the mover.

Mr SNELLING: Mr Speaker, I draw your attention to the state of the house.

A quorum having been formed:

Mr McEWEN: I advise the house that in the Forty-Ninth Parliament a select committee had well advanced most issues in this term of reference. I believe it is important that the Fiftieth Parliament conclude that work. I am delighted to see the two new nominations to this committee. I know that Dr McFetridge and Mr Koutsantonis will not only study the record to date but also make a significant contribution to the advancement of this joint committee and its early conclusion, and report back to the house.

The SPEAKER: I point out to the house that I may have inadvertently contributed to the misunderstanding members have of standing orders. It is possible to speak to a proposition without its being seconded. It is not in the possession of the house until it has been seconded. In any case, this proposal has been seconded. I now invite any other member wishing to speak to rise in their place; if not, I will put the question.

Motion carried.

Mr McEWEN: I move:

That standing orders be and remain so far suspended as to authorise the disclosure or publication by the joint committee, as it sees fit, of any evidence or documents presented to the committee prior to such evidence or documents being reported to the house.

The SPEAKER: I count the house, as a suspension of standing orders is required. I have counted the house and, as there is an absolute majority of the whole number of members of the house present, I accept the motion.

Motion carried.

Mrs GERAGHTY: Mr Speaker, I draw your attention to the state of the house.

A quorum having been formed:

LEGISLATION REVISION AND PUBLICATION BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to provide for the revision and publication of South Australian legislation; to repeal the Acts Republication Act 1967; to amend the Evidence Act 1929 and the Subordinate Legislation Act 1978; and for other purposes. Read a first time.

The Hon. M.J. ATKINSON: I move:

That this bill be now read a second time.

South Australia can be proud of its program for the consolidation of public general acts and regulations.

Mr Meier: We all are capable of reading it; everyone in this chamber is capable of reading it.

The Hon. M.J. ATKINSON: I am very disappointed that the Opposition Whip takes that attitude. I am reading this bill out of courtesy to the chamber. This is a point of order or an objection that has been taken by the Liberal Party before. For eight years as an opposition member of this chamber—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: —I would come in here and government members would slap on the desks here speeches or reports which they had never read or edited and which were not their own work. They would not even do the house the courtesy of telling members briefly what the bill was about. Since I have been a minister it has been my practice at least to summarise the effect of the bill as an act of courtesy to those who are in the chamber.

Mr Meier interjecting:

The SPEAKER: Order! The member for Goyder will come to order. It is the prerogative of any member or minister to explain the proposition they have moved. The Attorney-General.

The Hon. M.J. ATKINSON: It is a practice I have followed since I have been a minister and, to the immense frustration of the member for Goyder, I will continue the practice out of courtesy to the chamber. Since early 1992 all public general acts and since 1995 all public general regulations have been continuously kept up to date in consolidated form. All acts and certain often used regulations are reprinted in hard copy on a regular basis as amendments come into operation, and all are available in electronic form. The bill replaces the Acts Republication Act and those parts of the Subordinate Legislation Act relating to the consolidation of regulations—the acts under which the program is conducted.

The measure will provide further support for the ongoing legislation consolidation program and facilitate improvements in consistency and presentation of the legislative data. The bill continues to provide for the appointment of a commissioner to oversee the program. The name of the office is altered from Commissioner of Statute Revision to Commissioner for Legislation Revision and Publication to emphasise the role of publishing legislation in printed or electronic form as well as revising legislation. The bill provides more extensive revision powers to ensure that South Australian legislation can be maintained appropriately, while ensuring that nothing is done—and I emphasise this—in the exercise of those powers that could alter the substantive effect of legislation.

In addition, the bill provides the groundwork for giving electronic versions of legislation, when accessed at a prescribed web site or kept in a prescribed format, the same legal status as the printed version of legislation. This reflects the approach taken in authorising electronic versions of legislation in Tasmania and the Australian Capital Territory. The necessary regulations will not be prescribed until completion of a project for the conversion of legislative data to extensible markup language designed to protect the longevity of the data, capture all graphics in legislation and establish appropriate infrastructure for the ongoing support of the web site. The project is complex and should be completed before the end of 2003. I commend the bill to honourable members, and I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement of the measure by proclamation.

Clause 3: Interpretation

This clause defines terms for the purposes of the measure.

Clause 4: Commissioner for Legislation Revision and Publication

This clause provides for the Governor to appoint the Parliamentary Counsel or a legal practitioner employed in the Office of Parliamentary Counsel as Commissioner for Legislation Revision and Publication and for the Attorney-General to appoint a legal practitioner employed in the Office of Parliamentary Counsel to act in the position if there is no Commissioner or if the Commissioner is not able to act.

The transitional provisions provide for the existing Commissioner of Statute Revision to continue as Commissioner for Legislation Revision and Publication.

Under the *Acts Republication Act*, the Governor appoints a person to hold or act in the office of Commissioner of Statute Revision and the Attorney-General may authorise a legal practitioner to supervise the reprint program if there is no person holding or acting in the office of Commissioner. Under the *Subordinate Legislation Act*, the Attorney-General authorises a legal practitioner to consolidate regulations. In practice, the same person performs both functions.

Clause 5: Program for revision and publication of legislation

The *Subordinate Legislation Act* takes a slightly different approach in relation to the preparation of reprints to the *Acts Republication Act*. It is proposed that a standard approach should apply to the revision and publication of Acts and Regulations and that both reprints and electronic versions should be contemplated as a means of making up-to-date legislation accessible on an ongoing basis.

This clause requires there to be a program for the revision and publication of legislation focussing on making up-to-date public general Acts and regulations accessible in printed and electronic form.

The *Acts Republication Act* contains separate provisions authorising the 1975 consolidation of Acts and the ongoing reprinting program for Acts. The *Subordinate Legislation Act* covers the consolidation of regulations. Currently, under both the *Acts Republication Act* and the *Subordinate Legislation Act* the Attorney-General is responsible for the preparation of the reprints, reflecting the expense involved in setting up the initial consolidation program. The ongoing consolidation program is now fully established in this State. All public general Acts are reprinted and kept up-to-date on a fortnightly basis. All public general regulations are consolidated. Some of the consolidated regulations are reprinted and some made available only as electronic versions. It is a matter of continuing that program. In jurisdictions where the reprinting powers have been revisited in recent years (notably Queensland, Tasmania and the ACT) the reprinting role is conferred on an office holder.

Scope of consolidation program

Legislation is proposed to be defined as

- an Act
- a regulation made under an Act
- an instrument of a prescribed kind.

This reflects the current program. It is intended that policies under the *Environment Protection Act* would be prescribed.

Subclause (3) excludes certain types of legislation from the scope of the consolidation program. These are the same types of legislation as were excluded from the 1975 consolidation of Acts–see section 4(1) *Acts Republication Act*.

Clause 6: Supervision by Commissioner

This clause requires the Commissioner to supervise the revision and publication of legislation and is similar to section 6 of the *Acts Republication Act*.

Clause 7: Alterations that may be made in revising legislation

Subclause (1) provides the following powers that may be exercised in the course of revising legislation:

(a) The following types of provisions may be omitted:

- arrangement provisions (The summary of provisions now performs the purpose of old arrangement provisions.)
- amending provisions
- repealing provisions
- saving, transitional or validation provisions
- other provisions that are spent or have expired or otherwise ceased to have effect.

The idea is that the republication should reflect the legislation as it is in force and not include material that has served its purpose. In each case, the omission will be noted in the legislative history (see clause 5(5)*(d)*).

Section 4(5) of the *Acts Republication Act* allows amending provisions to be left out of the 1975 consolidation. This does not (but should) carry through to the ongoing reprinting program.

Currently, these types of provisions are removed by Statute Law Revision amendments and the Act then reprinted. The proposal avoids using drafter's time and Parliamentary time on the very substantial Statute Law Revision exercises that would be involved in removing these provisions by legislative means.

(b) The long title and any relevant headings may be altered so as to take account of the omission of provisions.

This power is consequential to that in paragraph *(a)*. References to repeals and amendments will need to be removed from the long title. Schedule headings will require adjustment where, for example, the heading refers to amendments and transitional provisions and the amending provisions are removed pursuant to the powers in *(a)*.

(c) Obsolete headings may be omitted.

There are some cases where a heading remains in legislation but the substantive provisions under that heading have been repealed or revoked. It is proposed that the removal of the obsolete heading be authorised.

(d) If the legislation contains a minor error or would contain a minor error if consolidated in a particular way, the legislation may be expressed in a different way so as to correct or avoid the error.

A minor error is defined to mean a typographical or clerical error, a grammatical error, spelling error or error of punctuation, an error in numbering or designation, cross-referencing or alphabetical ordering.

Currently section 7(1)*(f)* of the *Acts Republication Act* enables errors of a grammatical or clerical nature to be corrected and *(h)* errors in numbering or designation. Section 14(3)*(d)* of the *Subordinate Legislation Act* allows printing errors and errors in spelling and numbering to be corrected. The proposed definition has been formulated following examination of what is allowed to be corrected as an error in the legislation of other Australian jurisdictions.

(e) A reference to legislation or a legislative provision for which some other legislation or provision has been substituted may be altered to a reference to the substituted legislation or provision.

This power is currently provided in section 7(1)*(b)* of the *Acts Republication Act* and section 14(3)*(a)* of the *Subordinate Legislation Act*. The power is rarely exercised because of the potential to change the substantive effect of the law but is retained for cases where there is no doubt about the substituted law.

(f) A reference to a name, title or citation of any place, person, authority or legislation that has been changed by or under an Act or law may be altered to the name, title or citation as so changed.

This power is currently provided in section 7(1)*(c)* of the *Acts Republication Act* and section 14(3)*(b)* of the *Subordinate Legislation Act*. Again, the power is rarely exercised because of the potential to change the substantive effect of the law but is retained for cases where there is no doubt about the substitution.

(g) Figures that indicate a year of the 20th century may be replaced with figures that indicate a year of the 21st century if the figures relate to an act to be performed in future.

This is similar to a provision included in the WA legislation and will apply mainly to forms in regulations.

(h) This paragraph sets our various alterations that may be undertaken to achieve consistency with current practice or uniformity in style.

Currently section 7(2) of the *Acts Republication Act* allows the Attorney-General to issue directions for the purpose of 'achieving uniformity of style in respect of the numbering and designation of, and the use of capital letters and italics in, any of the provisions or the formal parts of Acts and in respect of the setting out of the provisions of Acts generally; and generally improving, and bringing into conformity with modern standards of draftsmanship, the form or manner in which the law contained in Acts is expressed'. The sorts of changes that might be undertaken for these purposes are encapsulated in the proposed new paragraph, negating the need for such directions. The matters listed are designed to ensure that the changes are changes in form only and not substance.

(h)(i) The enacting words in an Act may be altered and, where the enacting words are included in a preamble, they may be separated from the preamble.

Various styles of enacting words have been used over time and in older Acts a preamble included and combined with the enacting words. It is proposed to introduce consistency with the enacting words being 'The Parliament of South Australia enacts as follows:'

(h)(ii) A heading may be inserted above a preamble to indicate that it is a preamble.

This is for consistency in structure.

(h)(iii) The style of references to legislation or to non-legislative works may be altered.

Various styles have been used over time and this will allow for consistency. Non-legislative works would include Australian Standards.

(h)(iv) Spelling may be altered.

This supports the current practice of updating spelling practices for example by altering 'iz' to 'is' in authorise.

(h)(v) Numbering may be altered, deleted or added.

This allows for consistency in numbering to be introduced where appropriate (for example in older legislation roman numerals may be used for a second set of paragraphs in a subsection) and for dashes or dots to be converted to numbering in appropriate cases (where numbers would be included as a matter of current drafting practice).

Currently, section 14(3)*(f)* of the *Subordinate Legislation Act* authorises renumbering of all regulations.

The power in this paragraph would be used with great care because of the potential for confusion and the need to ensure cross references are corrected.

(h)(vi) Expressions of a number, year, date or time or of a quantity or measurement may be expressed differently.

Section 7(1)*(d)* of the *Acts Republication Act* enables a reference in an Act or enactment to a year of Our Lord, expressed in words, to be altered to a reference to that year expressed in Arabic numerals.

Again, this power is included to promote consistency. Older drafting practice was to refer to years in words rather than figures. The statute book is inconsistent in the way in which dates and times are presented and in the way in which measurements are presented.

(h)(vii) An amount of money that is not expressed as an amount in decimal currency may be expressed as an amount in decimal currency if, according to the provisions of the *Decimal Currency Act 1965*, it is to be read as such.

Currently, section 8 of the *Acts Republication Act* and section 14(3)*(c)* of the *Subordinate Legislation Act* enable alterations to give effect to the *Decimal Currency Act*.

(h)(viii) A penalty at the foot of a provision may be stated to be a maximum penalty if it is so by virtue of the *Acts Interpretation Act 1915*.

This power would enable the references to penalty to be altered to maximum penalty in appropriate cases. Of course, this power will not be relevant to the few cases where minimum penalties apply.

(h)(ix) Formatting or any other matter related to presentation may be altered (including, for example, the setting out of provisions, the type, the use of symbols in place of words having the same meaning, the placement of conjunctives and disjunctives and the use of capital letters, punctuation, hyphens, italics, bolding and quotation marks).

Again this promotes consistency and enables full advantage to be taken of the proposed new system where printing styles can easily be updated for particular elements across the entire database.

(i) The regulations may authorise alterations of other kinds.

Equivalents of the following existing provisions are not included:

- *Acts Republication Act* section 7(1)*(a)*–allows alteration of short title by inclusion of end year. This does not accord with current practice. Section 7(6) is consequential.
- *Subordinate Legislation Act* section 14(4)-If the principal legislation does not have a short title or citation, a short title or citation may be assigned. This related to older regulations and there are now no regulations without a citation.
- *Subordinate Legislation Act* section 15–This enables the Attorney-General to print the consolidated text in the prescribed form and manner. There are no regulations supporting this section.
- *Acts Republication Act 1967* section 12–This relates to references to line numbers and pages in Acts and has no current application.

Constraint

Subclause (2) provides that the section does not permit alterations to legislation that would change the effect of the legislation. This is a new provision and is a very important constraint promoting a conservative approach to the exercise of revision powers by the Commissioner.

Changes to section headings etc and legislative history

Subclause (3) contemplates that material that does not form part of legislation for interpretation purposes may be included, altered or removed.

Section 7(1)*(e)* of the *Acts Republication Act* currently allows marginal notes to sections or parts of sections to be altered.

Subclause (4) requires a legislative history to be prepared setting out

- the instruments by which the legislation has been amended;
- a description of how the provisions of the legislation have been affected by those instruments;
- relevant assent and commencement dates for those instruments;
- a note of provisions omitted using the revision powers.

Section 5(2) of the *Acts Republication Act* and section 14(5)*(a)* of the *Subordinate Legislation Act* require the list of amending legislation to be presented. Section 5(2) of the *Acts Republication Act* and section 14(5)*(b)* of the *Subordinate Legislation Act* require marginal notes indicating the reference to the amending legislation to be presented. The proposal expands on these requirements and reflects current practice.

Clause 8: Publication of legislation

This clause contemplates publication under the Act of revised legislation in either hard copy or electronic copy and of legislation that has not been revised in electronic copy. (Acts as enacted will continue to be published by authority of the Government Printer and subordinate legislation will continue to be published in the Gazette.)

The authorised electronic copies will be provided in accordance with the regulations. Provision is made for electronic copies downloaded from a website in accordance with conditions prescribed by regulation, or prints produced from such a copy in accordance with conditions prescribed by regulation, to have the same status as authorised copies.

These regulations will not be made until the electronic versions include and properly display all maps, diagrams, equations and other graphics.

The authorisation of the electronic versions will accommodate those regulations that are not currently reprinted and also the revisions that will be made across the database as it is converted to eXtensible Markup Language.

Reprinting in Parts

Subclause (2) expressly supports the practice of reprinting long, often amended, legislation in Parts, ie, substituting just the front pages, the Parts affected by the relevant amendments and the updated legislative history.

Effect of alterations

Under subclause (3) legislation revised and republished under the measure has effect as if the alterations made in revising the legislation had been made by amending legislation. This equates to sections 7(5) and 8(4) of the *Acts Republication Act*.

Clause 9: Evidence

This clause provides a presumption that legislation published under the measure correctly sets out the contents of the legislation. It is similar to section 9(1)*(d)* of the *Acts Republication Act* and section 16 of the *Subordinate Legislation Act*.

Clause 10: Regulations

This clause provides a general regulation making power.

SCHEDULE

Repeals, Amendments and Transitional Provisions

Clause 1: Repeal of Acts Republication Act

Clause 1 repeals the Acts Republication Act.

Clause 2: Amendment of Evidence Act

This Act extends the provision providing for judicial notice of legislative instruments to legislation published under the new measure or corresponding measures in other jurisdictions. In due course, this will include the electronic versions of legislation as well as the printed versions.

Clause 3: Amendment of Subordinate Legislation Act

Clause 3 amends the *Subordinate Legislation Act* to remove references to the authorised legal practitioner and consolidation of regulations.

Clause 4: Transitional provision

Clause 4 continues the current Commissioner of Statute Revision in office as the Commissioner for Legislation Revision and Publication.

Mr HAMILTON-SMITH secured the adjournment of the debate.

PRICES (PROHIBITION ON RETURN OF UNSOLD BREAD) AMENDMENT BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend the Prices Act 1948. Read a first time

The Hon. M.J. ATKINSON: I move:

That this bill be now read a second time.

The bill amends the Prices Act 1948 by inserting a new regulation-making power to ensure that a prohibition on the return of unsold bread can be enforced, whether or not financial relief or compensation is given to or received by the retailer. The bill was originally introduced by the previous government (so perhaps the member for Bright has some memory of it) in the spring 2001 session of parliament. The bill lapsed when parliament was prorogued. In the 1980s, the practice whereby some bakeries entered into arrangements with retailers that bakeries would redeem unsold bread increased significantly. The practice suited large retailers and larger bakeries which could absorb these losses. Smaller bakeries were unable to bear the cost of dumping or giving away the bread, and there was public concern about the food wastage caused by this practice. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The regulations that came into force in 1985 separately prohibited the sale of bread by the retailer to the supplier and the return of bread whether or not financial relief or compensation was given to or received by the retailer.

The *Prices Regulations 1985* were due to expire on 1 September 2001 and under the automatic revocation program could not be further postponed. In the process of re-making the 1985 regulations, Parliamentary Counsel identified parts of the regulations relating to the return of bread as being outside the regulation-making power of the *Prices Act 1948*.

The regulations that were made in August 2001 were drafted in such a manner that ensured that they were within power and, to the extent possible, had the same effect. However, there is a risk that the coverage of these regulations is not identical to that of the 1985 regulations.

In particular, a possible gap was identified in the prohibition. The prohibition covers situations in which the retailer returns bread to the supplier and is given or receives direct or indirect financial relief or compensation. However, it may not cover the situation in which there is no financial relief or compensation to the retailer.

Industry representatives have indicated that it is desirable to have regulations identical to the 1985 regulations, that will clearly prohibit the return of unsold bread to the supplier even when no financial relief or compensation is given to or received by the retailer. The regulation-making power requires amendment to accommodate new regulations in the same form as the *Prices Regulations 1985*.

Accordingly, this bill extends the regulation-making power in the Act in a manner that will enable new regulations to be made that exactly mirror the 1985 regulations with which industry was satisfied.

I commend this bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement of the measure on a day to be fixed by proclamation.

Clause 3: Amendment of s. 51—Regulations

This clause amends the principal Act so that regulations may be made prohibiting the return of unsold bread by a retailer to the supplier of the bread (whether or not financial relief or compensation is directly or indirectly given to or received by the retailer in respect of that bread).

The Hon. M.R. BUCKBY secured the adjournment of the debate.

NATIVE VEGETATION (MISCELLANEOUS) AMENDMENT BILL

The Hon. J.D. HILL (Minister for Environment and Conservation) obtained leave and introduced a bill for an act to amend the Native Vegetation Act 1991 and to make a related amendment to the Development (System Improvement Program) Amendment Act 2000. Read a first time.

The Hon. J.D. HILL: I move:

That this bill be now read a second time.

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

Leave granted.

On 28 November 2001, the *Native Vegetation (Miscellaneous) Amendment Bill 2001* was passed by the House of Assembly. The State Election was called before the Bill could complete the Parliamentary process and, in accordance with the Constitution, the Bill lapsed. This Bill largely follows the 2001 Bill, but includes changes that are consistent with this Government's commitment to further improve protection for the State's native vegetation.

The Bill has been developed over a period of more than three years and has involved detailed reviews of the Act and Regulations; a public consultation period; and follow-up consultation with key interest groups (South Australian Farmers Federation, Conservation Council of South Australia, and the Local Government Association), the Native Vegetation Council, and Members of Parliament.

Prior to and during Committee debate on the 2001 Bill, the previous Government incorporated many of the changes sought by the Labor Party. This is a positive reflection of the bi-partisan political support in South Australia for protection of the State's remnant native vegetation. In fact, successive State Labor and Liberal Governments have, over the last 21 years, progressively improved the state's off-park conservation program, earning the State an international reputation for providing leadership in this area.

That reputation will be further enhanced by the package of changes to the legislation that are introduced through this Bill and the supporting changes envisaged for the regulations.

The Bill will formally end broadacre clearance in the State; provide that any clearance approval is conditional on a net environmental gain; significantly encourage revegetation; ensure that people proposing to clear land, finance the collection of data on which the Native Vegetation Council needs to determine an application; include provisions to allow the public an opportunity to comment on clearance applications; provide a greater deterrent for unauthorised clearance; and improve the enforcement capability. In addition, provision will be made for a judicial appeals process to replace the existing process for landholders to seek conciliation in relation to a Native Vegetation Council decision.

The proposed changes also facilitate implementation of the integrated development approval process (incorporating the assessment of native vegetation clearance proposals where applicable), subject to amendments to the *Development Act 1993* previously approved by Parliament.

The following provisions are unchanged from the 2001 Bill:

Clarification that the Act limits broadacre clearance

Since the introduction of the *Native Vegetation Act 1991*, and consistent with the objectives of the Act and Principles of Clearance (Schedule 1), the Native Vegetation Council has not approved the clearance of intact areas of native vegetation. The Bill proposes an amendment to the Act to provide greater certainty that intact areas of native vegetation will not be approved for clearance.

Introduction of a user-pays system to cover the cost of data collection

Applicants will be required to contribute to the cost of data collection and the preparation of a data report. Data reports will be collected by people accredited by the Native Vegetation Council. Those to be accredited will comprise both public servants and non-public servants who will need specialist training. To avoid any conflict of interest and to avoid the need for an expensive audit process, a specialist section of the Department of Water, Land and Biodiversity Conservation will manage the data collection and reporting process for the Council.

The fee structure, which will be prescribed by regulation, will be based on the reasonable cost of preparing the report. The Native Vegetation Council may resolve to vary or remit this fee, and may resolve to do this for applicants in financial difficulty.

The introduction of a user pays system for data collection will speed up the assessment of native vegetation clearance proposals. Furthermore, the provision of a data report (with a development application) is also necessary to enable the Native Vegetation Council to make directions on development applications referred to it within the two month time period required by the *Development Act 1993*.

This Bill incorporates some changes to the 2001 Bill in relation to providing a significant biodiversity gain in return for a clearance approval; encouragement for revegetation; provisions to facilitate public consultation; and improvement of the enforcement capability and provision for a greater deterrent for unauthorised clearance.

Provide for a significant biodiversity gain in return for clearance approval

The Native Vegetation Council may approve clearance of native vegetation if the clearance is not significantly at variance with the Principles of Clearance (Schedule 1). However, in such circumstances, the Council has used its discretion under the Act to secure a 'net biodiversity gain' by requiring, as a condition of consent, that the landholder must set-aside an area for biodiversity conservation purposes. This may result from placing an area of intact native vegetation under a heritage agreement, de-stocking an area of degraded vegetation and encouraging its regeneration, or revegetating a cleared area. The Bill proposes an amendment to the Act to provide that all clearance approvals will be accompanied by a condition that will result in a significant environmental benefit, after taking into account the loss of the vegetation to be cleared. However, the Bill includes a new provision that allows the clearance applicant to seek to pay money into the Native Vegetation Fund to compensate for the fact that there will not be a significant environmental benefit on the property where the clearance is proposed to take place.

Accordingly, when giving consent to such clearance, the Native Vegetation Council may attach a condition requiring the applicant to make a payment into the Fund of an amount that the Council considers to be sufficient to achieve an environmental benefit by establishing and maintaining native vegetation on other land in the region.

Money paid into the fund for this purpose must be used by the Native Vegetation Council to establish or regenerate native vegetation within the region of the cleared land. In planning where to apply the funds, the Native Vegetation Council must have regard to the Regional Biodiversity Plan or Plans approved by the Minister.

Encouragement for revegetation

There has been overwhelming support through the review process for the Native Vegetation Act to provide more support for the reestablishment of native vegetation in over-cleared areas.

This is partly achieved through the establishment of 'set-asides' attached to clearance approvals, either on the property where the clearance has occurred, or within the same region and funded by money paid into the Fund.

The Bill does not include the environmental credit system proposed in the 2001 Bill. This innovative concept has not been tried elsewhere and requires more work before it is incorporated into legislation.

In other circumstances, some landholders have revegetated land, sometimes with assistance from Government funding and/or from voluntary landcare support, only to find the land has been cleared following change of ownership. The existing Act does not provide a mechanism for controlling such clearance. The Bill proposes that landholders may voluntarily apply for the Act to apply to revegetated areas, which if approved by the Native Vegetation Council, will be noted against the title to the land to ensure that future owners are aware of the provision.

In addition, money paid into the Native Vegetation Fund resulting from a penalty or exemplary damages in relation to offences against this Act must, as far as practicable, be used to establish native vegetation on land in the vicinity of the cleared land. In determining a suitable area for revegetation, the Council must again have regard to the Regional Biodiversity Plan or Plans and associated pre-European mapping (if any) that apply in the vicinity of the relevant land.

Public consultation

A number of provisions are made to improve public access to information on clearance applications and to provide the public with the opportunity to make representations to the Native Vegetation Council on a particular application.

The Council is required to maintain a public register of applications to clear native vegetation. The register must include details of the name of the applicant, the date of application, a description of the proposed clearance, the location of the land, and the decision made by the Council. The register must be made available at the principal office of the Council as well as through the internet. Copies of the application, including the data report, and any assessment made by the Department of Water, Lands and Biodiversity Conservation, will also be made available to the public.

Any person will be given a specific statutory entitlement to make a written representation to the Council in respect of an application within a prescribed period. At the discretion of the Council, a person, or a representative of a group of people, may be heard by the Council in respect of an application.

Improved enforcement capability

Over the past nine years, there have been concerns about the level of unauthorised clearance and the ineffective enforcement powers, which in turn has encouraged others to clear without appropriate approval.

A number of measures are proposed to remove existing impediments to the enforcement process and to provide a greater deterrent for unauthorised clearance:

- Criminal proceedings will still be instigated for significant breaches of the Act. The maximum penalty is increased from the $50 000 proposed in the 2001 Bill to $100 000.
- Provision is included for expiation fines to apply to minor breaches of the Act. Such breaches are currently generally dealt with by the issue of a warning letter. Administrative arrangements will be established to ensure that expiation fines are not used for significant breaches of the Act.
- As provided in the 2001 Bill, Civil proceedings will be heard in the Environment, Resources and Development Court (ERD), the specialist court established under the *Environment, Resources and Development Court Act 1993* to deal with environmental and natural resource management matters. The ERD Court has flexibility in the way it deals with matters before it, such as the referral of a dispute to a conference of parties.
- Applications to the Court for enforcement may be made by the Native Vegetation Council, or a person who has legal or equitable interest in the land. Provision is also made in the Bill for limited third party civil enforcement rights where the Native Vegetation Council has indicated that it will not take action in relation to a breach of the Act. *Ex parte* application to the ERD Court to join enforcement proceedings is already provided for.
- A 'make good' order will be imposed as part of proceedings and in addition to any penalty imposed. Provision is made for the penalty to at least equate to the benefits that a landholder has gained through not complying with the legislation. These provisions will discourage a person from clearing without approval on the anticipation that a possible penalty will be outweighed by greater financial returns from the cleared land. The Bill maintains the provision included in the 2001 Bill that the Court may refuse to issue a 'make good' order if it is satisfied that compliance with the order would not be reasonably practical. However, this Bill provides that the Court may not take into account financial grounds in this regard, unless it considers a 'make good' order would be unduly harsh.
- Given the significance of Heritage Agreement areas, the Bill maintains the provision in the 2001 Bill to make a breach of a Heritage Agreement a breach of the Act and subject to civil enforcement proceedings.
- The Bill proposes to improve the powers of Authorised Officers to collect evidence in relation to a suspected breach of the Act, in line with powers under more recent legislation such as the *Development Act 1993* and the *Environment Protection Act 1993*. These provisions remain largely unchanged from the 2001 Bill and include, for example, the ability to enter land without a warrant and to take a sample of cleared vegetation for formal identification purposes, or to take photographs or other recordings necessary for enforcement purposes. Also without a warrant, an Authorised Officer would be able to stop a vehicle suspected to be involved in the unauthorised clearance of native vegetation. With a warrant, an Authorised Officer would also be able to require the production of documents held by a person in relation to the suspected unauthorised clearance.
- The Bill follows the 2001 Bill by providing that specific Authorised Officers may direct a person who has breached the Act, or is likely to breach the Act, to refrain from that activity. To enable the Minister to respond rapidly in a case where an Authorised Officer is not able to attend such a situation, the Minister may issue a notice (for example by facsimile transfer) that specifically authorises a person, whom the Minister thinks fit, to issue such a direction.
- Provisions included in the 2001 Bill relating to offences by Authorised Officers are considered unreasonable and have not been included in this Bill.

This Bill, as was the case with the 2001 Bill, continues to provide that landholders will be able to seek a judicial review of the administrative process in relation to a decision on a clearance application by the Native Vegetation Council. The appeal may not relate to the merit of the Native Vegetation Council decision, and this aspect of the scheme has been tightened-up even further. However, the Bill differs from the 2001 Bill by providing that the appeals will be made to the ERD Court rather than the District Court. This focuses all non-criminal matters in the one specialist environmental court. The existing conciliation process will not be retained. To ensure that there is a review of the appeal mechanism by Parliament, the provision is sunsetted to January 2007.

The appeals mechanism may only be initiated by the landholder aggrieved of a Native Vegetation Council Decision. In view of the limited nature of these appeals, no provision is made for a third party to initiate an appeal, although under the rules of the ERD Court, a third party may apply to join an appeal. The Bill provides a time limit within which appeals must be made. Decisions made before the commencement of this provision are not subjected to an appeal. Landholders aggrieved by old decisions have the opportunity to lodge a fresh application.

No right of appeal will be allowed in relation to applications that vary or terminate a Heritage Agreement given that Heritage Agreements should only be varied by agreement of both parties to the agreement.

In addition to the key features of the Bill, the proposed regulation change will feature:

- tightening of the exemptions to avoid misuse;
- provision for the Crown to be also bound for new works—bringing the Crown into line with the rest of the community;
- provision for greater flexibility for reasonable clearance—largely through the establishment of approved guidelines; and
- increasing protection to include large dead trees that are habitat for threatened species.

Conclusion

The *Native Vegetation (Miscellaneous) Amendment Bill 2002*, combined with proposed changes to the *Native Vegetation Act 1991* Regulations will significantly improve the legislative protection for the State's biodiversity. The Bill largely follows the *Native Vegetation (Miscellaneous) Amendment Bill 2001* that was passed by the House of Assembly in November 2001. Changes have been included to further strengthen the legislation to protect the State's significant native vegetation resource. At the same time, landholders will have access through the ERD Court to a judicial appeal process in relation decisions of the Native Vegetation Council.

I commend this Bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will be brought into operation by proclamation.

Clause 3: Amendment of s. 3—Interpretation

This clause relates to the definitions that are relevant to the operation of the Act. "Land" is to include land submerged by water. Various consequential changes are also made to the section.

Clause 4: Insertion of s. 3A

For the purposes of the Act, a stratum of native vegetation is to be taken to be substantially intact if, in the opinion of the Council, the stratum has not been seriously degraded by human activity during the preceding 20 years, disregarding human activity that has resulted in a fire.

Clause 5: Amendment of s. 4—Application of Act

It is necessary to revise the provisions relating to the area of the application of the Act, particularly in view of changes to councils, and changes to terminology under the *Development Act 1993*.

Clause 6: Amendment of s. 6—Objects

The objects are to be revised to an extent. Reference is to be made to the commonly held desire of landowners to preserve, enhance and manage native vegetation on their land, and to the need to prevent additional loss of the quality and quantity of native vegetation in the State.

Clause 7: Amendment of s. 8—Membership of the Council

The Council includes a person nominated by the LGA, who will be selected by the Minister from a panel of three persons who have been so nominated.

Clause 8: Amendment of s. 14—Functions of the Council

This clause makes an amendment to include reference to degraded vegetation. Express provision is to be included with respect to the council taking into account, and seeking to further, the objects of the Act and the principles of clearance of native vegetation when acting on a referral. The Council will be required to investigate any complaint as expeditiously as possible.

Clause 9: Amendment of s. 15—Delegation of powers and functions

These amendments relate to delegations to a local council or council officers.

Clause 10: Repeal of Division 2 of Part 3

The provisions relating to conciliations under the Act are to be repealed.

Clause 11: Amendment of s. 21—The Fund

Amounts payable under section 29(10)*(d)* of the Act, as are exemplary damages awarded under other provisions of the Act, are to be paid into the Fund. This money is to be used (as far as practicable) to establish native vegetation on land, and to maintain that vegetation once it is established.

Clause 12: Substitution of heading

This amendment is consequential.

Clause 13: Amendment of s. 23—Heritage agreements

This amendment makes express provision as to the purposes for which a heritage agreement will be entered into.

Clause 14: Amendment of s. 23B—Registration of heritage agreements

This amendment will expressly provide that a note against an instrument of title or against land must not be removed by the Registrar-General except on due application under the Act.

Clause 15: Repeal of s. 23C

This is a consequential amendment.

Clause 16: Insertion of Division 2 of Part 4

Certain revegetation arrangements are to be recognised.

Clause 17: Insertion of heading

This amendment is consequential.

Clause 18: Amendment of s. 24—Assistance to landowners

An owner of land who proposes to undertake revegetation in accordance with an arrangement approved under new Division 2 of Part 4 will be able to apply to the Council for financial assistance.

Clause 19: Amendment of s. 25—Guidelines for the application of assistance and the management of native vegetation

Draft guidelines that relate to land within the catchment area of a catchment management board will be submitted to that board for comment. Specific power to vary or replace guidelines is to be vested in the Council.

Clause 20: Amendment of s. 26—Offence of clearing native vegetation contrary to this Part

Penalty provisions under section 26 are to be revised so that the specific monetary penalty is $100 000. An expiation fee is also to be introduced. Civil proceedings will also follow if a conviction for an offence occurs (unless such proceedings have already been commenced).

Clause 21: Amendment of s. 27—Clearance of native vegetation

It will now be generally the case that the Council may not consent to the clearance of vegetation that comprises or forms part of a stratum of native vegetation that is substantially intact.

Clause 22: Amendment of s. 28—Application for consent

An application for consent under the Act will now need to include information that establishes that proposed planting will result in a significant environmental benefit, or information that establishes that it is not possible to achieve such a benefit (which may then be accompanied by a proposal to make a payment of money into the Fund for the establishment or revegetation of native vegetation within the same region). It will also be necessary to provide a report relating to the proposed clearance that has been prepared by a recognised body. The report will be made available to the public, together with any departmental assessment report.

Clause 23: Amendment of s. 29—Provisions relating to consent

The scheme under section 29 must be revised. A specific entitlement to make written representations to the Council on an application for consent is to be included. The Council will also be entitled to allow persons to appear before it in order to make submissions in relation to an application.

Clause 24: Substitution of s. 30

Separate provision is to be made for conditions of consent. Various kinds of conditions may be considered.

Clause 25: Substitution of s. 31

The civil enforcement proceedings are to be revised. An application will now be made to the Environment, Resources and Development Court. Specific provision is made for certain orders and notices to be made or issued by the Court. Specific provision will be introduced to make a failure to comply with an order of the Court a contempt of the Court.

Clause 26: Amendment of s. 32—Appeals

These are consequential amendments.

Clause 27: Amendment of s. 33—Commencement of proceedings

The period for commencing enforcement proceedings is to be changed from 3 years to 4 years.

Clause 28: Insertion of Division 3 of Part 5

This clause makes specific provision for the appointment and powers of authorised officers.

Clause 29: Insertion of Parts 5A and 5B

Certain matters will be the subject of appeal rights to the ERD Court. The appeal will be in the nature of a judicial review of an administrative decision, and it is made clear that it is not intended to allow a "merits review" of any decision. Part 5A (*Administration Appeals*) is to expire on 1 January 2007.

Clause 30: Insertion of s. 33J

This provision is associated with the vesting of jurisdiction in the ERD Court.

Clause 31: Amendment of s. 34—Evidentiary provisions etc.

Certain facts determined by the use of devices are to be accepted as proved in the absence of proof to the contrary.

Clause 32: Substitution of s. 36

The repeal of section 36 is consequential. Costs and expenses incurred by the Council in taking action under the Act are to be assessed by reference to the reasonable costs and expenses of an independent contractor.

Clause 33: Repeal of s. 37

This is a consequential amendment.

Clause 34: Insertion of ss. 40A and 40B

The register of applications for clearance under the Act is to be given statutory status. The register is to be available on the internet. It is also intended to include a provision allowing the Minister to delegate a function or power under the Act.

Clause 35: Amendment of s. 41—Regulations

Certain fees may need to be prescribed by reference to the Minister's estimate of the cost of the service that is provided.

Clause 36: Amendment of Development (System Improvement Program) Amendment Act 2000

The *Development (System Improvement Program) Amendment Act 2000* contains provisions relating to the areas of the State to which the *Native Vegetation Act 1991* applies. These provisions have now been superseded by amendments made by this Act.

Schedule

These are technical amendments.

The Hon. I.F. EVANS secured the adjournment of the debate.

ELECTRICITY (MISCELLANEOUS) AMENDMENT BILL

The Hon. K.O. FOLEY (Deputy Premier) obtained leave and introduced a bill for an act to amend the Electricity Act 1996. Read a first time.

The Hon. K.O. FOLEY: 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 government recently introduced the *Essential Services Commission Bill 2002* into this House seeking to establish the Essential Services Commission as a powerful regulator with jurisdiction over the areas of electricity, gas, ports, rail and water.

A key initial role of the Essential Services Commission is to protect the interests of consumers following the introduction of Full Retail Competition early next year.

Today the government is able to deliver on another key election commitment by introducing the *Electricity (Miscellaneous) Amendment Bill 2002*. This bill reiterates the government's commitment to the long term interests of South Australian electricity consumers by further empowering the Essential Services Commission to perform its key role and establishing a comprehensive regulatory framework incorporating a range of customer protections.

By combining a powerful regulator with a broader regulatory regime, all enshrined in legislation, this government is ensuring it maintains effective oversight of the provision of this essential service in preparation for the introduction of full retail competition next year.

The introduction of full retail competition will mean that all South Australian electricity customers will be able to choose their electricity retailer. This will present a fundamental change in the way some 730 000 customers, with annual electricity consumption of less than 160MWh, being domestic households and small businesses, take supply of an essential service. Under current arrangements, these customers are only able to take supply from AGL.

There will no doubt be those customers who, in preparation for full retail competition, will seek and enter into new contracts from 1 January 2003, be it with AGL or another retailer supplying this class of customer.

However it is also to be expected that a large number of these small customers will not have entered into a new contract in preparation for full retail competition. The proposed amendments to the Electricity Act will protect both those customers who choose to shift electricity retailers and those who stay with their current supplier. The current legislative environment does not guarantee that any of these small customers will enjoy an appropriate level of protection after 1 January 2003.

The experience of 1 July 2001, where almost 3000 commercial consumers became contestable with the removal of the grace period tariff, demonstrates all too clearly what can occur when electricity customers are faced with having to negotiate their own contracts, in a climate where there is initially limited competition. It should be noted that in July 2001 these were relatively sophisticated commercial consumers, not small customers who may not be in a position to negotiate a contract.

This government does not want a repeat of that unacceptable situation where the Liberal Government was forced to react to mounting pressures from the business community, given the previous government's lack of foresight and preparation for the removal of the grace period tariff.

It is for this reason that this government is striving to establish appropriate protections well in advance of full retail competition.

These protections will ensure that, as the incumbent retailer, AGL is obliged to offer a 'standing contract' to all small customers, be they existing or new, as at 1 January 2003. This will ensure that all domestic household and small business customers will have a retail contract, even if they haven't entered into a new contract with AGL or any other retailer of their own accord.

But the government recognises that not only should small customers be entitled to continue to receive electricity, they should be entitled to receive that electricity at a justifiable price, and be aware of that price before their supply commences.

In recognition of this, the legislative amendments will require the electricity retailer to publish not only the tariff which the customer will be charged under the standing contract, but a justification of that price.

It will then be the role of the Essential Services Commission, as the independent regulator, to assess the price and its justification, and most importantly, if it considers the prices are not justifiable, to set an appropriate price.

Having dealt with the immediate availability of retail contracts from 1 January 2003, the bill also ensures that where a customer moves into new premises where electricity is supplied by a particular retailer, or enters a fixed term contract which subsequently expires without a replacement contract being entered into, that customer will continue to receive electricity by obliging the retailer with responsibility for those premises to continue supplying under a 'default contract'. Again, these retailers will be subject to the price justification regime imposed by the Essential Services Commission.

As with any regulatory framework, sufficient penalties must be available, and enforced, where there is a breach.

This government recognises that in an industry as large as the electricity retail market, where the provision of the service is essential, there needs to be an appropriate deterrent to minimise any likely breaches. It is for this reason that this bill will amend the current penalties such that, in instances of a primary Code or licence breach, a maximum penalty of $1 million will be applied.

Penalties for breaching a price determination issued by the Essential Services Commission will attract a maximum penalty of $1 million, as specified in the Essential Services Commission Act.

In instances where a Code or licence breach does occur, the bill includes a comprehensive process for rectification, to be utilised by the Essential Services Commission, involving the issuing of warning notices and the entering into of statutory undertakings.

As the proposed amendments illustrate, the government believes that customers deserve peace of mind which comes from knowing that their electricity will continue to be supplied, under terms and conditions which are overseen by a powerful regulator, and at a price which is justified.

Whilst it is difficult to predict the level of retail competition in the South Australian small customer market on 1 January 2003, one thing is certain, customers will be protected as they adjust to a new environment, to the full extent of this government's powers.

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.4—Interpretation

This clause amends section 4 of the Act by inserting definitions for terms used in the measure. It defines "annual electricity consumption level" as meaning a level of consumption of electricity determined in accordance with the regulations. It is contemplated that the regulations may, for that purpose, make provision for the estimation or agreement of the level in specified circumstances.

It also defines "Commission" as meaning the Essential Services Commission which is to be established under a measure currently before the Parliament.

"Small customer" is defined as meaning a customer with an annual electricity consumption level less than the number of MWh per year specified by regulation for that purpose, or any customer classified by regulation as a small customer.

This clause also makes consequential amendments to section 4 of the Act, by striking out several definitions.

Clause 4: Amendment of s. 6G—Establishment of board

This clause amends section 6G of the Act by substituting the Minister to whom administration of the *Electricity Act 1996* is committed for the Treasurer for the purpose of consultation with holders of licences regarding appointments to the board.

Clause 5: Insertion of ss. 6N and 6O

Clause 5 inserts two additional sections. Section 6N(1) provides that the Planning Council may, by written notice, require a person to give information in that person's possession to the Planning Council within a reasonable time where that information is reasonably required by the Planning Council for the performance of the Planning Council's functions under the Act, or any other Act, or the National Electricity Code. Subsection (2) provides that the person required to give information under this section must provide the information to the Planning Council within the time stated in the written notice. Contravention of this section is an offence, and carries a maximum penalty of $20 000. Subsection (3) provides that a person cannot be compelled to provide information under this section if that information might tend to incriminate the person of an offence.

Section 60(1) provides that the Planning Council must preserve the confidentiality of information gained by the Planning Council in the course of performance of its functions under the Act where that information could affect the competitive position of an electricity entity or other person, or

is commercially sensitive for some other reason.

Subsection (2) provides that subsection (1) does not apply to the disclosure of information between persons engaged in the administration of the Act, and includes persons engaged to provide legal or other professional advice to the Planning Council.

Subsection (3) provides that information that has been classified as confidential by the Planning Council is not liable to disclosure under the *Freedom of Information Act 1991*.

Clause 6: Amendment of s. 15—Requirement for licence

This clause amends the penalty provision of section 15 of the Act, raising the maximum penalty from $250 000 to $1 000 000.

Clause 7: Amendment of s. 17—Consideration of application

This clause makes a consequential amendment to section 17 by striking out paragraph *(ab)* of subsection (2). The amendment is consequential on the expiry of the cross-ownership rules set out in Schedule 1.

Clause 8: Amendment of s. 21—Licence conditions

This clause amends section 21 of the Act by providing that the Industry Regulator must or may make a licence subject to certain conditions determined by the Industry Regulator, rather than limiting that requirement to the issue of a new licence.

Clause 9: Amendment of s. 22—Licences authorising generation of electricity

This clause amends section 22 of the Act by providing that the Industry Regulator must make a licence authorising the generation of electricity subject to certain conditions determined by the Industry Regulator, rather than limiting that requirement to the issue of a new licence.

Paragraph *(b)* amends subsection (1)*(c)*(i), which requires the electricity entity to prepare and periodically revise a safety and technical management plan dealing with matters prescribed by regulation, by extending the subject matter of the plan to include reliability and maintenance.

Clause 10: Amendment of s. 23—Licences authorising operation of transmission or distribution network

This clause amends section 23 of the Act by providing that the Industry Regulator must make a licence authorising the operation of a transmission or distribution network subject to certain conditions determined by the Industry Regulator, rather than limiting that requirement to the issue of a new licence.

Paragraph *(b)* amends subsection (1)*(c)*(i), which requires the electricity entity to prepare and periodically revise a safety and technical management plan dealing with matters prescribed by regulation, by extending the subject matter of the plan to include reliability and maintenance.

Paragraph *(c)* amends subsection (1)*(k)* by requiring the electricity entity to participate in an ombudsman scheme that applies to the electricity industry and to other regulated industries (within the meaning of the *Essential Services Commission Act 2002*, a measure that is currently before the Parliament) prescribed by regulation, and the terms and conditions of which are approved by the Commission.

Paragraph *(d)* removes the reference to non-contestable customers in subsection (1)*(n)*(iv) and replaces it with a reference to small customers.

Paragraph *(e)* inserts two additional subsections in section 23. Subsection (5a) provides that if an electricity entity fails, within a period of 90 days from a date specified by the Commission by written notice to the entity, to enter into an agreement with another electricity entity specified by the Commission as required by a condition of the entity's licence imposed under subsection (1)*(n)*(viii) (a coordination agreement), the entity will, if the Commission so directs by written notice to the entity, be taken to have entered into such an agreement with the other entity, containing terms specified in the notice.

Subsection (5b) provides that the Commission may vary or substitute terms of certain coordination agreements.

Clause 11: Amendment of s. 24—Licences authorising retailing

Paragraphs *(a) (c)* and *(f)* make amendments to section 24 of the Act to remove references to non-contestable customers.

Paragraph *(b)* amends subsection (2) by providing that the Industry Regulator must make a licence authorising the retailing of electricity subject to certain conditions determined by the Industry Regulator, rather than limiting that requirement to the issue of a new licence.

Paragraph *(d)* amends subsection (2) by striking out subsections *(d), (e), (f)* and *(g)* and substituting two new paragraphs. Paragraph *(d)* imposes a condition that requires the electricity entity to comply with code conditions which the Commission must make under the *Essential Services Commission Act 2002* (a measure currently before Parliament) on or before a prescribed date, and which relate to the provision of pricing information. This information enables small customers to compare competing offers in the retail electricity market. Paragraph *(e)* imposes a condition that requires the electricity entities to comply with code provisions as in force from time to time relating to standard contractual terms and conditions to apply to the sale of electricity to small customers, thus protecting the small customer.

Paragraph *(e)* amends subsection (2)*(l)* by requiring an electricity entity that sells electricity to customers with an annual electricity consumption level of less than 750 Megawatt Hours per year to participate in an ombudsman scheme that applies to the electricity industry and to other regulated industries (within the meaning of the *Essential Services Commission Act 2002*, a measure that is currently before the Parliament) prescribed by regulation, and the terms and conditions of which are approved by the Commission.

Clause 12: Amendment of s. 24A—Licences authorising system control

This clause amends section 24A of the Act by providing that the Industry Regulator must make a licence authorising system control over a power system subject to certain conditions determined by the Industry Regulator, rather than limiting that requirement to the issue of a new licence.

Clause 13: Amendment of s. 25—Offence to contravene licence conditions

This clause amends the penalty provision of section 25(1) of the Act, raising the maximum penalty from $250 000 to $1 000 000. Paragraph *(b)* substitutes subsection (2) and introduces a measure allowing an offence under the section to be prosecuted as either an indictable offence or a summary offence, at the discretion of the prosecutor. However, if the offence is prosecuted as a summary offence, a maximum fine of $20 000 applies.

Recovery of profit (currently dealt with in subsection (2)) is to be dealt with under proposed section 94A.

Clause 14: Amendment of s. 30—Register of licences

This clause amends section 30 of the Act by requiring the Industry Regulator to keep a register of licences that are currently held by electricity entities, rather than of licences that have been issued.

Clause 15: Amendment of s. 35A—Price regulation by determination of Commission

This clause amends section 35A(1) of the Act by providing that a determination referred to in the subsection is made under the *Essential Services Commission Act 2002*, a measure currently before the Parliament.

Paragraph *(b)* makes a consequential amendment in relation to a reference to non-contestable customers.

Paragraph *(c)* inserts a measure providing that, despite the provisions of the *Essential Services Commission Act 2002* (a measure currently before Parliament) a determination of a kind referred to in subsection (1)*(a)* is not to be stayed pending deter-

mination of an application for review or an appeal under Part 6 of the Act.

Clause 16: Amendment of s. 36—Standard terms and conditions for sale and supply

This clause makes a consequential amendment relating to a reference to non-contestable customers.

Clause 17: Insertion of Division 3AA of Part 3

This clause inserts Division 3AA into Part 3 of the Act. The Division inserts two additional sections providing special provisions relating to small customers. Section 36AA provides that—

- the section applies to an electrical entity which has been declared by the Governor to be an electrical entity to which the section applies;
- it is a condition of the electricity entity's licence that the entity must, at the request of a small customer, agree to sell electricity to the customer at the entity's standing contract price, and subject to the entity's standing contract terms and conditions (this avoids a situation in which a small customer may be unable to secure an offer of a retail contract.);
- a current small customer of an entity, on the commencement of the section and if the customer has not contracted with another electricity entity for the purchase of electricity from the commencement date, is taken to have requested that the entity sell electricity to the customer on the basis referred to in subsection (2) (this measure protects small customers during the transition to full retail competition.);
- an entity is not required to sell electricity to a customer if the entity is entitled in accordance with the entity's standing contract terms and conditions to refuse to sell electricity to that customer.

Subsection (6) defines "standing contract price" as meaning whichever of the following is the price last fixed:

(a) the price fixed for the sale of electricity to non-contestable customers by the electricity pricing order under section 35B immediately before 1 January 2003;

(b) a price fixed by the entity as the entity's standing contract price by notice published in the *Gazette* and in a newspaper circulating generally in the State, where—

(i) the price was fixed by the notice with effect from the end of the period of 3 months from the date of publication of the notice; and

(ii) the notice contained a statement of the entity's justification for the price; and

(iii) the Commission did not, within the period of 3 months, fix the entity's standing contract price as referred to in paragraph *(c)*;

(c) a price fixed by the Commission as the entity's standing contract price by a determination of a kind referred to in section 35A(1)*(a)*.

"standing contract terms and conditions" is defined as meaning terms and conditions that have been published by the electricity entity under section 36 as the entity's standing contract terms and conditions.

Subsection (7) provides an expiry date for the operation of the section of 1 July 2005.

Section 36AB provides that—

- the section applies to an electrical entity holding a licence authorising the retailing of electricity and selling electricity to one or more small customers in South Australia; and
- it is a condition of the electricity entity's licence that the entity must, if the entity becomes bound in accordance with the regulations to sell electricity to a small customer under a default contract arrangement for a period specified in the regulation, give the customer written notice and sell electricity to the customer at the entity's default contract price and subject to the entity's default contract terms and conditions.

Subsection (3) defines "default contract price" as meaning whichever of the following is the price last fixed:

(a) the price fixed for the sale of electricity to non-contestable customers by the electricity pricing order under section 35B immediately before 1 January 2003;

(b) a price fixed by the entity as the entity's default contract price by notice published in the *Gazette* and in a newspaper circulating generally in the State, where—

(i) the price was fixed by the notice with effect from the end of the prescribed period from the date of publication of the notice; and

(ii) the notice contained a statement of the entity's justification for the price; and

(iii) the Commission did not, within the prescribed period, fix the entity's default contract price as referred to in paragraph *(c)*;

(c) a price fixed by the Commission as the entity's default contract price by a determination of a kind referred to in section 35A(1)*(a)*.

"Default contract terms and conditions" is defined as meaning terms and conditions that have been published by the electricity entity under section 36 as the entity's default contract terms and conditions.

This amendment protects both customer and electricity entity in the event that there is no standing contract in existence by providing a clear basis upon which electricity is sold to the customer.

Clause 18: Insertion of Divisions A1 and A2 of Part 7

This clause inserts Divisions A1 and A2 into Part 7 of the Act. Division A1 inserts two additional sections. Section 63A(1) provides that the Commission may issue a warning notice to a person who is in contravention of Part 3 of the Act. The warning notice warns the person that the person will be prosecuted for the contravention unless, if the contravention is capable of being rectified, the person takes certain specified action to rectify the contravention within a specified period, and gives the Commission an assurance, in specified terms and within a specified period, that the person will avoid a future contravention of that kind.

Subsection (2) provides that the Technical Regulator may issue a warning notice to a person where it appears to the Technical Regulator that the person has contravened Part 6 of the Act.

Subsection (3) provides that a warning given under section 63A must be in writing.

Subsection (4) provides that actions which may be specified to rectify contravention may include actions the effect of which is to remedy any adverse consequences of the contravention. These actions include (but are not limited to) refunding amounts wrongly paid, compensation, disclosure of information and publication of advertisements relating to the contravention or remedial action.

Subsection (5) allows a warning issued under this section to be varied.

Subsection (6) provides that if the Commission or Technical Regulator, as the case requires, has issued a warning notice to a person, the Commission or Technical Regulator may not take proceedings against the person in respect of the contravention to which the warning notice relates unless—

- the person fails to take the specified action to rectify the contravention within the specified time; or
- the person fails to give the Commission or Technical Regulator, as the case may require, an assurance in the specified terms within the specified period; or
- the person contravenes an assurance given by that person in response to the warning notice.

Section 63B(1) provides that the Commission must keep a register of warning notices issued, and also a register of assurances given, issued by or given to the Commission under Division A1. Subsection (2) imposes the same requirement on the Technical Regulator. Subsection (3) provides that a person may inspect these registers without payment of a fee.

Division A2 inserts section 63C. Section 63C(1) provides that the District Court may grant an injunction in such terms as the Court determines to be appropriate. The injunction may be granted if the Court is satisfied that a person has engaged or proposes to engage in conduct that contravenes or would contravene the Act. Application to the Court for such an injunction may be made by the Minister, the Commission, the Technical Regulator or any other person.

Subsection (2) provides the Court with the power to order a person to take specified action to remedy adverse consequences of that person's conduct.

Subsection (3) provides that actions which may be specified to remedy contravention may include (but are not limited to) refunding amounts wrongly paid, compensation, disclosure of information and publication of advertisements relating to the contravention or remedial action.

Subsection (4) provides that the Court may make an injunction under this section either in proceedings in which the Court convicts a person for an offence to which the application relates, or in proceedings brought specifically for the purpose of obtaining the injunction.

Subsection (5) provides that the Court may grant an injunction that *restrains* a person from engaging in conduct that constitutes a contravention of the Act whether or not it appears to the Court that the person intends to engage again, or continue to engage, in that

kind of conduct. The Court may also grant the injunction whether or not the person has previously engaged in conduct that constitutes a contravention of the Act. The section does not require that there be an imminent danger of substantial damage to any other person if the person engages in conduct that constitutes a contravention of the Act.

Subsection (6) provides that the Court may grant an injunction that *requires* a person to do an act or thing whether or not it appears to the Court that the person intends to refuse or fail again, or to continue to refuse or fail, in that act or thing. The Court may also grant the injunction whether or not the person has previously refused or failed to do that act or thing. The section does not require that there be an imminent danger of substantial damage to any other person if the person refuses or fails to do that act or thing.

Subsection (7) provides for the granting of interim injunctions.

Subsection (8) provides that a final injunction may be granted under the section without proof that proper grounds exist for the injunction, provided that the injunction is made with the consent of the parties.

Subsection (9) provides that where the applicant for an injunction is the Minister, the Commission or the Technical Regulator, there will be no requirement of an undertaking as to damages.

Subsection (10) provides that the Minister may give an undertaking as to damages or costs on behalf of another applicant. If an undertaking of that sort is given, then no further undertaking will be required.

Subsection (11) provides that an injunction under the section may be rescinded or varied at any time.

Clause 19: Amendment of s. 64—Appointment of authorised officers

This clause amends section 64 of the Act by removing the reference to the expired Schedule 1 (Cross-ownership rules).

Clause 20: Amendment of s. 75—Review of decisions by Commission or Technical Regulator

This clause amends section 75 of the Act by striking out provisions relating to rectification orders relevant to breaches of the expired cross-ownership rules.

Clause 21: Amendment of s. 80—Power of exemption

This clause amends section 80 of the Act by removing references to the expired Schedule 1.

Clause 22: Insertion of s. 94A

This clause inserts an additional section. Section 94A provides the Court with the power to order a person convicted of an offence against the Act to pay to the Crown an amount not exceeding the amount of benefits acquired by, or accrued or accruing to, the person as a result of the commission of the offence.

Clause 23: Amendment of s. 96—Evidence

Clause 23*(a)* and *(c)* amend, respectively, sections 96(2)*(b)* and 96(3a)*(b)* of the Act by extending the operation of those subsections to include an apparently genuine document purporting to be a certificate of, respectively, the Commission and the Technical Regulator certifying as to the issuing and receipt of certain documents, and by extending the type of documents to include a notice and an assurance.

Paragraph *(b)* makes a consequential amendment in relation to a reference to a non-contestable customer. An evidentiary aid is provided in relation to small customers.

Clause 24: Amendment of s. 98—Regulations

This clause makes a consequential amendment relating to prescribing contestability

SCHEDULE

Further Amendments to the Electricity Act 1996

This Schedule makes consequential amendments to the Act replacing references to the Industry Regulator with references to the Essential Services Commission.

The Hon. M.R. BUCKBY secured the adjournment of the debate.

APPROPRIATION BILL

Adjourned debate on motion to note grievances.

(Continued from 16 July. Page 854.)

The Hon. W.A. MATTHEW (Bright): It gives me pleasure to be able to again stand before this chamber to reflect upon the government's budget performance while, in the case of this debate, at the same time relating it to the way in which the government has treated the electorate of Bright. I start by reflecting on some of the comments that I made during the Appropriation Bill second reading debate. I remind members of the chamber that, effectively, what we in the opposition have been able to put forward in the chamber is that we have seen this government preside over a budget of deceit, a budget of manipulation and a budget of concocted figures. During my 12½ years in this parliament, I have never before seen a Treasurer manipulate the figures in quite the way in which the current Treasurer has done. One only needs to look at the Treasurer's pre-budget statements about a $300 million black hole (the amount of money that the black hole was to be varied from day-to-day, but the Treasurer finished up calling it a $300 million black hole); one only needs to scrutinise the documents carefully to see where his statements have been drawn from. The Treasurer has deliberately and, I put it to the house, deviously and deceptively, delayed the transfer of $304 million that was outlined by the Liberal government as being moneys that would be transferred into the budget for 2001-02—

The Hon. M.J. Atkinson: Don't waste our time; seek leave to incorporate the rest of your remarks.

The Hon. W.A. MATTHEW: —from Labor's old disaster, to remind the Attorney-General, the State Bank remnants, in this case, through the South Australian Asset Management Corporation and also through the South Australian Finance Authority. Instead of transferring $304 million, which is what should have occurred, the Treasurer manipulated the moneys to create a $62 million black hole deficit, whereas in actual fact there should have been a surplus, and he manipulated the moneys to the extent that he artificially created a surplus of $92 million for the 2002-03 financial year. But therein the Treasurer has created a challenge, because I have yet to see a Labor government that can deliver a balanced budget. I have yet to see a Labor government that can do that. Even though this Treasurer has used the art of deception to try to deliver one at the outset, I have yet to see a Labor government achieve that.

Already within the Labor Party ranks we are seeing dissension. The Attorney-General is fairly joyful because he, of course, is a member of the right wing faction of the Labor Party. But I know that the left wing members of the Labor Party are not so happy with this budget. In fact, they are bemoaning the fact that this budget, in their view, is a very right wing budget and they have not seen the delivery that they want to see. So, the Attorney is probably happy with some of the deliveries there, but a lot of his colleagues are not. It will be interesting to see just how long the Labor Party can hold together at the seams as it endeavours to hold this budget on track. History shows that the Labor Party cannot deliver a balanced budget—and I dare say that, in this case, it will not.

Already, in order to put this budget forward, the government has attacked those in the community who most needed support. One example that has already been cited by members on this side of the house is Labor's attack on self-funded retirees. It is no secret that a Liberal government, if re-elected, would have delivered to self-funded retirees the concessions that they had been wanting for so long—fair and reasonable concessions. Indeed, I represent many self-funded retirees in areas such as Brighton, Marino, Seacliff, Seacliff Park through to Hallett Cove. They are people who are deserving of receipt of the same sort of treatment and concessions that other retirees receive; people who have worked hard, who have put money into superannuation

schemes and into the bank. They are not high income earners, but people who have worked honest, hard lives and who now have had their opportunity for redress, their opportunity for fair financial treatment, ripped away by this heartless government.

It is interesting that many members of the Labor Party told their constituents that the Labor government would deliver on these concessions. How do we know that? Quite simply. Many retirees who have since contacted the Liberal Party rang the offices of different Labor members of parliament and different candidates during the lead-up to the last election. They were told by Labor member after Labor member that they would deliver the same concessions. Well, they failed. Therein lies a challenge to you, Mr Acting Speaker, and to every member of the Labor Party to honour the commitment that many of you have given to self-funded retirees that you would deliver the concessions to them, because they have not received that benefit through this budget.

I would like to briefly to look at the funding that has been allocated to education capital works within my electorate. In the first instance, on the surface, it would appear that there is a good news story for at least two of the schools that are related to my electorate, the first being Kilparrin school at Townsend House. This school that does a fabulous job for young people who are vision and hearing impaired by helping them to gain the special education that they so richly deserve. Kilparrin has for some time required relocation. The Liberal Party in government had already undertaken to Kilparrin that it would receive the funding for relocation. Regrettably, in this budget, while there is funding, it is insufficient to allow the relocation to occur posthaste. But there is $500 000 of a $2.5 million capital works project advance, so the school will be able to commence its project in March of next year and complete it in September 2004.

Likewise, with respect to Christie Downs school, there has been an undertaking for some time that those sites would be rationalised, with the existing facilities refurbished to improve the suitability of the site. There is a very token offering in this budget; in this case, only $200 000. Again, that project will be able to commence in March 2003. With the amount of moneys that have been put forward I dare say that working drawings and calls for tender and little else will be done in that time. Again, that project is due for completion in September 2004. But, of course, because those projects are not until March of next year, it means that Labor has time to dip its hand in the till. I will be watching those schools very carefully to ensure that, as Labor over expends, as history shows it always does, these schools do not suffer.

There is a further school that I wish to mention tonight, and that is the Seacliff Primary School, which has for some time been awaiting the opportunity to start on a good and visionary project: the construction of a school and a community gymnasium, at an estimated cost of about $400 000. That was a commitment through the departmental capital works assistance scheme: $240 000 would be made available to that school to allow those capital works to occur. The school council and the community, through loans and fundraising, would contribute a further $120 000 and there would be a dedicated loan for the balance. So, the opportunity was there. There is no mention in the budget papers of the government's contribution of $240 000 through the departmental capital works scheme. Knowing the way that the department works, it is entirely possible that the money has been allocated departmentally and that the school will receive it but, again, I will watch carefully to see whether Labor has again frittered away that pre-allocated money or whether it will be allocated to the school.

I also wish to refer to police resources, because the constituents of my electorate and many others depend on police resources. They look forward to good response times from the police, but under this government we see an undertaking to increase revenue from fines to the extent of 10 000 more fines whilst at the same time police response times for non-urgent incidents are to be significantly increased from 15 to 20 minutes. Effectively, that means that Labor is taking police away from their duties and putting them on revenue collection to prop up this government's budget. Again, the opposition will watch very carefully Labor's performance on law and order, because we have seen that it is not serious about law and order; the rhetoric is there, but when it comes to delivery it is absent. The government has ripped out prison psychological services with no rehabilitation for offenders.

Time expired.

Mr McEWEN (Mount Gambier): As this whole debate about the first budget of the Labor government draws to a close, I think we need to stand back from the details and ask ourselves a couple of fundamental questions. First, did the government do what it said it was going to do? The answer to that must be yes. The Labor government said that it would shift some priorities and that it would not considerably raise revenue—and I will come to revenue raising in a second—but the broad brush stroke was that they would shift some expenditure patterns in the recurrent budget to put more of the money that we spend on services into schools, hospitals and law and order. Have they done that? The answer has to be yes.

In terms of the capital budget, they said that there would be no more monuments and that they would not spend the capital budget on Torrens precincts, soccer stadiums and wine centres—that there is only so much money for bricks and mortar. They said, 'We won't put the money that we have into the cricket ground; we will put it into the infrastructure that we need to provide the services that we have just talked about.' So, there is some logic in saying that, if we are going to expand services in health, education and law and order, that is where the capital budget should be focused. Have they done that? On balance, yes.

So, one would have to say that when all the bleating is over they have basically done what they said they would do. However, the criticism is more about methodology, about black holes and credits and debits, cash and accrual and all those things. Did they do anything new in that regard? The answer is no. Did they shift some of the money out of the Asset Management Corporation into their balance sheet instead of leaving it in the last government's balance sheet? Yes. Where did they learn that from? They learnt that from the last government. The last government used to love using asset management money—and rightly so—to put the best possible reflection on their balance sheet as they closed their books at the end of the financial year. Has this government done the same thing? Have they tried to put the best possible light on their first budget? The answer is yes. So, they are doing nothing different from what has been done for many years.

Did they rort the state super scheme? On balance, I do not believe they did, but again we need to remind ourselves that this technique was well used, particularly during Premier Olsen's stewardship of the Liberal government. A number of

my budget speeches during the Forty-Ninth Parliament were about what I considered to be dirty pool: the use of the float, the use of forward contributions to the super scheme to balance the books. Again, this is a tactic that every government will use. Of course, the Liberal government will criticise the new Treasurer for doing that, but they need to be honest and frank and say that he has done no more and no less than they have done.

I think there are some problems with details, and it is disappointing to see that we are not offering the support that is required by self-funded retirees. We have actually created for ourselves an older poor: the very people who set about during their lives not to become a burden on the state but who have now found through changing economic circumstances that they are worse off than people who chose to use the public pension system. I think that is sad and that we must look for ways to provide the same support for older people, irrespective of whether they are retirees supported by the public purse or by their private savings or a combination of both.

A couple of revenue raising methods have raised a few eyebrows. One of them has actually raised a select committee. By the time that process has finished, commonsense will prevail certainly around some of the anomalies that were pointed out to the present government when they attempted to increase significantly some of the perpetual leases, temporary leases and war service leases, etc. Given that this government is more than likely to run its full term, I believe we have a significant opportunity over the next couple of years to debate whether the long-term interests of this state are well served by the present tax base. I think the answer to that is no.

We must seriously ask ourselves as a state whether we want to contribute to the quality of life of the state. Do we want the best schools and the best health services in Australia and the most secure environment within which to work and play and raise children? If the answers to those questions are yes, we will have to say, 'We need to fund that.' And we cannot fund that by always trying to find another little tax in some hidden corner. We will have to do that by asking a question about the fundamental tax base that supports this state.

The federal government has done that on a number of occasions. When it needed a generic health care system, the federal government said, 'We will need to pay for it with a specific levy on top of the PAYE tax.' When the federal government said that it wanted to significantly change the gun laws across Australia (who owned what) and it knew that people would have to be compensated for giving up a right, it brought in a levy. When Australians realised that we needed to support a peacekeeping operation in East Timor, as a nation they said that they were prepared to pay a levy. When I recently asked a public meeting in Mount Gambier whether the people of South Australia would support a PAYE levy to provide better aged care for the state, all but one person in that room (over 100 of them) put up their hand and said yes.

I believe that if you genuinely asked working South Australians, 'Are you prepared to put one or two dollars a day into a specific levy to enhance our statewide services that add value to your life and the life of your family and your community?', they would say yes. I believe it is time to ask that question; it is time to say to the people of South Australia, 'Are you prepared to back a state PAYE percentage? If you do, you will have a broader revenue base that will allow us to enhance the quality of life for all South Australians.'

It is time to ask that brave question and work through it in a couple of years. Work through it not during the hothouse of an election campaign but in a bipartisan way over the next couple of years, acknowledging that if we want to significantly improve the services that we provide to this state someone will have to pay for it.

The Hon. M.R. BUCKBY (Light): There are a number of areas in this budget that concern me, but I will direct my remarks this evening to those issues regarding rural transport and the cuts that have occurred to the program of unsealed rural arterial roads. In the forward estimates of the Liberal government, $8.4 million was allocated to the unsealed rural arterial roads program. This has been reduced to $2.8 million; in other words, a $5.6 million cut to rural road infrastructure. It could be said that, as a government, we had to make some cuts and we have to wear it. The point is that there was also a regional roads program to the value of $2.2 million that the previous government put in place—that has disappeared. A freight routes program of $.051 million has also disappeared.

So, the message to me, and I am sure to many country people who do not have access to public transport, who have to travel long distances, who are transporting grain, livestock and a number of other freight commodities over rural roads and long distances, is that this government does not care a bit about them. The fact is that this government has ripped rural road funding out of the budget, and rural South Australians are obviously regarded as second-class citizens, about whom this government cares not one bit. These are most needed programs. In addition, the overtaking lanes program was to be completed by the former Liberal government by the year 2005.

I notice that this program has now been extended to the year 2010. This is a road safety issue, let alone anything else, and to confirm this one only has to look at the accidents occurring on the Sturt Highway and acknowledge the call by all members of the community for more overtaking lanes on that highway. Similarly, overtaking lanes are also urgently required on the Princes Highway en route to Melbourne. This government has delayed that program also by five years.

What is the message there in terms of road safety? One could be forgiven for thinking that this government is slightly hypocritical when it comes out today with a road safety package of, supposedly, $20 million, and yet here it has cut funds to rural roads to the tune of around $8 million or $9 million, as well as delaying the overtaking lanes program by five years. It really does make a mockery of the announcement today about a road safety program.

Those who know something about this matter all agree that road surface is one of the most important factors in road safety, particularly on country roads, and that the sealing of those roads is one of the best safety measures that any government can undertake, bearing in mind the high volume of traffic using those roads. So, there is a complete failure by this government to address the issue and to continue funding for the rural arterial roads program as well as other regional roads programs that were set down by the previous government.

That government had spent more than any other government for some very long time in bringing our rural roads to a standard that was acceptable. I well remember the previous Minister for Transport, the Hon. Diana Laidlaw, with a program of some $10 million, sealing the roads on Kangaroo

Island not only for Kangaroo Island farmers and residents but also for tourism purposes and improving the roads for tourists on Kangaroo Island. That had needed to be done for years but was completely ignored by the Bannon government, even though residents of Kangaroo Island had made numerous representations asking for the roads to be sealed, highlighting the wear and tear on their vehicles because of the gravel roads on the island and the corrugations that occurred. It was ignored.

The previous Liberal government undertook that responsibility. We are back to the old days of Labor governments that do not give a tinker's cuss about the country and have ripped funding out of country roads programs and put them towards other programs, all under the guise of a supposed black hole over which the Treasurer has now been exposed. It is purely a manipulation of money. This government stands to be condemned by rural people, and I can tell members that people from rural electorates are already ringing my office advising me of their contempt for this government in reducing this funding.

Another issue that I want to turn to is that of education. Being the previous minister, that is one issue that remains dear to my heart. This contempt of country people has once again been shown in this budget by this Labor government. One of the most critical schools that required a capital works program was the Ceduna Area School. Of the buildings that are there, not one classroom is a solid brick classroom. They are all Demacs. I went into that school and inspected it when I was minister—

The Hon. M.J. Atkinson: What did you do about it?

The Hon. M.R. BUCKBY: —and we allocated funding towards it; that's what we did about it. We allocated $5.1 million, and the government has cut back the education budget for capital works by some $20 million—

Members interjecting:

The Hon. M.R. BUCKBY: In this financial year, and the planning undertaken last financial year. It is absolute hypocrisy for this government to say that it is spending more on education when in fact it has ripped it out of capital works in the country. Members opposite should visit the Ceduna Area School, because some of the rooms there have no windows; the hessian ceiling is torn and tattered; there are leaks in the roof when it rains; and the lighting is substandard in some of those classrooms. It is a school that does not give students a great deal of hope, purely because of the conditions under which they are learning.

The staff of the Ceduna Area School and the community of Ceduna have lobbied long and hard about this school, and the government has now ripped the funding away from it and said, 'Because you're in the country, you can just put up with it.' That is not good enough by a long chalk.

Ms Ciccarello interjecting:

The Hon. M.R. BUCKBY: How long? They've put up with it for 20 years.

Ms Ciccarello interjecting:

The Hon. M.R. BUCKBY: Why didn't you do something about it in the Bannon years? You were there from 1983 to 1993 and nothing was done. All you did when more buildings were required was rip in another Demac to solve the problem. It was absolutely disgusting. A further one is the Angaston Primary School which, again, has been awaiting redevelopment which was approved in last year's budget, with funding of some $2.4 million, if I recall correctly. They were told on 5 March, 'Everything is under review: there are no more considerations for capital works. Stop all work.' They now know why: because they have been kicked off the budget as well. The story continues. If you are in the country, bad luck.

Mr BRINDAL (Unley): In addressing a grievance—

Ms Ciccarello: Be nice, Mark.

Mr BRINDAL: I will, and I expect the unqualified support of the member for Norwood. In addressing this grievance debate this evening, I pondered what to say, and the result came fairly easily, as I had the unusual privilege of being allowed to be the Minister for Youth for four years. I say 'the unusual privilege' because it has been a tradition in this place, spanning many complexions of government over many decades, for the ministry of youth to be regarded as a junior ministry and therefore assigned to someone who, when they got a more senior position, would normally see it assigned to someone else.

Luckily for me, I held that ministry from the time of my election to it as a junior minister right through to the fall of our government, and it is a ministry to which I was and am particularly committed. It is a ministry that I think in a succession of governments has been largely undervalued. When I became Minister for Youth I found, in my opinion, a philosophy that was very reminiscent of when I grew up, in the Vietnam war days. It was a philosophy of the sixties and was in many ways the philosophy of a deficit model. I do not refer in any way to the work that my predecessors the members for Newland and Coles and, indeed, the member for Fisher, had done in starting to turn this juggernaut around, but I think we would all agree that it was, in political terms, a leftist sort of department with a philosophy built on a deficit model.

That model was quite simply that the Department of Human Services is there to help; the Department of Education is also there to help; but in the end, they are like a safety net, and some young people fall through the holes in the net. So, the Office of Employment and Youth can be the second safety net, and it can provide manikin dolls—simulated baby dolls—to girls in high schools so that they can see what it is like to have a baby, and that might discourage them from getting pregnant. They are all very useful programs but programs that were based on a deficit model of what the young people of South Australia in particular and Australia in general are about.

With my predecessors, I set about trying to create a new paradigm, a paradigm that is built perhaps on the trite but, as I said, this was largely a deficit model. When I tried to speak to young people, I invariably had someone over 40 tell me what they thought. I thought that was strange: you asked the opinion of young people and there were any amount of workers over 40 who would tell you exactly what they thought.

When I said 'Why can't you speak to a young person?', the answer was, 'Some of them lack confidence. Some of them lack self esteem. Some of them lack self image, so we are their translators. They trust us: they would be overawed by the august presence,' probably not of me but certainly of the member for Newland—and the member for Norwood need not laugh—or the member for Morialta. But they would be overawed. Everything that young people thought had to be translated by middle aged, middle-class bureaucrats and then enacted in a way that I often thought reflected the needs of the youth support sector more than the needs of youth.

So together, as a team over eight years, we tried to turn this paradigm around. As I was saying, the idea that youth are our future is trite, because they are much more than our

future: they are our investment; they are our stock in this nation for the years to come. From that generation will come the next generation of this house, the next generation of lord mayors, councillors, presidents of football clubs, and people of all walks of life. The strength and character of this nation is already being forged in the classrooms of South Australia and in the extra curricula activities of our young people.

We sought unashamedly to build a youth portfolio that left those 10 per cent of youth—who got and always will get into an element of trouble—where they belong, with the Department of Human Services or with the Department of Education, rather than make the Office of Employment and Youth a department where a limited amount of money was put to the development of our young people, to the celebration of their youth, to the encouragement of them and their future and to a reaching of their potential.

It was for that reason that we—and I am not sure whether it was minister Hall, minister Kotz, or even the Hon. Mr Such when he was minister—started the concept of the Ministerial Council for Young South Australians. There are still 15 young South Australians between the ages of 13 and 24 who can and will and do, whenever asked, advise the Minister for Youth personally on matters relating to youth, whether it is youth suicide, body piercing or things to do with music. I hope, and I have every confidence, that the Hon. Stephanie Key will keep that council going.

I think it is unique in Australia that a minister for youth can advise this parliament of the needs of youth through a criteria and selection process that just picks 15 very talented young South Australians and puts them to the service of this parliament, in the same way as we will go and get industrialists, lawyers or other eminent people to serve on boards of art galleries, museums and everything else.

In the term of the eight years, my predecessors and I created the youth media awards, the youth showcase and Active8, the youth participation program which last year attracted 1 800 young people. It had a huge success rating, and this year this government is accepting 1 600. What a tragedy! Importantly, we created a youth legislature proposal with the YMCA which I entrusted last year, just before we lost government, to a group of three or four young people.

The courage of this government will be put to the test. Will they succeed this year with their program? It is adventurous, bold and new, and it is being run by people under 25 years of age. Will it work? I am not sure. What I am sure of is that I will be watching, because if the bureaucrats serving this government say, 'Those young people didn't do quite as well as we would have liked last year, so we'll dump them and get 40 year old bureaucrats to run this thing'—

The Hon. M.J. Atkinson interjecting:

Mr BRINDAL: I will not be too deflected, but I did not get on terribly well with the Youth Affairs Council until they set up YPAG, a group of young people, when the Youth Affairs Council consisted of Kym Davey and other tired trade union apparatchiks who did nothing better than sit around and pontificate about what young people needed. I did not get on very well with them, because I actually used to say to them, 'Sorry, I don't want to listen to you; I'll go out and talk to a few young people instead.' I actually got on very well with them. It was they who did not get on very well with me because they did not feel that I valued them to the level that they felt they deserved to be valued—I have to say not without due cause, because the Labor Party in its normal sycophantic way had dribbled all over them for the past 20 years, and they were not used to being undervalued.

I will conclude my remarks by saying that I hope this government will not lose the direction that we started: not because we were a Liberal government; not because we did everything right—far from it. I am sure that we made mistakes in the youth portfolio. But what we did—which was new and unique—was that we started to believe in our youth; we started to trust our youth; and we started to give our youth responsibility. That is something that we as a government entrust to you as a government, and if you let the youth of South Australia down, I will make sure, and everyone of my colleagues in this house will make sure, that there is not one South Australian grandparent, parent or young person who does not understand just how hollow your rhetoric is and how little you care for our kids.

Mrs MAYWALD (Chaffey): My contribution to this debate starts very similarly to how it did back in 1999, when I said:

> This is a high taxing, high spending, Labor treasurer's dream budget. From where the shadow treasurer sits, it is a budget to die for. I am not surprised that the member for Hart has given the government such a hard time about this budget.

That is how I started my budget speech in 1999. One must be forgiven for confusing the 1999 speech with the 2002 speech. The same budget antics: different party. The Treasurer has studied the form of the artful dodger and produced a budget full of tricks and treats.

This is a high taxing, high spending, Labor Treasurer's dream budget: manufacture the deficit, create the illusion of a black hole, use the old SAAMC swindle, throw in a 'tax the rich and give to the poor' line, and the deception is complete. The poor unsuspecting public are none the wiser, and most will not realise the impact of the increases in taxes and charges until it hits them in the back pocket. But then, of course, it is too late, and we have moved into the next budget cycle.

Let me highlight the tricks. The Treasurer, in opposition, was highly critical, as was I, of the former treasurer's use of SAAMC dividends and the unfunded super account to create and then repair black holes. I will quote from the member for Hart's contribution to the 1999 budget:

> As we pull the budget to pieces, we see some significant glaring anomalies, none more than the decision to hold over dividends from SAAMC, the bad bank, from last year's budget to this year's budget. To enable this budget to balance, we have had to hold over moneys from a previous year.

Mr McEwen: Rob Lucas wouldn't have done that!

Mrs MAYWALD: Goodness gracious me, I cannot imagine that Rob Lucas would have done that. In my 1999 contribution, I also highlighted that Rob Lucas did exactly that when he was treasurer. And they are both matters that, at the time, I thought that the Auditor-General would take a close look at.

The SAAMC dividend scam back in 1999 involved the government's decision to transfer or defer SAAMC dividends from 1998-99 to 1999-2000. It is just the kind of cynical budgetary fudge that accrual accounting was supposed to get rid of. The SAAMC dividends back then provided a black hole situation to support the government's black hole budget propaganda story to support the need to sell ETSA. I was highly critical of it back then: I am critical of it again now. It seems to me that the new Treasurer has learnt a lot from the tricks of the previous treasurer.

The former government budgeted to transfer $190 million from SAAMC dividends; the artful dodger transferred zero.

The former government budgeted to fund teacher pay increases to the value of $205 million; the artful dodger settled on $354 million or thereabouts. Already, in just two swift strokes of the pen we have a magic deficit. The swindle is complete when we actually throw in the 'Let's take it from the rich and give it to the poor' line to fill this black hole.

I want to highlight a number of measures on which I congratulate the government: issues with respect to health and education which, in my view, were sorely in need of greater attention. With respect to previous budgets, I believe that governments have put too much emphasis on non-core issues. This budget is a welcome return to the core issues, so long as it is maintained and so long as it is distributed evenly across the state. The devil will be in the detail in this instance, and it will be grossly unfair if the burden of contributing to the new revenue raising measures of this government is taken from country people and not given back in their fair share of the dividends in health and education in particular.

Removing funding from basic infrastructure items in regional areas is counterproductive to the progress of this state. We will not see growth in this state at the level we have seen in the last few years if we cannot sell the state as a place in which people will want to actually invest in the country. By 'the country' I mean the regional areas and the regional areas must be able to offer competitive infrastructure. If we are not investing in that competitive infrastructure we end up with the situation we had with ETSA in that the infrastructure is so run down that it is creating significant problems in regional areas in relation to developing high level and high power generating industries. I think that, with the devil being in the detail, I need to refer to the health budget. And in the consolidated accounts of the health budget we see that there really is a marginal increase in health. In real terms, it certainly will not cover the costs of meeting the needs and the basic operational expenditure of the existing services.

What must be absorbed by hospitals are the public sector wage increases, the emergency services levy (which applied to our public hospitals on 1 July) and the increases in electricity which have been absorbed in the last few years and which will now have to be taken into account by our local hospitals. I wonder what will happen to those people on perpetual leases. They may also be imposed upon to pay the same measure that is being imposed on many of the families in my electorate. The pledge to add just over 100 teachers to the work force certainly will not provide a lot of needed teachers in country areas if the measure of the government is to boost its election capabilities in marginal seats and those teachers go to metropolitan areas and not into the country.

This also creates a situation where the infrastructure to attract professionals into country areas is severely hampered. If we do not have decent teachers and decent schools people will not want to move to the country. They want their kids to have the best possible education and, if we are not providing that education in the country areas to a level that people expect, they will not move out there. No matter what incentive you offer to people to move to the country it is infrastructure that makes them decide to go—what is in it for them and their families. That is where this budget lets the country down badly.

I am looking forward to seeing the end results of the discussions between the Department of Health, the country hospitals and the regional health authorities to determine what the outcomes will be for regional hospitals. I believe that in some areas across the state we have tremendous health facilities. We have been able to provide a service at a far lower cost per head, per unit or per case than various other areas across the state, and I talk in particular of the regional health authority in the Riverland. We have a wonderful health service. We have some fantastic people working to ensure that we get the maximum bang for our buck in the buck that is allocated.

It would be devastating to see that hard work of the last few years ripped away from us in cost-cutting measures in regional areas to bump up the inefficiencies of city health services. We have worked extremely hard over the years to provide resident surgeon facilities within the region. We have worked very hard to set up training programs for medical practitioners in the region. We have entered into a partnership with Flinders University for our PRCC program. We have entered into a partnership with Flinders University now to undertake nursing training at Renmark in the Riverland. All of these things are adding to our infrastructure. We cannot do it without the support of state and federal governments.

We are leading the way in regional Australia in the ability to be able to train and educate people in the country for country positions. Third year medical students are now coming to country areas and spending a full year of their training for their medical degree, which is providing them with much needed experience. It actually removes the fear of working within that environment and is encouraging more people to take up GP training with the intent of coming back into country areas later in life. I think that this is part of what is needed to build strong communities.

If we are not doing it ourselves, making these decisions to build on the capacity that we have, we are not going to be able to compete in the global marketplace in which we have been thrust. The importance of that is the partnership arrangements that we have with local government and state and federal government. That partnership arrangement between the state government needs to be maintained. We need to understand that South Australia does go beyond Gepps Cross. It would be devastating for regional Australia, which has driven the resurgence in the economic recovery of this state, if we are to see the old Labor trick: South Australia ends at Gepps Cross.

I certainly hope that will not be the case. I commend the government for the emphasis on health and education—just do not forget the country and make sure that it is an even spread of the pie and that the extra resources are put out there. Country people have as much right to access good services as metropolitan people.

Mr VENNING (Schubert): Tonight I want to continue with my favourite subject in the 10 minutes available to me and speak about the deep-sea port issue in South Australia. Again, as I have always done, I declare my interest as both a grain grower and, therefore (as is every other farmer in this state), a shareholder of the Australian Wheat Board, the Australian Barley Board and AusBulk, the grain handler. I was very annoyed to hear the Hon. Jay Weatherill's answer to a question from the member for Light about what is happening in relation to the deep-sea port.

As we know, the previous government announced that, with a lot of support from the industry, after 30 years it had decided to build a deep-sea port on the eastern side of the gulf at Outer Harbor, at berth 8, right alongside the international container terminal. That decision was welcomed by everyone in the industry. When I heard today from the minister in this house that the government had not made a decision because all the stakeholders could not agree, I was somewhat

flummoxed—in fact, I was most annoyed. Stage 1 to build the new bridge, that is, the third river crossing bridge in the next 12 months, was included in the budget.

I do not know exactly what stage I comprises, but I would like to know. Does it include rail and road and does it also include the rail extensions over to the area at Outer Harbor, including the loop rail? I thought that it was purely a token mention in the budget paper. It is a grave injustice, particularly considering the Premier's answer to a question, I think, approximately two months ago. As members know, I cannot ask these questions because I have a conflict of interest, but others do—I will not say on my behalf but certainly on my party's behalf.

A question was asked of the Premier about two months ago and he said that this decision was in abeyance but that he was going to make a major announcement shortly. In other words, an announcement relating to the port with something else. I thought, 'Oh, good, this means that he is going to keep it back and wait for the budget or wait for a proper time to announce that the government will not only deepen berth 8 at Outer Harbor for the grain terminal but also include a suitable terminal for loading motor cars'; because we know that we have had a huge increase in the export of motor cars and that a proper facility should be built for storage of motor cars. That was two months ago and we have not heard a thing.

When is this major announcement to be made and why is the government waiting? That is the question: why is the government waiting? I refute entirely the argument from the minister today when he said that he could not get agreement from all the stakeholders. We all know that, in instances such as this, there will always be someone who will disagree. In this instance we had the debate in this house about who was to operate the new facility at Outer Harbor. After much deliberation and decision the previous government decided that it was to be AusBulk, that is, the current handler of grain in South Australia.

I supported that move, as I think most other grain growers did in South Australia—after all, they all have shares in AusBulk. But it is concerning to say that the other stakeholders cannot agree. If they cannot agree, what are the other options? The minister sits here and prevaricates, and I do not blame him because he is new at the job. I blame the Treasurer because not only is he the Treasurer but he is also the member for Port Adelaide where this new development is to go. I hope the honourable member does not have a conflict of interest that tells him that he does not want this facility there as a result of the new development going ahead in that area. I am reliably informed (privately and personally) that he does not and I hope that he has not. I just wonder what is happening.

If the member for Hart, the Treasurer, is keen, why is he not acting? Why is he not getting on with it? This decision has been going on for 30 years. For members who do not understand, large panamax ships cannot fully load on this side of the gulf. They can load at Port Lincoln because it has a deep port. I was on the jetty, I think 22 or 24 years ago, when my father, who was chairman of bulk handling at the time, said to the manager of bulk handling, the late Duke Acton, 'Duke, should we spend $12 million on this port; or should we really go for it and spend $20 million and dig this port deep and make it for the future?' They decided to spend the money and look to the future: to make the port of Port Lincoln operative well into 2010 to 2020.

The big travesty is that they were going to come to this side of the gulf and do the same, but the government changed and nothing happened. A development such as this needs a lot of government assistance. There was also the lengthy debate after it was decided that AusBulk was to be the operator of this facility. That was bad enough, because the wheat board and barley board wanted to have part of it as well. When we announced that it was to be at Outer Harbor, there was a sigh of relief and an acceptance by everyone that at last we had a decision. They all accepted it. What has happened since? I have to say that the frustration out there comes close to the bone when my brothers bought a site at Myponie Point; it is total frustration because it has deep water. Because we cannot get our act together at Outer Harbor, that site has been sold by my brothers as a member of a consortium to the Australian Wheat Board for an undisclosed figure; they now own it and they have unlimited water there.

If the government does not act now to look after Adelaide as a major port, it will not be a port but, rather, a backwater, and the major port for South Australia will be at Myponie Point about seven kilometres north of Wallaroo. It is a brilliant harbour with plenty of water. However, there is no infrastructure there. What will become of Port Adelaide when big ships cannot get in there?

The Hon. M.J. Atkinson interjecting:

Mr VENNING: When exporting large commodity products such as feed barley, the cost of exporting is increased and the margin of profit is not there unless you get a very large ship. We are talking here about panamax ships. I note that the minister has come back into the chamber; I hope he can read the *Hansard* later. Cape ships are much bigger again, so we must bite the bullet and make the decision that ought to have been made 20 years ago.

I must say I was very pleased when Premier Olsen and then Premier Kerin said that they would proceed with this port. They said, 'At last, after all these years, we will show leadership and strength, and tell our industry that we will have the port at berth 8 at Outer Harbor.' It is pure commonsense. It is right alongside the container terminal, which is also due for upgrading; it needs to be dug an extra two metres to 14 metres. If we were to dig alongside berth 8 we would have an international grain terminal.

I hope the government will make the decision to get on with it because, after all, Flinders Ports signed the contract and agreed to do the upgrades in the contract price. What is the delay? What are we waiting for? While we delay we are seeing the competitive interests of all the players—the Australian Wheat Board, AusBulk and the Australian Barley Board—competing. Whose money are they wasting? It is that of the growers—ours. At present, at Crystal Brook the Australian Wheat Board is building a brand new facility, and nearby AusBulk is building a facility. It is great for the growers at Crystal Brook, but what a waste of money and potential! Whose money is being spent there? It is growers' money. Certainly, we could do with a new facility, but we did not need two. The competition will continue and it will be fierce and, as a result, the farmers' money will be at risk and wasted.

I plead to this government. It has four years—maybe. It cannot let this decision go for that long. It should come out now and make this decision, for crikey's sake—I am not a blasphemer—and the sake of the farmers. I hope that, after today's comments, the minister will get on with it and make a decision for all South Australians.

The Hon. M.J. Atkinson: We have eight years to think about it, Ivan.

Mr VENNING: I don't think so.

The Hon. D.C. KOTZ (Newland): This Labor government wants the people of this state to believe that this is a Robin Hood led budget. The Treasurer and the Premier have tried unsuccessfully to create the perception that money from the undeserving rich would be returned to the other classes, and the other classes would be enraptured with the Labor Party and rush to renew their membership, having of course received a part of this new wealth redistribution. However, the government of the day has become the razor gang of tomorrow. The average people of this state are about to see and feel the impact of this government's budget, because they are not dealing with Robin Hood: this is, in fact, the robber barons. It is a robber barons' tax grab, and this overall tax grab is about to hit the average person in this state.

The first mention is stamp duty increases whereby, if the average person can convince the bank to provide a loan for them to purchase a $200 000 and above home, this government will hit them with the so-called rich people's tax, and then, with their newly gained bank mortgage, they will have increases in stamp duty designed to bring some $33.9 million over the next two years into the government coffers. If someone happens to have a house to sell to assist their new purchase, the section 7 applications, which are required under law, will also have to fund a further $50 to add to the existing cost of some $130. The smoke and mirrors trick and broken promises do not stop, of course, with stamp duty. Taxes will rise 4.2 per cent on all state charges, such as car registrations and licence fees, to add a further $120 million.

The previous government had an agreement with the commonwealth to provide self-funded retirees with concessions for the first time ever. The Labor government has said, 'This will not happen,' and promptly tore up the agreement with the commonwealth, so the funding contribution from the commonwealth goes back to federal coffers and our state's self-funded retirees are ignored once again by a Labor Party government. Why? They, too, are the rich people we have in this state, according to the Labor Party's outmoded ideologies. If you can fund your own pensions, do not come to a Labor government for any concessions.

Does anyone else in this chamber feel a sense of deja vu—the socialist program of redistributing wealth where they believe they are the Robin Hoods instead of the robber barons? Pensioners were to receive extended concessions for electricity charges. Well, pensioners in this state should not hold their breath believing that this government will support them with compassion and funding. No: that has gone as well. Instead, they will receive their emergency services levy at an increased cost to support this government's broken promise of 'no increased taxes and charges'.

This government fought tooth and nail during the election to suggest to our constituencies that we were bad managers of the education system. This campaign was supported by the Australian Education Union with outrageous claims that anyone associated with the teaching professions should have been scandalised and embarrassed.

The Hon. M.J. Atkinson: Don't worry: they will start on us soon.

The Hon. D.C. KOTZ: I can only but hope. The Labor Party fought to convince teachers and parents, and anyone who would listen, that education was nearest and dearest to the Labor heart. Education and health were to be quarantined from any cuts and increased funding was assured. But, no, one cannot be assured by that promise, either. The Rann government is cutting education expenditure in real terms by some $34 million. It is cutting funding from out-of-school hours care; it is cutting youth service programs; and it is cutting a range of capital works directly out of education. So far, 10 schools have been identified where capital works have been cut or axed completely.

Adult literacy and language programs, in most cases offered through community houses with adult community education funding, have been savagely cut. For example, Camden Park Community Centre has run a very highly successful literacy program for some 15 years, but in a letter dated 28 June funding for that program was refused.

Other programs we know at this time to have been cut include Goodwood, Fullarton and Burnside, with similar programs at Greenwith, Surrey Downs, Sunnybrook and Wynn Vale. A total of some 27 programs that previously were funded will no longer receive that type of funding. The Minister for Employment, Training and Further Education, when asked by me to explain the cuts, replied:

> Members will realise that the ACE budget—the adult and community education funding scheme—helps those who are most at risk, who dropped out of school, often without formal training, and encourages them to regain skills, regain literacy and regain numeracy. The programs are funded in a very effective manner through community groups.

Then the minister went on to commend the former Liberal minister for putting more funds into the scheme. If anyone can make reasonable sense out of that explanation for cutting these important community basic skills programs, they might be next in line to become a Labor government minister. It has now also been admitted by the Treasurer that the 600 job cuts to the Public Service will occur across all portfolios. Therefore, the clearly identified promise that the education and health budgets would be quarantined from funding cuts is now just another broken promise.

In the area of aged care this government has also failed to provide capital funds to build new aged care facilities in 15 of the 16 country hospitals where this was to have occurred. If the HomeStart loan scheme had not been cancelled by the Labor government, 269 aged care beds could have been built. Instead, another swag of commonwealth associated funding has left this state and gone back to the commonwealth coffers, and the growing crisis in aged care has been put on the backburner by this Labor government. These are obviously the people that this Labor government believes are the rich. These are the people who are losing in this budget that the Labor government has so boastfully put down as one that is taking from the rich and giving to the poor. God help us all. Where, indeed, will the poor get any benefit out of this budget? From the philosophies or ideologies I can see being promoted at present, will they ever gain anything out of any other budget in the next three years if members opposite do happen to retain government? What a trio the Premier, Treasurer and Minister for Health make.

I recall the big election promises members opposite made on hospital beds. Although the number of beds varied, depending on which of the trio was speaking at any one time, they appear to have firmed up on the number 100. However, that is not to be provided this year; only 50 beds are to be provided this year, with another 25 next year and a further 25 the year after that. But that is not quite what the trio promised initially. The Nurses Federation is now saying, 'We'll accept 50 beds this year', but where in the budget are the funds for nursing staff to enable the beds to be operational? We are all awaiting that answer and many others.

Mr WILLIAMS (MacKillop): Last night I had the opportunity to participate in the budget debate. Unfortunately, I did not have enough time to bring to the house's attention all the matters in the budget I wanted to raise. This 10 minutes would otherwise give me the chance to mention some of those other matters. However, for the benefit of members present—and those who I am sure are listening in their offices—I will talk not about the budget tonight but about a matter which is near and dear to my heart and on which I have not spoken in this house for some time, that is, water allocations in the South-East. In 1997, when I became involved in the water debate in the South-East and eventually became the member representing the seat of MacKillop, it was over my belief that the policies of the then government with regard to water allocations in the South-East were detrimental to the future of that region from both an economic and an environmental point of view. Since then, the history regarding that issue has been quite chequered, and we have seen two select committees set up.

The first one of those select committees was set up basically to look at the current allocation system, where the minister was obliged to allocate water on a first-in best-dressed allocation system. That was moving vast volumes of groundwater away from the land where the water was collected and concentrating it in small areas. In my opinion, this had quite serious economic ramifications in that a lot of the land was going to be left with a limited supply of water. It also had quite significant environmental implications in so far as the concentration of irrigation world wide over the history of thousands of years has led to serious degradation of the landscape, principally due to the accumulation of salts in the soils. To my knowledge, no irrigation system anywhere in the world—certainly in a temperate climate—has survived for more than 100 years. After irrigation for a period approaching 100 years, the land was so degraded that the people who lived and worked on that land were unable to continue to do so. Of course, the most dramatic examples of this are in and around the Mediterranean Sea where the Sahara Desert and a lot of the Nile Valley were turned from some of the most productive land in the old world into the deserts we see there now.

Madam Acting Speaker, do not allow yourself to be fooled into thinking that this is not still happening. It is still happening in many places of the world, including the South-East of this state, and I might get time to come back to that. The first select committee that I referred to came to the conclusion that we should overturn that water allocation system and called on the government of the day to allocate the remaining water—which was at that stage in the lower South-East—to the land on a pro rata basis. What happened next is very important, because it was directly opposed to what the bureaucracy wished to do. The bureaucracy took those recommendations, twisted them around as much as it could and allocated only a very small percentage of the water that was left over, and it then came up with this fancy idea of having a thing called a strategic reserve in which the rest of the water or a large proportion of the water was put, and even today that strategic reserve, so-called, still remains and the allocation of water from that in a lot of instances can be at the minister's discretion. By and large, we have spent four years on this, had two select committees and are back where we started.

One of reasons why I thought the original allocation system was unsustainable was that it did not account for catchment; it accounted only for extraction. We still have this problem, and this is where we are at today. I pointed out in a press release I released during the election campaign on 22 September 1997 that the system was totally unworkable, because it did not recognise the effects that forestry would have. At last, about three years later, the bureaucracy caught up with that and has been trying to grapple with it every since. It has not been grappling with it in a sensible way, however. It has said, 'If this is the problem, if we didn't account for forestry, if we didn't understand the impact forestry would have, that's easy to sort out. We'll stop any more forestry.' That is what they attempted to do in the first place.

We then had the second select committee, which got the bureaucracy to realise that it had the sums significantly wrong. Now the bureaucracy is saying, 'We don't have to stop forestry just now; we can let it expand a little more, and then we'll stop it.' I want to point out that the difficulty I have with this concept is that forestry is only one of a number of crops which can be and, indeed, will be grown in the South-East in the future that will have a dramatic effect on the amount of recharge that goes into the aquifer. The crop which is grown quite widely, and which I believe will be grown much more widely in the near future, is lucerne. Historically, lucerne was never grown to any great extent in the Lower South-East. It was only able to grow on the higher ground, the quite dry and well drained ground, because the lucerne plant does not like water logging—in fact, it just will not survive in soils where water logging occurs—and, of course, in most of the lower South-East water logging occurs for at least two or three months in every season, so the lucerne just will not survive.

Over the last few years, plant breeders have developed varieties of lucerne that will, indeed, survive and thrive under these conditions. At this stage, these varieties are slowly being introduced into wider areas across the South-East, and it is my belief that, over the next 10 years, we will see an explosion in the areas that will be planted to these species of lucerne. They will have the same impact on the amount of recharge that goes into the aquifer for which forestry is today being blamed. That is a fact; there is no getting around that.

I cannot understand the short-sightedness of the bureaucrats who, in 1997, refused to recognise the problems of their policy and the impact that forestry would have, and who now refuse to recognise those problems and who say, 'We will stop forestry in a few years' time; we will have no more expansion of forestry. We won't have any of that.' Mark my words, those same bureaucrats will be advising the minister of the day in a few years' time that we have to stop farmers planting lucerne. The logical extension of the thought process of these bureaucrats is that, if we start to run short of water for irrigation (and this is what this is all about—protecting water for irrigators), will the bureaucrats suggest that the broadacre land-holders will have to go out and spray vast areas of their farms with Roundup (or something else) so that they can be used as collectors for the ground water? What an absurd nonsense.

In addition, the South-East is covered with man-made drains to drain away excess water to the sea. Even though we have had quite a dry cycle over the last 10 or more years, huge quantities of water still run to the sea. This water is generated over much of the South-East, but the blue gum industry (the one that eventually brought the attention of the bureaucrats to this issue) is largely in an area which is somewhat west of Penola and which could probably be described as being midway between the townships of Penola,

Kingston and Lucindale. It is an area that is not necessarily ideal grazing country (it is very good grazing country, but it is certainly not ideal cropping country), but it lends itself very well to the blue gum industry. It is an area that generates a lot of ground water and a lot of water that runs to the sea in the drains. I do not think that it would cause any problems to any of the existing irrigation activity, which is principally in the Coonawarra area (that is the most valuable part of the irrigation industry), or south of Mount Gambier.

The Coonawarra vignerons gave evidence to the second select committee that they had concerns about the policy, because it was stopping the blue gum industry in South Australia and driving it into Victoria. If anyone understands the hydrogeology of the area, they would know that, in fact, that is upstream from the irrigators at Coonawarra, and that will impact more on that industry than allowing the blue gum industry to develop downstream, or west of the Penola and Coonawarra area.

I wanted to bring this issue to the attention of the house, and there are many more matters on this subject on which I will do the same. I understand that the minister will introduce a bill to the house later in this parliament, and it will be very interesting to see what sort of bill he introduces. But I can assure the minister that he does not enjoy anywhere near the support for his proposals that he thinks he does by the stakeholders in the South-East.

The Hon. I.F. EVANS (Davenport): The point that I really want to consider relates to the government's failure to meet an election commitment regarding regional impact statements. The government has failed to meet an election commitment to have a regional impact statement in relation to cabinet submissions that affect the country.

The Hon. M.J. Atkinson: Are you talking about failing to meet election commitments? Do you remember ETSA? Ring a bell, does it?

The Hon. I.F. EVANS: I do not want to disturb the factional meeting of the right as members sit there and discuss their internal difficulties over various private members' motions—and we were happy to assist this afternoon in relation to that matter to keep the faction tight. Returning to the matter before us—which involves the government's failure to meet election commitments regarding regional impact statements—I think that it is of concern for those on this side of the chamber that the government has taken such an angry approach to country South Australia. One has only to go through a whole range of portfolios (and this, no doubt, will be exposed during the estimates committees) to see that the government is clearly deciding that it can make savings in a whole range of services in country South Australia.

The Hon. M.J. Atkinson interjecting:

The Hon. I.F. EVANS: The member for Spence (who is interjecting out of his chair) says that the people of Murray Bridge support them. Well, the member for Murray Bridge might support them, but I remind the member for Spence that 70 per cent of that electorate voted against the member for Spence and his colleagues. The member for Hammond might have supported the Labor Party, but the voters certainly did not embrace the concept that the Labor Party put to the election.

The Hon. M.J. Atkinson: The seat is a government seat.

The Hon. I.F. EVANS: I acknowledge (and Hansard will record the interjection) the member for Spence saying that the seat is a government seat. That is an interesting concept by the most senior law officer in the state: that the seat of Hammond is indeed a Labor seat. We acknowledge that—

The Hon. M.J. Atkinson interjecting:

The Hon. I.F. EVANS: The attorney said that it was a government seat. Clearly, that is recorded, and I appreciate the interjection from the member for Spence. The fact that the government has failed to meet an election commitment in relation to regional impact statements is important for those who are concerned about the government's impact on country South Australia. The regional impact statements are important, because they give cabinet some guidance about what the effect of its decisions will be in respect of the country communities. It is all right to have community cabinets, and we support the concept of community cabinets. We had community cabinets for at least two years, probably 2½ years, before the election. Certainly, it provides an opportunity for the cabinet and the chief executives to go out and meet with country communities and gain a better understanding of the issues.

When a cabinet submission is written, the regional impact statement, of course, gives cabinet that final advice. It was disappointing today to hear the minister say during question time that, in relation to the crown leases matter, they had not issued a regional impact statement to the cabinet. That is a clear breach of an election commitment, and it is probably one of the reasons why the government is now on the back foot in relation to the crown lands issue, because it clearly did not understand or have a clear brief in relation to what it was doing in respect of crown lands.

The other issue that I want to touch on very quickly is the—

The Hon. M.J. Atkinson: Well, you are in breach of standing orders in referring to it.

The Hon. I.F. EVANS: The bill has been referred to a select committee.

The Hon. M.J. Atkinson: It doesn't matter: you're still in breach.

The Hon. I.F. EVANS: If the member wants to take a point of order he can do so. But I wish to talk about the Coromandel Valley Primary School, because that school's project has been deferred. The school is pretty angry about it. It was a $2 million project—

The Hon. M.J. Atkinson interjecting:

The Hon. I.F. EVANS: In eight years we paid off some debt and we put the economy in place. As I understand it, Coromandel Valley Primary School's project has been deferred. I hope that it has been deferred for only one year. It might interest members opposite to know that this school is 125 years old. The only solid building on the site is the old administration building which was built when the school originally opened (it was the original classroom and is now the administration building), and a gymnasium. It is 125 years old this year—

Ms Thompson interjecting:

The Hon. I.F. EVANS: It is just an inside hall. It is 125 years old, and it does not have a solid classroom. It is, essentially, a school of transportables. If the schools that the government has funded are in a worse condition than that school, there may be some justification for what the government has done. But I doubt that. So, I put on record the disappointment of the Coromandel Valley community. The member for Fisher went to this school; he was the guest speaker at their 125th anniversary this year, and I know that he has a particular interest in the school. It is disappointing that a school that has done so much hard work in developing

this project with the funding guaranteed has now had that funding deferred. We all know why. Interestingly, the school community knows why; they are not stupid, they know what has happened to them. We will be calling on the minister between now and the next capital works budget allocation to do the right thing by this community which has done nothing other than it happens to be in the electorate of Davenport, and so it has had its project deferred.

There would not be too many schools in the state that are 125 years old and do not have a solid classroom. I have not checked, but I guess that it would be the only school in the state that is 125 years old and essentially does not have a solid classroom. I will not hold up the house any longer, but I wish to place on the record the great disappointment of the Coromandel Valley community.

Ms THOMPSON (Reynell): I want to address some of the issues that have been talked about again and again by members opposite. Sometimes called deceit and deception or sleight of hand, in fact it is the continuation of recent budget accounting practices to which I refer, that is, the treatment of dividends from the South Australian Asset Management Corporation (SAAMC) and the South Australian Financing Authority (SAFA). We might think that the way in which these dividends are being handled is not appropriate, but we know that in this budget the Treasurer has done exactly the same thing as the former treasurer did in budget after budget. If there was to be a change in accounting practice, it could have happened last year or the year before; in fact, it need not have been started in 1999-2000. The member for Chaffey recognises that this government has been doing exactly what the previous government did—she criticised it then, and she criticises it now.

If there is to be a change in accounting practice it will not be this year so that we are shown to be behaving in a falsely negative way and the former government is shown to be behaving in a falsely positive way. The reason that SAAMC and SAFA dividends have been brought forward into this year's budget is because expenditure commitments of the previous government are also being brought forward into this year's budget. The Treasurer received reports from agencies that there was $322 million of under-expenditure. Those amounts needed to be financed. The plan was for them to be financed last year. They were not undertaken last year; they will be undertaken next year.

Ms Chapman interjecting:

Ms THOMPSON: For the benefit of the member for Bragg, they were not undertaken last year because her ministers could not make their departments work properly. I sat on the Public Works Committee long enough to hear the silly reasons that were brought forward at times for expenditure not happening when it was expected to happen. The Major Projects Division told us that a project had been delayed because it rained in winter. Likewise, I have heard of major projects being delayed because it was hot in summer.

If your ministers and departments cannot work out that it often rains in winter and it is often hot in summer and that we live in one of the hottest capital cities in the world and that therefore it is quite likely that we will have 10 days in a row when the temperature exceeds 38 degrees and that they should allow for that sort of activity in their forward estimates, it is no wonder that they are over there now and not over here, because that was the level of so much of their administration. So, we have continued the previous practice of dividend allocations. The reason for the under-expenditure was your decisions, your poor administration; we have had to adjust for it this year—and you should just be quiet about it! Another matter that keeps on coming up is the issue of redundancies—

Members interjecting:

Ms THOMPSON: Madam Acting Speaker, I suggest that the opposition be quiet about this because it reflects on them, not on us. Another matter that has been raised by several members opposite is redundancies. As has been pointed out, this is the lowest number of redundancies in recent years. The opposition seems to be of the understanding that we were going to quarantine education and health from redundancies. If opposition members would speak to the people who work in schools and hospitals they would find that many people (teachers and SSOs and nurses, doctors, cooks and cleaners in hospitals) are sick of the administrative burden they carry. They see too many people working in administration building castles to support incompetent ministers, and they are not able to provide on-the-ground services to their clients.

So, if it should happen that some of those people in health and education decide that their talents can be better used elsewhere, I am pleased that those overheads will be removed and we can direct money to where it really counts: hospital beds and schools, not complex administration which was required under Partnerships 21. You do not have to talk to more than two teachers to get four opinions on how Partnerships 21 simply added to their overheads and their burden of administration and stopped them being able to do their job of teaching. So, there is room for redundancies in health and education if people happen to come forward on a voluntary basis. The idea is to improve delivery of services in schools and hospitals.

We have heard about the deferral of various school redevelopment projects. The member for Davenport and other members opposite talked about facilities for these schools that are simply unknown in the electorate of Reynell. I am pleased to note that the minister is going to try to tackle some of the asset management problems in schools by seizing on particular problems across the board and directing funds to having those problems addressed. The problem areas which she quite rightly identified as causing major difficulties with schools at the moment are inadequate toilets and inadequate administration areas.

We might ask: what does administration in schools have to do with kids' education? The answer is: a lot. With the complex administration required by Partnerships 21, the increases in the role of school services officers, the complexity of collecting fees and everything else that is required of schools these days, there has been a large administrative overload. The administration area is also where sick children and children who are having time out often come. These areas need to be functioning to allow schools to interact properly with parents (who are an important component of schools) and their community.

I did a quick survey of some of the schools in my area just before they went on holidays. I asked, 'What are your two or three top priorities for action in terms of asset management?' Seven schools were able to respond in the two days before the holidays started. The outcome of that survey is that the minister's focus on toilets and admin will result in five of those seven schools getting some improvement in very much rundown facilities. I am confident that those schools will welcome the upgrade of toilets and admin areas. Even if it means that some of their other priorities are not addressed in

the meantime, at least their immediate priorities will be addressed.

Members opposite might like to know that another priority that these schools have is a problem with the sewerage. They talk about pretty redevelopments of schools; I would rather spend money on getting sewerage fixed up in schools and getting pathways made safe, etc. across all schools rather than allowing a few schools to be tarted up.

Another issue that has emerged in the community is the issue of dental care. In terms of our health initiatives, that was one of the early ones announced and it was one that I was really pleased to applaud. I was amazed the other day when the member for Finniss complained about the cancellation of treatment for one of his constituents who had been on the dental waiting list for two and a half years, because I had just received a letter from a constituent in Reynella which states:

> Dear Ms Thompson,
>
> The news that this state government has allocated an additional $8 million towards the cost of dental care for the elderly and the unemployed is certainly good news; however, the article in Friday's *Advertiser* by writer Barry Hailstone highlighted the case of a Mrs Price of Thebarton, who the article stated, was called forward to The Adelaide Dental Hospital last Thursday for treatment after having waited almost four years to the day, has prompted me to ask some questions. . . my wife and I are aged pensioners and have been on the waiting list since April 1998—

considerably more, members opposite, than two and a half years. My constituent wants to know why others are receiving treatment earlier, and would be even more upset after hearing about a two and a half year wait.

Mr HAMILTON-SMITH (Waite): I rise, I believe as the last speaker on the Appropriation Bill, to canvass the debate in a broad sense, and to make some observations. I will start by mentioning briefly how this government was born. It was born illegitimately. It did not win the election, it fell into office in a state of abject astonishment and disorder. Since collapsing into government the whingeing, whining opposition of eight years' tenure suddenly reinvented itself, or tried to reinvent itself, as a creative, dynamic and fresh new team. However, this is far from the case. What we have seen so far from this government are a few timid steps, a few populist announcements such as releasing prisoners on parole—in select circumstances it would seem. It is all right to release some but not others—but let us make sure that we release the ones who are likely to get a good rap from the media. We have seen a government keen to keep its head down and to play to the media and the public, but a government that shies away from the tough decisions.

Of course, this government was born on the basis of a very dodgey deal, a deal that only this government would enter into. The unaffordable promises that this government made are now being broken. In its first 100 days, as I mentioned, nothing but a string of populist decisions; re-announcements of the former government's initiative; re-entry into this place of legislation prepared by the former government under the imprimatur of the new Labor team. We have seen some reinventions: an Economic Development Board; a Premier's Science Council, all things that were in existence under the previous government. They are all things that are essentially reinventions of what was already in place, and rebadgings of initiatives that were already functioning effectively. Of course, the at times effusive credit being given by this government to the former government is, quite transparently, an effort to appear gracious beyond expectation and station.

People love to see credit given where credit is due, but at times, I must say, Labor is going a little over the top. This budget, as I noted when first speaking to it, is a budget based on deceit and an accounting fiddle. It is a budget with more smoke and mirrors than one can ever hope to see elsewhere. It is based on the premise that this government inherited some sort of huge black hole from the previous government in budgetary terms and that the economy somehow needs turning around. I suspect that this government will turn the economy around. In fact, in the budget it has already said that it is going to drop growth by one-third from 3.75 per cent to 2.75 per cent. After seeing the initiatives in this budget, it is quite apparent that they will be successful.

They will certainly turn the economy around and we will soon start to see the results. They will turn the economy around from the vibrant, exciting economy that they inherited into one that is backward looking, in which unions are back on the march and in which Trades Hall is running the agenda—one that is a tax and spend government and a tax and spend economy. They will turn it back, as this budget shows, into an economy where they will look you in the face as business people and promise that they will not raise your taxes. They will even write you a letter; they will have a meeting with you; they will guarantee that if you elect them they will not increase your tax; and then they will turn around and push you into the dirt, as they have done with the AHA.

Irrespective of your view on poker machines, that is nothing but deceit. It has been covered up by the invention of a black hole that the *Financial Review* and the *Australian* know is an absolute joke. Of course, the *Advertiser* swallowed it, but we cannot be too surprised about that, can we, because the honeymoon being enjoyed by this government will have you thinking that the *Advertiser* is at present a branch office of the ALP. It is a honeymoon of unbelievable proportion.

This budget is also delivering government by bureaucracy. What we are seeing is a whole host of initiatives which were put to the former government and ministers within it by the departments, by government officials, and which were rejected—for very good reasons. As soon as they have been elected, the ministers have walked into their office and out has come the eight year wish list and wham, we are seeing it: government by bureaucracy. In time, ministers will get a hold of their portfolios and they will start to seize the agenda, but at the moment we are very much seeing government by the professional government servants of this state, rather than a genuinely dynamic and original political leadership, which this state so needs.

Of course, the real test is going to be whether or not this government can contain its spending. No doubt the Treasurer thinks this is a grand budget: raise new revenue measures, slash and burn, cut costs, and build up a big surplus so that you can fulfil your dreams later in your four year term. However, I am sure that ministers opposite will develop very grand dreams in the next year or two. I am sure the dictatorial treatment that they are presently getting in cabinet from the Treasurer will soon be challenged by ministers who aspire to greater things within their portfolio areas and start to become a little resentful at the treatment they are no doubt receiving at the hands of a fairly direct and ruthless Treasury. It seems that whatever Treasury officers say goes.

Government is about far more than what Treasury officers say. Government is about people. It is about dreams for the future and it is about South Australia. We are already seeing signs of unions on the march. We have had the car industry

interfered with. I was over in Western Australia recently, and the building unions have the flags up on the building sites in Perth: no ticket, no start, and up goes the Eureka flag. I am sure we will be seeing more of that here. We will go back to the days of them and us, of the enemy, the opposing wars—the class warfare from which the Labor Party is born. Those evil upper classes are the employers, and then you have the poor undertrodden working class, they are the employees. Of course, the high and mighty are out there to wreck lives and create misery for the poor.

Australia has moved on and society has moved on. I see no sign in this budget that the party recognises that the world has changed. Where to from now? The gap between the front bench and the back bench will no doubt become wider in the year or two ahead. The government will find new challenges. As I mentioned, people will tire of Treasury dominance, pressures will grow and spending desires will take over. The government will prove unable to meet the ideals of the Economic Development Board and there will be other problems.

One of the most disappointing things in this budget has been the lack of innovation. One of the most disappointing things has been the lack of commitment to using what we have, which is so precious here, and that is our ability through our brain power, through new ideas, through innovation, to create an economic future for this state. That is what is missing from this budget.

Motion carried.

The Hon. S.W. KEY (Minister for Social Justice): I move:

That the proposed expenditures for the departments and services contained in the Appropriation Bill be referred to Estimates Committees A and B for examination and report by Tuesday 12 August 2002 in accordance with the timetables, as follows:

ESTIMATES COMMITTEE A

Monday 29 July 2002
Premier
Minister for the Arts
Minister for Multicultural Affairs
Minister for Tourism
Legislative Council
House of Assembly
Joint Parliamentary Services
State Governor's Establishment
Department of the Premier and Cabinet
Administered items for Department of the Premier and Cabinet
Auditor-General's Department
Administered items for Auditor-General's Department
South Australian Tourism Commission
Minister for Tourism—Other items
Office of Venue Management
Tuesday 30 July 2002
Treasurer
Minister for Energy
Minister for Government Enterprises
Department of Treasury and Finance
Administered items for Department of Treasury and Finance
Minister for Government Enterprises—Other items
Wednesday 31 July 2002
Minister for Police
Minister for Emergency Services
Minister for Gambling
Minister for Correctional Services
Department of Justice (in part)
Minister for Police and Minister for Emergency Services—Other items
Administered items for the South Australian Police Department
Thursday 1 August 2002
Minister for Justice
Attorney-General
Minister for Consumer Affairs
Minister for Volunteers represented by the Minister for Justice
Department of Justice (in part)
Administered items for Attorney-General's Department
Administered items for State Electoral Office
Tuesday 6 August 2002
Minister for Health
Minister for Housing
Minister for Social Justice
Department of Human Services
Administered items for Department of Human Services
Minister for Social Justice—Other items
Wednesday 7 August 2002
Minister for Environment and Conservation
Minister for the River Murray
Department for Environment and Heritage and Environment Protection Authority
Administered items for the Department for Environment and Heritage and Environment Protection Authority
Department of Water, Land and Biodiversity Conservation
Administered items for Department of Water, Land and Biodiversity Conservation

ESTIMATES COMMITTEE B

Tuesday 30 July 2002
Minister for Small Business
Minister for Science and Information Economy
Minister for Economic Development represented by the Minister for Industry, Investment and Trade
Minister for Industry, Investment and Trade
Department of Industry and Trade
Administered items for Department of Industry and Trade
Wednesday 31 July 2002
Minister for Transport
Minister for the Southern Suburbs
Minister for Urban Development and Planning
Minister for Local Government
Minister for the Status of Women
Department of Transport and Urban Planning
Administered items for Department of Transport and Urban Planning
Administered items for Planning SA
TransAdelaide
Minister for Local Government—Other items
Thursday 1 August 2002
Minister for Recreation, Sport and Racing
Minister for Industrial Relations
Minister for Science and Information Economy
Minister for Aboriginal Affairs and Reconciliation
Minister for Administrative Services
Department for Administrative and Information Services
Minister for Industrial Relations—Other items
Tuesday 6 August 2002
Minister for Youth
Minister for Education and Children's Services
Minister for Employment, Training and Further Education
Department of Education and Children's Services and Department of Employment, Further Education, Science and Small Business
Administered items for Department of Education and Children's Services and Administered items for Department of Employment, Further Education, Science and Small Business
Wednesday 7 August 2002
Minister for Energy
Minister for Science and Information Economy
Minister for Agriculture, Food and Fisheries
Minister for Mineral Resources Development
Minister for Regional Affairs
Department of Primary Industries and Resources
Administered items for Department of Primary Industries and Resources

Motion carried.

The Hon. S.W. KEY (Minister for Social Justice): I move:

That Estimates Committee A be appointed, consisting of the Hon. R.G. Kerin, the Hon. R.B. Such, Ms Bedford, Mr Caica, Ms Ciccarello, Mr Hamilton-Smith and Mr Williams.

Motion carried.

The Hon. S.W. KEY: I move:

That Estimates Committee B be appointed, consisting of Ms Bedford, Messrs Hamilton-Smith, Hanna, McFetridge, O'Brien, Mrs Penfold and Ms Thompson.

Motion carried.

The Hon. M.J. ATKINSON (Attorney-General): I move:

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

Motion carried.

INDUSTRIAL MANSLAUGHTER

The Hon. M.J. ATKINSON (Attorney-General): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.J. ATKINSON: I refer to the question asked of the Premier today by the member for Davenport regarding industrial manslaughter. The Premier's announcement yesterday of the proposed new offences of causing serious harm intentionally, recklessly and negligently will apply in the workplace as they apply everywhere within South Australia, but they will not create an offence of industrial manslaughter, as suggested by the honourable member. The proposal relates only to non-fatal offences. It does not extend to the offence of manslaughter which by its nature requires the death of the victim.

The proposal will not introduce a concept of industrial manslaughter into the criminal law. The member for Davenport may be interested to know that, depending on the circumstances, a corporation can be found guilty of manslaughter under the existing criminal law.

LIQUOR LICENSING (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

ADJOURNMENT

At 10.02 p.m. the house adjourned until Thursday 18 July at 10.30 a.m.