HOUSE OF ASSEMBLY

Tuesday 24 March 1998

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

QUESTIONS

The SPEAKER: I direct that the following written answers to questions without notice be distributed and printed in *Hansard*.

DANGEROUS SUBSTANCES (TRANSPORT OF DANGEROUS GOODS) AMENDMENT BILL

In reply to **Mrs GERAGHTY** (17 March).

The Hon. M.H. ARMITAGE:

1. Bulk Licences

This Amendment Bill is the basis of the legislative structure for nationally uniform dangerous goods transport regulation as part of a larger transport reform process. As you correctly state, South Australia does not currently have a bulk vehicle licence scheme, but a nationally uniform scheme is envisaged by the transport reform package. Extensive consultation was undertaken during the development of the reform package and, in addition, the National Road Transport Commission developed a Regulation Impact Statement on this issue. The conclusion of this study was that only uniformed bulk vehicle operator (vehicles) licensing was justified. Other options such as mandatory accreditation, package transport licence, and 'no licence' were considered and analysed to assess their potential to enhance safety, balanced with their cost and other factors. It was concluded that these options were not desirable or viable

Accordingly, it is planned to introduce bulk vehicle operator (vehicle) licensing into South Australia in a structured and planned manner. Regulations to achieve this are currently under consideration and issues such as notification prior to licensing as a transitional process are being investigated.

2. Education and Training

This issue may be divided into two categories, formal training and informal training. Formal training refers to approved training courses and the necessity for the applicant to be recognised by government whereas informal training refers to training required as a duty under legislation but the courses are not approved by government and the participant does not submit information to Government.

Informal dangerous goods driver training has been required since 1981 when dangerous goods transport was first regulated in South Australia. In 1984 formal approval of bulk drivers was introduced and process of training, granting of authorisation and renewal has been refined ever since to ensure that a minimum of disruption is caused to the driver.

Since 1984 a nationally accepted bulk driver curriculum has been developed and this operates at two levels. Firstly, most South Australian bulk drivers are trained by two training agencies who are accredited by the Accreditation Registration Council of South Australia under the Vocational Education Employment Training Act . Further to this, several individual companies have their internal bulk driver training accepted by the department for specific within company bulk driver training. This arrangement for bulk driver training is consistent with other States of Australia and it is very important to note that the government authority/licence given to successful applicants is mutually recognised and accepted nationally.

The transport reform package retains the formal bulk driver training (licence) and extends informal training duties to all tasks related to dangerous goods transport. These tasks include packing, consigning, loading of dangerous goods, preparing shipping documents and maintaining vehicles (in respects of dangerous goods). Accredited training agencies will offer suitable training in these areas but those companies with sufficient resources will be able to arrange internal training.

3. Monitoring and Enforcement

Transport related matters including dangerous goods transport are dealt with on a state-wide basis by the Retail, Wholesale, Storage and Transport (RWS&T) Industry Team of the Department for Administrative and Information Services. This team is supported by country regional staff based in four country locations. This ensures a strategic approach to gain maximum compliance with the safety rules.

The RWS&T Industry team carries out proactive work at transport depots and undertakes road side targeted activities either independently or in conjunction with Police, Transport Inspectors and interstate authorities. A current project for this team involves explaining the dangerous goods transport responsibilities to consignors to assist them to comply with the legislation and enhance transport safety. Country regional staff of the department also participate in these activities and provide a regional presence and enforcement capability.

In respect to industry liaison, the RWS&T Team has links with the transport industry through the South Australian Road Transport Association (SARTA), the Truck Operators Association, membership of the South Australian Law Enforcement Liaison Group and is actively represented on the Transport Training Advisory Board. Further to this, the team is currently working with Workcover Corporation to establish an Industry Liaison Committee with key stakeholders

These activities provide the basis for the Department's enforcement strategy and priority will be given to dangerous goods issues to ensure that all sectors of industry are able to become familiar with the transport reform package and state legislation.

4. Staffing

The Dangerous Substances Act and Regulations first addressed the transport of dangerous goods in 1981. Since then the Australian Dangerous Goods Code has been revised several times resulting in this current national dangerous goods transport reform package. Accordingly no additional dangerous goods transport authorised officers will be appointed. The enforcement and industry liaison task is ongoing. Within the department there are 36 general inspectors whose duties include the transport of dangerous goods. In addition, other staff, such as investigation officers (working with award and wages issues) also participate in targeted audit and road side inspection projects.

Field inspectors are supported by technical, professional and administrative staff who provide a range of licensing and professional assessment and support for complex transport issues and national liaison with other States.

A function of the amendment Bill is the automatic appointment of Police Officers as authorised officers for dangerous goods transport. This provides scope for a long term improvement as suitable training is provided to police officers and dangerous goods transport work becomes a relatively routine part of the duties of road based police officers.

5. Road Trains and Radioactive Material

No comment is offered on these issues because they fall outside the jurisdiction of the Amendment Bill.

I trust that these comments are of assistance and reassure you that every effort is being made to continue the development of safe transport of dangerous goods by both liaison and industry assistance and legislative enforcement programs. Should you require further information please contact Mr Barry Wheeler, Manager, Dangerous Substances Branch, who will be pleased to provide further detail or, at the appropriate time, give a full briefing on the proposed draft regulations which will follow this amendment Bill.

In reply to **Mr LEWIS** (17 March).

The Hon. M.H. ARMITAGE:

1. Legislative format

You have raised concern that the range of substances addressed by this legislation is 'as prescribed by regulation' and is thus beyond the control of Parliament.

I believe that there are several issues relevant to this matter, and for this particular circumstance the most important is that of international consistency.

Dangerous goods legislation is best considered to address those substances and chemicals which present an immediate danger. There is a long history of legislation addressing these products primarily introduced because public safety legislation was necessary to curb accidents and incidents common to that period. For example, explosives legislation was first introduced very early in South Australia's settlement and flammable liquid regulation followed soon after. In the period before electric light it was all too common for large fires to start in city-based kerosene warehouse storage.

From this history a classification system for dangerous goods developed and this is now defined and maintained by the United

Nations Committee of Experts on the Transport of Dangerous Goods. Australia is now a member of this committee and can influence the development of transport issues on behalf of government and industry. The UN classification system is used by international air and sea dangerous goods regulation and in most countries, including Australia, as the basis for land (and inland waterway) transport and safe storage and handling regulation. Such international consistency ensures that products may be transported by air, sea and land in any country without hindrance.

In order for legislation to operate efficiently and without confusion it is essential that industry and regulators can determine which substance is subject to the legislation and that appropriate controls are drafted for the various types of danger being addressed (eg, flammable liquids, poisons etc). This clarity is provided by a series of tests and classification criteria published by the United Nations and used internationally for dangerous goods legislation. Further to this, common industrial chemicals are listed for rapid and easy reference to allow quick identification of those products. This product classification information and product listing is contained in approximately 500 pages of text, of which about 200 pages would be required in the Act if a complete listing of products were to replace the current reference to regulations.

Further to this, the information is scientifically based, and subject to continual refinement and change as more information becomes available. Accordingly, the process of amendment if the information were included in the Act would be most tedious and of such detail that it would soon be considered an imposition on the time of Parliament and a matter preventing the proper development of other major issues important to the State.

2. Misuse of regulation

In this instance I must reject your claim that the regulations may be misused to the detriment of this State.

This amendment Act will be followed by appropriate regulations to ensure that the national transport reform package is implemented in South Australia. Dangerous goods transport is one of several transport reform packages developed by the National Road Transport Commission (NRTC) as part of microeconomic reform of the national transport industry and, in accordance with the Commonwealth NRTC Act, the dangerous goods transport provisions were subject to extensive consultation and final scrutiny by the national Ministerial Council for Road Transport. These developments form part of reform issues which are the subject of assessment by the National Competition Council as part of this State's Competition Policy commitments.

This national infrastructure and international aspect of Dangerous Goods via the United Nations sets the priorities of regulators and industry for the betterment of South Australia. Further to this, the State process which governs the making of regulations allows for the regulation to be disputed and rejected.

Whilst none of the above provides an absolute guarantee of perfect legislation, I believe that the misuse of regulation you suggest will not occur.

3. Radioactive material

As you correctly state, this issue is not relevant to this amendment Bill. Thank you for your summation and support on this matter.

4. Controlled Substances Act

No comment is provided on this matter as it is separate to the amendment Bill.

I trust that these comments are of assistance and reassure you that every effort is being made to continue the development of safe transport of dangerous goods by liaison and industry assistance and by legislative enforcement programs. Should you require further information please contact Mr Barry Wheeler, Manager, Dangerous Substances Branch, who will be pleased to provide further detail or, at the appropriate time, give a full briefing on the proposed draft regulations which will follow this amendment Bill.

In reply to **Mr VENNING** (17 March).

The Hon. M.H. ARMITAGE:

1. Impact of legislation

You have expressed concern that in some cases the legislation proves to be unworkable and that people may be hindered by the application of the legislation.

This amendment Bill has very positive attributes which I believe will ensure that the dangerous goods transport reform package will not operate in the manner you suggest.

Firstly, this amendment Bill is largely a reorganisation of the duties and technical responsibilities which industry have met since dangerous goods transport legislation was first introduced in 1981. Since then the Australian Dangerous Goods Code has been revised several times and whilst in respect of legislative structure this revision is extensive the practical effect in industry is minimal. This history of legislative evolution has ensured that the problems you mentioned have been avoided.

Secondly, all editions of the Australian Dangerous Goods Code and the current transport reform package were developed with extensive liaison with key industry stakeholders. Australia has benefited from essentially nationally uniform dangerous goods transport requirements via the Australian Dangerous Goods Code for over 15 years due to the mutual efforts of government and industry. Accordingly, there is a large industry ownership of the transport requirements in the national arena. In addition, this amendment Bill, and provisions which will be the subject of regulations is the result of national microeconomic reform development in the transport industry and the provisions are subject to scrutiny and acceptance of the national Ministerial Council Road Transport and the combined Transport Ministers' Council for transport issues within Australia. These activities are also subject to review by the National Competition Council as part of this States implementation of competition policy initiatives.

2. What is a Dangerous Substance (Dangerous Good)

Dangerous goods legislation is best considered to address those substances and chemicals which present an immediate danger. There is a long history of legislation addressing these products primarily introduced because public safety legislation was necessary to curb accidents and incidents common to that period. For example, explosives legislation was first introduced very early in South Australia's settlement and flammable liquid regulation followed soon after. In the period before electric light it was all too common for large fires to start in city-based kerosene warehouse storage.

From this history a classification system for dangerous goods developed and this is now defined and maintained by the United Nations Committee of Experts on the Transport of Dangerous Goods. Australia is now a member of this committee and can influence the development of transport issues on behalf of government and industry. The UN classification system is used by international air and sea dangerous goods regulation and in most countries, including Australia, as the basis for land (and inland waterway) transport and safe storage and handling regulation.

As discussed in item 1 above, there is a large national infrastructure monitoring developments in dangerous goods transport legislation which helps to ensure that regulations which will accompany this Amendment Bill are suitable in scope and effect for industry in South Australia in respects to their national and international operations.

Several of the products you mentioned are indeed dangerous goods, however I believe the key issue is the appropriateness of the regulation for the activity and quantity of product. For example, the quantity of petrol kept in a domestic residence before a licence is required is 120 litres, whereas 5 000 litres may be kept on a rural property. These requirements have existed in South Australia for many years and are not affected by this amendment Bill. In relation to transport, small quantities are exempted from the transport regulation in the transport reform package; however, a general duty of care exists. This is reflected in the care most supermarkets take to pack 'chemicals' in a different bag to foodstuff items for safe transport from shop to home.

I am quite confident that no revision of the classification of the type of product which is subject to the dangerous goods transport legislation is necessary. Indeed, in order to gain the economic benefit of national and international harmony and uniformity it is most important that the criteria remain unchanged.

3. Self Regulation

Industry self regulation is too large a topic to address in this letter. However, I advise that the Draft National Standard for the Storage and Handling of Dangerous Goods will be released by the National Occupational Health and Safety Commission (NOHSC) in the near future and I recommend this document to you for comment from the rural perspective with consideration of the suitability of the proposed controls and efficient implementation strategies. The amendment Bill addresses national and international aspects of transport and the draft standard for storage and handling is expected to help a similar type of review of these provision at national level.

The draft national standard will be accompanied by a draft Approved Code of Practice. Approved codes are designed to provide practical guidance on how to meet the responsibilities required in the legislation but they allow flexibility on the method to achieve that safety outcome. Whilst this is not 'self regulation' as you recommend

the ACOP model is likely to be adopted in dangerous substances legislation for safety issues in storage and handling and your comments on this are of interest to NOHSC and departmental staff.

I trust that these comments are of assistance and reassure you that every effort is being made to continue the development of safe transport of dangerous goods by liaison and industry assistance and by legislative enforcement programs. Should you require further information please contact Mr Barry Wheeler, Manager, Dangerous Substances Branch, who will be pleased to provide further detail or, at the appropriate time, give a full briefing on the proposed draft regulations which will follow this amendment Bill

HEALTH AGREEMENT

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

Leave granted.

The Hon. J.W. OLSEN: The events in Canberra last Friday deserve an explanation being given to the House. They can be summed up in one sentence: is or is not quality, readily available health care a basic right in Australia?

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: The States argue that it most definitely is, but the Commonwealth, through the funding package that it has offered the States, has clearly indicated that it does not see its responsibility in the same light. Rather, health care is to be a lottery. Health care is not a game of chance. Life should not be reduced to this. That the Commonwealth can continue to behave in this way is unacceptable.

I have spoken before about the question of balance in making political decisions. In stressed financial times, that is not always easy. Everyone is asked to make sacrifices at such times, but equally there must be a limit. There must be social responsibility in Government policy as well as financial responsibility. A healthy budget line is not something to be proud of if it comes at the expense of people's health, delivers pain and creates fear in the elderly. Today, that is exactly what is happening in Australia through the Commonwealth's intransigence on health funding. There is suffering, and there is fear in the elderly within the community. To accept what the Federal Government has offered the States would be to see that increase.

The States decided it was time, once and for all, to take a stand. The States do not walk out of a Premiers' Conference lightly. It was not theatrics: it was desperation. It was not the fit of pique the Prime Minister sought to portray it as, and it was not, as the Prime Minister said today, 'a foolish action'—far from it.

The States have a responsibility to look after those who elect them to office and it was, quite simply, time for the Premiers and Chief Ministers to indicate in the strongest way possible that there is a limit to the financial pain the States will accept and that there has to be a halt to the physical pain this translates into from the lack of health services we are able to offer the community.

It was time to say that being offered just half the money we needed to provide health care when patients require it was a gross insult to the community. It was time to say also that it was an offer so deficient, so out of touch with what is needed in our health system, that it was positively dangerous to the health of all Australians reliant on public health service.

Make no mistake: to have accepted an extra $2.9 billion over the next five years, where $5.5 billion was asked for would be to see not just wards but whole hospitals progressively shut in some other States. In South Australia, it would definitely bring about permanent ward closures. It would see waiting lists expand. It would see the purchasing of much needed new equipment either delayed or halted. It would see work on much needed hospital upgrades shelved. Health care across the board would have to be wound back. This compromises people's lives in a way we cannot allow and I believe it removes a basic right—and we cannot allow that either, especially when it is money the Federal Government can afford to spend.

The fact is that the offer from the Commonwealth is on an eroded base. It does not take into account that over the past four years there has been a drift from the private health system to the public hospital system of nearly 80 000 people. The initial five-year agreement put in place by the former Keating Government made absolutely no provision for that drift from the private health system, bringing about today's circumstance.

We as a State have put an extra $77 million per year into health spending whilst at the same time the Commonwealth spending has increased by only $13 million per year. The Commonwealth is going into a surplus over the next three budgets of $2.5 billion, $5.6 billion and $9.7 billion respectively. Health expenditure is a matter of policy choice. That it is not seen as essential expenditure by the Commonwealth is incomprehensible.

The facts are that today in Australia general practitioners can only get one in five of their patients admitted to hospital when they ask for a bed. That is unacceptable. It is also the elderly who suffer most. The generation which has contributed most to the Australian taxation system is now getting the least out of it just when it needs it. That, too, is unacceptable. It is people over 55 who make up more than 40 per cent of patients using the public health system. They ought not to be treated as second-class citizens, and the States ought not to be starved of essential funds because Federal Government policy on private health care has been ineffective.

As I have indicated, in South Australia alone nearly 80 000 people have dropped out of private health cover in the past four years. Across Australia that figure is more than one million. All these people are now using the public health system, as is their basic right, but we just do not have the money to care for them. For example, using methodology that is accepted by the Commonwealth, we have ascertained that in this State the additional direct cost to our health system of these additional people is $51.4 million. At the same time, the revenue reduction from services on which private insurance impacts has been $73.3 million. No compensation for these impacts on our finances has been provided by the Commonwealth.

We are being continually expected to deliver more with less, in real terms. That is the situation which led to the Premiers and Chief Ministers maintaining that we require at least additional funding of $1.1 billion, established by the Health Ministers in their meetings over the course of the past two to three months. We have to get that additional funding. We know our figures are right, and we know that we are not demanding a cent more than is required. The States are now working together to progress this impasse. I stress the working together, because this is far too important an issue to give in on.

FIREARMS

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

Leave granted.

The Hon. J.W. OLSEN: Gun control is as emotive as it is important. The loss and suffering from Port Arthur is not something any of us can forget; nor should we. The events at Port Arthur signalled that enough was enough in relation to guns. So, while they can never forget those images, every South Australian should feel secure that this Government has a solid and never wavering commitment to gun control. My Government is determined to continue to do everything possible to strictly confine gun use and gun type to those who have a legitimate requirement to own and use specific firearms. We want to guard against ever again seeing the widespread availability of semiautomatic weapons; a situation which, there can be no argument, led to the tragedy at Port Arthur.

But there are issues that must be resolved if gun control within Australia is to be uniform. The Prime Minister's media statements last Friday on the subject of uniform legislation were not accurate. The local and some of the national media statements also continue to be inaccurate and misleading, despite the information given to them by governments. It is this confusion which I want to deal with today. I want to deal with it, because it is causing deep concern in the community where there should be none. Today Australia does not have uniform gun laws. I repeat: Australia does not have uniform gun laws. Whatever the people of Australia have been led to believe and whatever members of this Parliament may believe, Australia has never had completely uniform gun laws. Uniform gun laws were indeed the desire of the Prime Minister after the Port Arthur tragedy. But he and his Government, despite their continuing public comments to the contrary, are very well aware that it never happened. It should have—no argument—but it did not.

What happened is that different States and Territories went away and constructed their own legislation in ways that translated the Prime Minister's demands into a form most acceptable within their own communities. That has led to schemes which are no longer uniform and raises issues which ought now be resolved. They must be resolved, because of the ease of crossing State and Territory borders to avoid onerous laws. This is one area where to have anything less than uniform law is a mockery. As long as that is the way gun laws remain in Australia, there is the very real risk that gun laws will over time be watered down. I do not want to see any watering down of gun laws. For whatever reason in the past few weeks, the Prime Minister in his public statements has not acknowledged the reality of our present situation, as have not most of the media apart from the *Australian* and the Melbourne *Age*, both of which have produced intelligent analysis of the differing gun laws across the nation.

If we are to have uniform gun laws, as I strongly believe we should, it must be decided which jurisdiction's legislation is the most effective and workable. In doing that it should be remembered that there has been no criticism to date of laws in Queensland, Western Australia and the Northern Territory, yet there was criticism of Victoria when it decided to introduce changes to bring it into line with those other administrations. There has also been criticism of Minister Evans's comments in South Australia. That is grossly unfair. How can one say one is watering down gun laws when the other laws were not criticised? We cannot, and it is illogical. Either we move to their position, they move to ours, or we all find an appropriate balance. That must happen before we can have uniform gun laws. That is why, while I am adamant there will be no watering down of the substantive provisions in our gun law, I cannot say there will be no changes of an administrative nature so long as the high level of community protection in South Australia that presently exists is maintained.

South Australia has indicated that it is examining possible slight changes to what was originally proposed. I stress that no decision has been made, and I will explain why this examination is occurring by simply giving two examples. The first relates to field and game clubs. Such clubs were denied access to semi-automatic weapons while the Australian Clay Target Association was given access under strict controls. Yet each group operates under the same principles, the same extraordinarily strict guidelines and the same determination that guns must only be in safe hands. This has been a matter of much controversy for sporting shooters, particularly in the lead-up to the Olympics. Members of each group strive for Olympic perfection.

Some States, which were slower than South Australia to put their legislation in place—Queensland, Western Australia and the Northern Territory—were persuaded by the lobbying of their field and game clubs that they too should be exempted to ensure fairness for all accredited gun clubs. This move raised no community anger then or now. Who is right and who is wrong in that decision is what must now be considered by Police Ministers and by all Premiers and Chief Ministers working toward the end result of national uniform gun laws.

The other example is the 28 day waiting period for approval to acquire a second or subsequent firearm. Some States have determined that it is an added but unnecessary piece of red tape for a second and subsequent gun licence and has no useful purpose. The argument is that, once the first 28 day waiting period before taking possession of a gun has been fulfilled, an identical security check on the same person takes only a few days in relation to subsequent acquisition.

There is no way any applicant could build an arsenal as a result of reducing the 28 day period for a second or subsequent weapon. The checks are the same, they simply take less time because all the major paperwork was done the first time. At present, South Australia provides for a discretion to waive the 28 days. Since September 1996, 24 permits have been issued in South Australia in less than 28 days: two were for national championships and the others were for employment or urgent agricultural reasons. Most other jurisdictions allow some discretion. So, it needs to be understood that, across Australia, the 28 day waiting period for second and subsequent guns is not inflexible. These two examples illustrate the discrepancies across Australia.

There is absolutely no reason why these issues should not be debated. I would hope that, when South Australians see that there are no uniform gun laws and accept that we must work to achieve uniformity, they will understand the Government's position. At this point we are willing to consider all points of view on these two issues. It should be noted that the Prime Minister has so far not made any criticism of the gun laws in States and Territories which are different from ours. So, as I have said, the debate now is about what laws presently in existence become the national uniform gun laws.

The ambit claim of the gun lobby in South Australia—the 52 amendments they presented to the South Australian police—have not been seen by me. However, I want to reinforce here today that, from what I have heard about them, I do not accept them in any shape or form. However, the gun lobby remains no different from any other interest group in our community in that it has a right to put its case to elected government. It asked to put its case, it did that and it has been

turned down. In finishing, I will repeat what I said earlier. We do not have uniform gun laws. We must. It is the Government's view that this should evolve from discussion with interest groups, community debate and ultimately consideration by the Australian Police Ministers' Conference, Premiers, Chief Ministers and the Prime Minister.

PAPERS TABLED

The following papers were laid on the table:

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

Police Act—Commissioner for Police, Directions to—
Operations Intelligence Division

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

Bank Mergers (South Australia) Act—Regulations—
St George/Advance

By the Minister for Primary Industries, Natural Resources and Regional Development (Hon. R.G. Kerin)—

South Eastern Water Conservation and Drainage Board—
Report, 1996-97.

QUESTION TIME

The SPEAKER: I advise the House that the Minister for Education and Children's Services will take questions that would otherwise be directed to the Minister for Youth and Employment.

WORKSKIL INC.

The Hon. M.D. RANN (Leader of the Opposition): Given the illness of the Minister for Employment, I direct my question to the Premier. Does the Premier have full confidence in the current management of Workskil, and what action is the Government taking to ensure that people in the western suburbs will not be disadvantaged by the decision of the Howard Government to award a contract to replace the CES, worth up to $10 million, to Workskil Inc. in Edwardstown which is now in financial trouble?

Workskil Inc., which has been awarded the contract to carry out work previously done by the CES in the western suburbs, is reported to have been unable to afford phone bills or staff superannuation, to have no disabled access and to be unable to afford to purchase a BMW car it offered as first prize in its own fund-raising lottery. The Opposition has been informed that tickets were $200 each, and some refunds were made as late as today. Unemployment is running as high as 15.3 per cent in certain parts of the western suburbs, and young people in particular need confidence in the agencies that serve them.

The Hon. M.R. BUCKBY: The honourable member is correct in saying that Workskil has been working as a training provider and a broker for some years. This issue was reported in the Federal Parliament yesterday: it is a Federal issue. We have not as yet been informed of the facts. We have seen a report in the *Advertiser*—and the Leader of the Opposition obviously got his question from the *Advertiser*. We are seeking further facts on this matter from the Federal Government and, on receiving those facts, we will provide an answer to the House.

STATE ECONOMY

Mr SCALZI (Hartley): Will the Premier explain the ramifications to the State's budget of Government policy which demands no new taxes, vastly increased infrastructure spending, across the board pay rises and no asset sales?

The Hon. J.W. OLSEN: The question tends to summarise the position of the Labor Party. On our Opposition benches in South Australia we see a Party devoid of any real policy substance, depth or direction. Let us just take some of the statements of the Leader of the Opposition. In recent weeks, he has said:

South Australia doesn't need more taxes to get the State going: it needs less.

So the Leader of the Opposition wants one fewer tax. He said also that, if he were to introduce new taxes or increase taxes beyond inflation, he would resign. He is not in the position of having to exercise that policy, but he—

Members interjecting:

The SPEAKER: Order! The Premier has the call.

The Hon. J.W. OLSEN:—also said that Labor would require that each year net State debt be reduced in real terms, nominal terms and a percentage of GST. That means no new taxes and an absolute reduction in debt in South Australia. Where does the policy combination come from? What are the components of this policy? On what basis is it drawn together? He is just a political contortionist. He does not have a policy direction. If you put together a range of statements of the Leader of the Opposition, you see that they just simply do not add up. Let me go on to remind the House of statements made by the Leader about taking down taxes: he wants to reduce the tax level. The Leader of the Opposition has said that he will create tax-free zones without payroll tax, land tax and stamp duty. So, we will forgo revenue across a range of zones in the State.

He has also made a commitment or a promise, which he would never have to fulfil, that he would deliver a 40 per cent cut to BAD tax even though he concedes publicly (on 2 January on 5AN) that this would mean $20 million in revenue forgone. Where will he make up the revenue forgone? At the same time, the Leader of the Opposition has been on the airwaves saying that Labor's focus is on jobs, rebuilding schools, hospitals and more police. He says he will create an additional 1 300 jobs in police, education, health and elsewhere in the Public Service.

Members interjecting:

The SPEAKER: The member for Elder.

The Hon. J.W. OLSEN: So, we are going to reduce taxes, we will bring down the level of debt and we will increase the size of the Public Service by 1 300 people. This would be about $60 million or $70 million.

Members interjecting:

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

The Hon. J.W. OLSEN: All I pose to him is how he proposes to meet those commitments—how, and with what?

Ms Hurley interjecting:

The SPEAKER: The Deputy Leader will come to order.

The Hon. J.W. OLSEN: The simple fact is that it is further evidence that the Leader of the Opposition does not have a coherent policy thrust or direction. The Labor Party is absolutely devoid of how to manage South Australia now and in the future. It builds on its track record of the past. If you add to that—

Mr ATKINSON: On a point of order, Mr Speaker, on my reading of Erskine May, the Premier is not responsible to the House for the policies of the Opposition.

The SPEAKER: Order! I do not uphold the point of order in the context of the Premier's reply—

Members interjecting:

The SPEAKER: Order! Members will come to order. I do not uphold the point of order in the context of the Premier's reply. Certainly, he is not responsible for Opposition policy but, in this particular response, the member is not yet straying from the context of the question asked.

The Hon. J.W. OLSEN: I would have thought that the public forum of the Parliament was an appropriate place to debate policies argued by the Opposition as to the answer for South Australia. They simply are not the answer for South Australia. We saw the Labor Party's stewardship of the Treasury benches in this State. That stewardship over 10 or 11 years, despite warnings, brought about the financial debacle of the State Bank collapse in this State. Despite the warnings, they did nothing about it. We will progressively work through and fix the problem in this State, as indeed we are. But we have the Leader of the Opposition suggesting that he will cut areas of Government expenditure—for example, he will scrap three Government departments. How do you scrap three Government departments yet increase the size of the Public Service by 1 300 people? It is an equation that does not equate. Neither does reducing taxes and making commitments.

The Leader of the Opposition likes to go on radio and say that he would propose that we get rid of BAD. We would like to get rid of BAD tax too, but the simple fact is that there is not the basis to do so, with the financial circumstances with which we are faced in South Australia. What we have is 'media Mike', with the 10 second grab, putting in place policies on the run to meet the audience of the moment. But, when you put the policies together, there is no coherency to it; there is no formula; there is no alternative; and there is no substance of an alternative policy for South Australia in the future.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I call the Leader—

The Hon. M.D. Rann interjecting:

The SPEAKER: I caution the honourable Leader.

The Hon. M.D. Rann interjecting:

The SPEAKER: If the honourable Leader continues to interject while I am cautioning him, I will name him on the spot. The honourable member for Ross Smith.

TELSTRA WORKERS

Mr CLARKE (Ross Smith): Will the Premier demand that his Federal Liberal colleagues protect South Australian jobs by ensuring 60 South Australian-based workers to be retrenched from Telstra's network design and construction depot at Kidman Park on 1 July this year receive preference in employment over the 50 Victorian Telstra workers who are flown into Adelaide from Victoria each month performing the same work as those South Australian employees who are facing the sack?

Some 50 Telstra workers have been flown into Adelaide for three weeks out of every four for the past two years to supplement work carried out in country South Australia and the Northern Territory by Telstra's Kidman Park depot. According to the Communication Workers Union the 50 Victorian-based Telstra workers will continue to be flown into Adelaide to carry out the same work that could be performed by the 50 South Australian-based workers.

The Hon. J.W. OLSEN: Once again the Opposition ignores the other side of the coin. Telstra has created 50 jobs in the past four weeks in South Australia. Just telephone Telstra and get confirmation of the fact that 50 jobs have been created by that organisation in South Australia in the past four weeks. There are three proposals before the Government for Telstra to expand its operations, consolidate and employ more in South Australia. What the Deputy—

Mr Clarke interjecting:

The Hon. J.W. OLSEN: I was going to say the Deputy Leader, but I forgot that he had moved down the bench.

Members interjecting:

The Hon. J.W. OLSEN: He is going to move back up again, is he? I look forward to his moving back up because he keeps demonstrating why he ought to be the Deputy Leader rather than where he is. The other point that ought to be borne in mind is that 40 of those Telstra workers have taken a voluntary separation package. Indeed, it was a program of some four years ago that now has completed its life. Of the 50 people who have been flown in from Victoria, the same provisions apply to them as to the South Australian workers. Let us get the ledger square.

In the past three or four weeks 50 jobs have been created by Telstra in South Australia and three proposals are currently before the Government to expand its work force and operations in this State. I assure the member for Ross Smith that we will continue to pursue job opportunities, consolidation and expansion of operations as we have done in the past.

NATIONAL COMPETITION POLICY

Mr CONDOUS (Colton): Will the Premier advise the House how competition policy and the operation of the National Competition Council are influencing Government policy and, in particular, indicate any impact it may have on South Australia's shop trading hours review?

Members interjecting:

The SPEAKER: Order! The Premier has the call.

The Hon. J.W. OLSEN: The Leader of the Opposition might laugh, as he did the other day when the ministerial statement was made. It was Federal Labor policy—COAG—that put in place competition principles. It was his mate Paul Keating and Fred Hilmer who put in place the competition policies, signed off by the Premiers around Australia. So, the Leader of the Opposition full well knows the impact of the national competition policy. For convenient political purposes he now wants to distance himself from basic Labor policy. At least that Labor Government had a policy or two. The Labor Opposition in this State has no policies, as it demonstrates day by day. The Leader of the Opposition said in *Hansard* on 31 May 1995:

> I will let you know what my position is on this—

this is shop trading hours—

> My position now is the same as it was when I was Minister for Business. The simple fact is that, if you want Sunday trading, that is fine, but get the agreement of the union, the workers, small business and big business.

That was the quote of the now Leader of the Opposition. In relation to competition policy, I refer the Leader of the Opposition—and well he might embarrassingly laugh—to the speech of Graeme Samuel in Perth warning the Court

Government in the past few weeks that shopping hours is a key issue upon which they will be making judgment about competition payments to the States. The sign-off of the agreement between the Commonwealth and the States under the COAG agreement for the disbursement of $1 015 million over the next nine years is dependent on a range of issues. Even if we get 19 out of the 20 right and in one out of 20 you do not meet the competition principles—

The Hon. M.D. Rann: What about the Casino?

The SPEAKER: Order!

The Hon. M.D. Rann: You said last week that you were going to be tough.

The SPEAKER: Order! The Leader is perilously close to being named for consistently interjecting when the Chair has called him to order.

The Hon. J.W. OLSEN: Despite the inane comments of the Leader of the Opposition, he might note that the NCC has reconsidered its position on the Casino as a result of this issue being taken up with the NCC by this State and other States. We will see what the outcome is, because that very point is being reconsidered right now. Change in terms of an anti-competitive nature of any type, which has on it a legislative restriction, will be the subject of assessment. Under the COAG agreement, as a State, we must—

Mr Conlon interjecting:

The SPEAKER: Order! The member for Elder will come to order.

The Hon. J.W. OLSEN: There is the real Leader-in-waiting. The interesting thing about the Opposition—

Members interjecting:

The SPEAKER: Order! The Premier will resume his seat. There are far too many interjections on my left. I am very close to warning several members, with the consequences that are attached to that, and that of course will take time out of Question Time. The honourable Premier.

The Hon. J.W. OLSEN: The hypocrisy of members opposite never ceases to amaze me. They are opposed to privatisation, but the would-be Leader, the member for Kaurna, has bought shares in Telstra. Good luck to him, I do not mind that, but given the opposition to it by members opposite I am surprised that he would fly in the face of Party policy and take shares. Other members are clearly keeping their eye on the Leader of the Opposition. But the simple fact is that consistent policy direction in meeting the requirements of COAG is important. Whilst the Leader of the Opposition might play petty politics, there are more important underlying principles at stake: that is, the importance for us to secure competition payments now and in the future.

ELECTRICITY, PRIVATISATION

Mr FOLEY (Hart): My question is directed to the Premier. Does the Government have a minimum price that it will accept for the sale of ETSA and Optima, and is that price budget positive or is the Government prepared to sell at a loss? The Government's Sheridan report has found that a sale price of $4 billion will return net budgetary savings of only $29 million per annum, even after allowing for reduced dividends of $150 million per annum, and that a sale at a price of $3.5 billion or less will result in a budgetary loss.

The Hon. J.W. OLSEN: Conveniently, the member for Hart picks the minimum. If he looked at the maximum of that range, he would come up with a figure of about $297 million. The question was whether we have a minimum price. Of course, the Government has a minimum price, but the honourable member would not expect me to put it on the table today and, appropriately, we would not be indicating at any stage what the price range might be. Price is only one factor. I draw to the attention of the member for Hart the Auditor-General's Report of last December which identified areas of risk, involving not only competition payments to which I have referred but also entry into the national electricity market.

I also draw to the attention of the member for Hart the fact that Tom Sheridan in his report also identified the areas of risk. He recommends that the reduced dividend flow in the forward estimates be reduced from $215 million a year to $150 million (at a minimum). On Mr Sheridan's advice, $65 million of annual revenue would be taken out of the forward estimates. So, the risk in terms of reduced dividend flow is quite dramatic and high not only as evidenced by the report to the Government initially last December-January but also confirmed by Mr Sheridan.

There is also the risk of participating in a national electricity market and the risk in terms of being not a price-maker but a price-receiver in terms of participation in that national electricity market together with the impact of the Riverlink coming on stream and the implications that will have for South Australia. Mr Sheridan also refers in his report to the need to upgrade current infrastructure, the cost of applying that, and whether that would best be provided by the private sector rather than a Government monopoly.

All in all, the Sheridan report clearly underscores and ticks off the Government's policy direction. I note that the original meetings were cancelled, but if the member for Hart wants to pick up the request for further information, we will go back. If he does not cancel the meetings all the time at short notice, we will provide him with a briefing on what these reports contain. The Sheridan report is clear, irrefutable further evidence that the policy thrust that the Government is taking is absolutely essential for South Australia now and in the future.

Members interjecting:

The SPEAKER: Order!

YOUTH EMPLOYMENT

Mr HAMILTON-SMITH (Waite): Will the Minister for Education, Children's Services and Training inform the House of the outcome of the meeting of Ministers for Youth in Perth last week concerning the reporting of youth employment statistics?

The Hon. M.R. BUCKBY: One of the main causes of negativity among youth these days is that they perceive that about 30 per cent of young people in South Australia are unemployed. That is not a true statistic because of the way in which statistics are reported. Last week, Minister Hall attended a Youth Ministers' conference in Perth at which it was agreed by all Ministers around Australia that in future two sets of statistics on youth unemployment will be referred to when being considered by Parliament.

The Hon. J.W. Olsen interjecting:

The Hon. M.R. BUCKBY: That included the New South Wales Labor Minister, as the Premier says. Both sets of statistics will be produced, one taking into account all 15 to 19 year olds and the other those 15 to 19 year olds who are actually seeking work, because the figures are very different. In South Australia, the number of young people aged between 15 and 19 who are not studying or in part-time

employment but who are actually seeking full-time work is 8.6 per cent.

In February, the ABS reported that of the 99 000 South Australians aged between 15 and 19 almost 65 000 are full-time students, about 22 000 are employed, and 8 500 are not in work or are looking for full-time employment. The alternative measure of 8.6 per cent uses the full-time unemployment level as the denominator, but measures it as a proportion of the youth population giving a true indication of how many young people aged between 15 and 19 are unemployed.

Mr Conlon interjecting:

The SPEAKER: Order! The member for Elder will come to order.

The Hon. M.R. BUCKBY: The Government is addressing this issue, particularly in the area of small business. Under its small business scheme, the Government gives $4 000 to small businesses with a view to employing young people: $2 000 in the first 12 months and a further $2 000 in the second 12 months. About 1 000 small businesses have already applied for that funding. In addition, in addressing the unemployment of young people in this State, the Government has provided 1 000 traineeships and a further 500 traineeships in regional areas.

ELECTRICITY, PRIVATISATION

Mr FOLEY (Hart): My question is directed to the Premier. Does the Government still believe that the sale of ETSA and Optima will give Government Ministers an extra $2 million a day to spend given that the Government's Sheridan report shows that the sale of ETSA and Optima for $4 billion is likely to reduce net interest payments only by less than $80 000 a day on present interest rates? Between 24 and 25 February—

Members interjecting:

The SPEAKER: Order!

Mr Atkinson interjecting:

The SPEAKER: Order! The member for Spence will come to order. The member for Hart has the call.

Mr FOLEY: Between 24 and 25 February, five Government Ministers answered hypothetical questions about the sale of ETSA and what Ministers could do with an extra $2 million a day as a result of that sale. The Sheridan report states that the sale of ETSA and Optima for $4 billion would improve the budget bottom line—

Mr Brokenshire interjecting:

The SPEAKER: Order! The member for Mawson.

Mr FOLEY:—by only $20 million per year at current interest rates, which equates to $80 000 a day and not $2 million a day.

The Hon. J.W. OLSEN: The member for Hart has not got his heart in this subject; he has a portfolio responsibility and he must front up with a series of questions. We know that the member for Hart genuinely believes that this policy direction being pursued by the Government is right. But, he has been given this shadow portfolio responsibility and he must make a reasonable fist of it.

An honourable member interjecting:

The Hon. J.W. OLSEN: I think it is well on the way to creating those difficulties for the member for Hart—difficulties that have been evidenced in the past four months, I might add. The questions that we put to this House clearly demonstrated that, if you retired debt in South Australia, you would have $2 million a day to spend on a range of infrastructure opportunities in this State. That is what we said, and consistently we will continue to say it because it happens to be fact. A total of $800 million each year goes on paying the interest on this State's debt, principally brought about by the incompetence of the former Labor Government in South Australia.

The member for Hart might want to distance the current Labor Party from the previous Labor Government in South Australia, but he cannot because he happened to be a key adviser to the Premier in the former Labor Administration, and the Leader of the Opposition sat around the Cabinet table whilst we saw the demise and collapse of the State Bank. So, the Emperor has no clothes, so to speak, in this circumstance. I will arrange a copy of the Sheridan report for those members in the House who would like to look at it, because it dismantles the inference that the member for Hart is now trying to put to the House.

The true, accurate circumstances are contained in the Sheridan report, and I will make it available to any member of the House who would like to read it and to look at the context in which the member for Hart is now posing the question. He does himself a great disservice and no credit in terms of trying to promote the Opposition cause, which is fundamentally flawed. The position is that the Opposition has no policy. It is thrashing around trying to dismantle it. As each report comes out to support, after assessment, the policy position we have taken, it shows the Labor Party for what it is in South Australia—an absolute vacuum in terms of policy.

Members interjecting:

The SPEAKER: Order!

SA YES

Mr BROKENSHIRE (Mawson): Could the Minister for Education, Children's Services and Training outline to the House new assistance available to young business men and women through the collaborative efforts of both the business community and our State Government?

The Hon. M.R. BUCKBY: I am pleased to inform the House that there has been a new development for young South Australian entrepreneurs. As part of the South Australian Employers Chamber of Commerce and Business Vision 2010 initiative, the South Australian youth entrepreneurial scheme, or SA YES, has been established.

Mr Clarke interjecting:

The SPEAKER: Order! I caution the member for Ross Smith.

The Hon. M.R. BUCKBY: SA YES is evolving into a good partnership between the Chamber, the State Government, local government and young South Australians. SA YES aims to help youth employment by encouraging new entrepreneurial businesses headed by young people. Key elements of the scheme are leadership, community orientation and mentoring support provided to young entrepreneurs by experienced business people.

The initial target for the scheme is the City of Charles Sturt. The city will assist the project with important publicity, information, recruitment and identification of suitable locations. Following meetings between coordinators of this scheme and the Minister for Employment, SA YES has begun working closely with Employment SA to ensure high levels of Government support for the scheme and particularly the young entrepreneurs involved. Employment SA is working with the Chamber to establish ways in which they may provide the young people involved—

Mr Atkinson interjecting:

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

The Hon. M.R. BUCKBY:—with accredited training through their proposed business support and mentoring process. In addition, Employment SA will be making self-starter grants available to eligible participants in the SA YES program. The State Government provides young people aged 18 to 25, who have a clear business plan, with an appropriate start-up grant of some $3 000 to assist in the establishment of their own small business and up to $1 000 worth of mentoring support. I am pleased that the State Government has been able to join with the Chamber and local government in such a constructive partnership to help young South Australians build a positive future for themselves and this State.

SCHRODERS

Ms HURLEY (Deputy Leader of the Opposition): Will the Premier now confirm that the Government, ETSA or Optima last year commissioned the investment house Schroders to report into future options for ETSA and Optima, including privatisation, and will he release that report publicly? In response to a question on 10 December last year, prior to the announcement that ETSA and Optima were to be sold off, the Minister for Government Enterprises would not confirm the existence of the Schroders report.

The Hon. J.W. OLSEN: I will seek the information and advise the House.

YOUTH EMPLOYMENT

The Hon. D.C. WOTTON (Heysen): Will the Minister for Environment and Heritage advise the House of the specific progress that is being made by the agencies within her portfolio to assist youth employment in this State?

The Hon. D.C. KOTZ: The Government is pursuing youth employment with a great deal of determination and, under the leadership of the Minister for Employment, this Government is approaching youth employment solutions in a holistic and certainly integrated fashion. I share the Minister's strong view that youth employment is extremely important, and I am very pleased to report advances in this area within my department. The Government has set a medium-term target of 9.5 per cent of Government employees in the public sector being 25 years and younger. I am very pleased to report that within my own department, as at December 1997, some 12 per cent of people were 25 years or younger, that is, a total of 159 young people.

Many of these young people are graduates and include 46 trainees. Importantly, 15 of these trainee positions are in regional areas. Of the 46 trainees, three are of Aboriginal descent, and I welcome the unique skills and perspectives they bring to our agency. I expect to see these figures increase as we develop youth employment within the agencies. I am further pleased to announce that special priority will be given to extending the number of trainees in regional areas, and that a special project team has been set up within the department to process this development. The team will examine barriers to employing youth and work actively to resolve any such issues through the agency.

Members will agree that this is, indeed, a very good outcome, and I am pleased that young people will have a significant role to play in managing the environment in the future. I welcome their talents and take this opportunity to express the hope that they will remain within the agency and develop their career potential for the benefit of not only themselves but also all South Australians.

PLAYFORD POWER STATION

Ms HURLEY (Deputy Leader of the Opposition): Will the Premier confirm that plans, supported by Cabinet on 22 December 1997, for the Riverlink transmission line to connect South Australia with New South Wales are based on closing the Playford power station at Port Augusta? A review by Optima suggests that the Riverlink proposal is based on the need for 200 megawatts of additional capacity in South Australia in the year 1999-2000 and the assumption that Playford power station at Port Augusta will close when the station's environmental licence expires on 31 August 2000.

The Hon. M.H. ARMITAGE: All those factors have been taken into account in looking at the generating capacity for the State. There is nothing new in those. It is also well and truly acknowledged that the power station in question has a number of environmentally detrimental features which are not suitable for the production of electricity into the third millennium.

TAFE ON-LINE COURSES

The Hon. R.B. SUCH (Fisher): Will the Minister for Education, Children's Services and Training provide information relating to the latest developments in the on-line delivery of TAFE courses?

The Hon. M.R. BUCKBY: I thank the member for Fisher for his question, because it is important. TAFE in South Australia is being particularly creative in the way it is adopting new technology. Before I go on to address the honourable member's question I will mention one instance. I visited Seymour College only two weeks ago and signed a memorandum of agreement between Douglas Mawson Institute and the college to provide a VET course in information technology. I was advised by the Director of the Douglas Mawson Institute that this was the first of a large number of schools that have signed up with Douglas Mawson Institute to undertake this VET IT course.

It is great to see that our young people and TAFE are working towards making this an IT smart State. TAFE in South Australia is recognised as a national leader in on-line education, with over 100 learning modules currently available via the Internet and the World Wide Web. I congratulate our TAFE staff: they are doing an excellent job in this area. There are a further 40 modules in development, and among the key training areas with on-line courses are small business, aquaculture, environmental management, management and accounting, electronics and information technology.

There is enormous potential here for the delivery of on-line courses. The regional centre is in Adelaide and many smaller regions are scattered throughout the State. On-line delivery to our wider community in the country will enable young people and any other people in the country to take up an IT course on-line through the Internet or through the Web. It cuts down a great deal of paperwork dealing with movement between sectors, and the department has a goal of some 50 per cent of TAFE students undertaking a component of their training through on-line sources by the year 2000.

The ability of this form of technology to transform people's lives in remote areas will be quite amazing. It will allow those people who through the tyranny of distance have previously not been able to study to log in to the Internet site

through TAFE or the World Wide Web and undertake courses in their own home. I cite the case of many farmers' wives who would like to take up some study but who because of distance or work on the farm are not able to do so. This is a particularly exciting concept for TAFE, and all involved in TAFE (SA) are to be congratulated.

DEPUTY PREMIER

The Hon. M.D. RANN (Leader of the Opposition): Did the Deputy Premier last year commission the consultants Hamra Management to give him mistake avoidance training and interview tuition and, if so, who paid the $10 000 in bills?

Members interjecting:

The Hon. M.D. RANN: We'll ask about the refund in a minute. The Opposition has been informed that, following a speech by the Deputy Premier last September, in which he raised the privatisation of ETSA, followed by his 'Full stop, full stop' news conference, the Premier advised the Deputy Premier to have media training to avoid future gaffes in interviews. It is understood that Hamra Management, which worked for the Liberal Party at the last State election, submitted two bills—one for $2 000 and one for $8 000. Did the taxpayer pay and will the Deputy Premier ask for a refund?

The Hon. G.A. INGERSON: No, I did not ask Hamra Management to go through any of that process.

Members interjecting:

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

INFORMATION TECHNOLOGY

Mr VENNING (Schubert): Will the Minister for Industry, Trade and Tourism advise the House what action the Government is taking to assist information technology companies to employ young South Australians with technology skills?

The Hon. G.A. INGERSON: With the involvement of the Emergent Software company here in South Australia and the aid of the Department of Industry and Trade, we have just been able to make sure that we get computers to employ some 13 young people. Emergent Software has been involved with GT Interactive Software, which is one of the biggest companies in the world in this sphere, to put together some fantastic new software, all the money from which will be returned to South Australia. It is one of the most important issues in which the Department of Industry and Trade is involved, and it ensures that we can get young people employed particularly in areas such as research and development so that all this money can return to South Australia.

We have also been involved with Dow Digital Pty Ltd, in which 8 to 20 jobs over the next one or two years will lead to that organisation being involved in educating small to medium sized business in electronic commerce. Camtech SA Pty Ltd will provide some 30 jobs over the next one to two years, also in the area of electronic commerce. In the case of Mega Media Corporation (Australia), 14 to 28 jobs have been relocated from Silicon Valley and Europe to create a local, internationally focused software development centre for computer games. PC Consortium, representing Protech, Microbits and Lodin, which were encouraged to tender for the DECS PC contract by the Department of Industry and Trade, have collectively employed some 240 people here in South Australia.

These investment opportunities assisted by the Department of Industry and Trade in the IT area have been very important for jobs for young people, and we will continue to make sure that we can encourage these companies to come here and set up their business in South Australia.

A question was asked earlier in relation to Telstra. In discussions we had last week, we were advised by Telstra's manager that in back office and call centres there would be continuing opportunities for Telstra to expand its operations here in South Australia. Consequently, more young people will be able to get those job opportunities as Telstra increases and expands here in South Australia.

WEST BEACH BOAT HARBOR

Ms KEY (Hanson): Why did the Government not ensure that all appropriate approvals were in place before work commenced on the West Beach boating facilities, and will the Premier guarantee that all relevant laws and approvals are now being complied with in relation to the development? Work has had to stop on the West Beach development this week, because someone failed to gain the appropriate approvals—

Members interjecting:

The SPEAKER: Members on my right will come to order; I cannot hear the question.

Ms KEY: Work has had to stop on the West Beach development this week because someone failed to gain the appropriate approvals regarding the closure of a public road. The Opposition has now been advised—

Mr Brokenshire interjecting:

The SPEAKER: Order! The member for Mawson.

Ms KEY:—that, because the road is located on West Beach Trust land, it is classed as an easement and cannot be closed by normal methods.

The Hon. M.H. ARMITAGE: The most important thing about the particular works that we are undertaking at the moment is that they are being undertaken for the safety of not only the people who may intend to get onto the site, which will be nothing more or nothing less for the duration of the construction than a construction site. It is important that people who do not understand the nuances of a construction site be protected. It is also particularly important that the people who are working heavy machines and who are potentially at risk, for all the obvious occupational health and safety reasons, be able to operate those machines in complete safety. The Government's processes will ensure just that.

AUSTRALIAN FISHERIES ACADEMY

Mrs PENFOLD (Flinders): Will the Minister for Primary Industries advise the House of the benefits that will flow to South Australia from the new seafood fisheries training academy at Port Adelaide?

The Hon. R.G. KERIN: I thank the member for Flinders for her question and acknowledge how important the fishing industry is to her electorate. Last Friday we saw a first for South Australia with the official opening of the Australian Fisheries Academy. It is the first and only fisheries specific training institution in Australia. Not only will it provide a central training base for the fishing industry in this State but also it will be a national centre and there will be training for international members of the seafood industry. This is a landmark achievement for the fishing industry which, in Australia, is enormous being worth $1.7 billion. It contributes

about 20 000 direct jobs and 110 000 indirect jobs to the economy. In South Australia the fishing industry is worth nearly $200 million at wharf value. For South Australia the industry provides many important regional jobs.

Like most primary industries today, the fishing industry is going through a period of rapid change and it is no longer appropriate for people to just either jump on a boat or take up aquaculture without some level of training. Certainly, that requires people to invest in knowledge and skills training. The academy is the result of much dedication, hard work and vision by the members of the South Australian Fishing and Seafood Industries Skill Centre, very ably headed by Hagen Stehr. Hagen recognised the need for a more extensive training program for the seafood sector and set about trying to make the academy a reality, and his vision has certainly come to pass.

As I said, the academy is an Australian first, being an industry managed training institution dedicated to supporting the development of the whole of the Australian seafood industry. Its focus specifically is on the development and delivery of fisheries training programs. It also provides a maritime training college for the trading sector as well as for recreational yachtsmen through the Yachting Federation. Not only will it improve the skills of industry members but it will also certainly assist in economic growth by attracting both interstate and overseas students to South Australia, once again enhancing our reputation as an educational centre.

The academy is uniquely placed to provide the fisheries training skills, particularly to our Asian and Pacific island neighbours, and negotiations are proceeding with a number of countries including Papua New Guinea and Western Samoa for them to send students to the academy. The academy has been established using funding and support, both Federal and State, and industry contributions. The State Government strongly supports this initiative and in 1997-98 has committed $388 000 to enable delivery of vocational education and training programs and towards capital expenditure at the academy. Traineeships and up-skilling are key priorities of the South Australian Liberal Government. The Government, through TAFE and my department PIRSA, is committed to supporting initiatives to provide training and to assist in identifying employment opportunities for our youth particularly, as I said, in the regional areas of the State.

As to additional support for these initiatives, I am pleased to announce that we will be providing another $20 000 significantly to assist the intake of regional trainees under the umbrella of the South Australian Fishing and Seafood Industry Council. This will enable 10 trainees to be placed through the council to gain invaluable work experience and training. This important and innovative contribution will be of real benefit to advancing employment opportunities for youth in this State. Certainly, the traineeship scheme, which is a partnership between the State and Commonwealth Governments, is competent for giving young Australians a go. I believe that to strive for best practice and quality assurance in the seafood industry will require an improvement in our skills base. The strategy of providing an industry driven and industry related training establishment, which is run on a commercial basis, demonstrates the strength and capabilities of the fishing industry in South Australia and generally the maturity of the fishing industry in Australia. There is no doubt that the Australian Fisheries Academy is an important educational asset to the State and an asset that will help us to achieve real results for the fishing industry.

ADELAIDE AIRPORT

Ms HURLEY (Deputy Leader of the Opposition): Can the Premier give an undertaking that the airport levy, which is to be introduced to pay for a new terminal, will not rise above $2 per passenger and, if not, what is the maximum amount passengers will pay? During August—

Members interjecting:

The SPEAKER: Order, the member for Schubert!

Ms HURLEY: During August last year the Premier was reported as raising the question of passengers having to pay a levy for using Adelaide Airport. A spokesperson for the Premier was quoted at the time as saying that he expected the levy to be about $2 per passenger. As part of the Adelaide Airport announcement, the Federal Finance Minister, John Fahey, said that the new terminal would be paid for with a passenger levy of between $2 and $5 per passenger. Mr Fahey went on to say—

Members interjecting:

Ms HURLEY: So what?

The SPEAKER: Order, the Minister for Local Government!

Ms HURLEY: Mr Fahey went on to say, when asked why the Premier was not at the announcement of the $362 million airport deal, 'It's got nothing to do with the Premier, with the greatest of respect.'

The Hon. J.W. OLSEN: The Commonwealth was actually signing off a deal to sell a Commonwealth piece of land. That is a simple fact, although it might have escaped the Deputy Leader of the Opposition. Once again, the Deputy Leader of the Opposition is no improvement over the member for Ross Smith, because the member for Ross Smith, in his question on Telstra, played with figures and left out part of the equation, as the Deputy Leader has. The Deputy Leader has deliberately left out the fact that there is a 15 per cent reduction in landing and operational charges to airlines under the new deal. What does that mean? It means reduced operational landing costs, charges and impact passed onto passengers going through Adelaide Airport. That is what it means. If there is a passenger facilitation charge—

An honourable member interjecting:

The SPEAKER: Order, the member for Ross Smith!

The Hon. J.W. OLSEN: I indicate clearly that I will publicly support now, as I have in the past, and we will support, the consortium in going to the ACCC to get a sign-off for a PFC in South Australia to build a $150 million or $160 million terminal facility. I make absolutely no apology for that at all. It is about time we had both our domestic and international terminal facilities upgraded.

An honourable member: What's a PFC?

The Hon. J.W. OLSEN: It is a passenger facilitation charge. To reach a position where we get the new terminal facility in place—

Members interjecting:

The SPEAKER: I warn the member for Ross Smith for continually trying to flout the Chair.

The Hon. J.W. OLSEN:—we will clearly establish not only in the construction industry jobs over the next two or three years. The Deputy Leader keeps talking about jobs and here is expenditure of $150 million to $160 million to create jobs in the construction industry in South Australia. Do they not want that? This Opposition wants to knock every conceivable project. Let us look at the questions asked recently by two members. One was asked about West Beach and now we have this question about the Adelaide Airport

development. They are just knocking proposals and wanting to put down new developments and advancement because of the contrast with the previous Labor Government, which is quite stark. There is a contrast with new private sector capital investment in this State which, according to the *Australian* last week, was out-performing every other State in Australia. They are the sorts of figures they do not want to speak about. They are the sorts of figures they do not want to put on the deck.

If the Deputy Leader is to ask a question in this House, let us have all the facts on the table and not part of the facts and selective quoting. The facts of the matter are that there is a 15 per cent reduction in landing and operational costs under the new owners. That will assist every passenger using Adelaide Airport. A business plan put in place will require the new consortium, given the price they have paid, to increase patronage through that terminal. That is to the advantage of South Australia, to our tourism industry and in getting goods and services out of the airport into the international marketplace. We will back this consortium in its application to the ACCC for a PFC.

I contrast that with the situation in New South Wales—that Labor State on the eastern seaboard that charges $3.40 every PFC, on every ticket for noise control and abatement in New South Wales. For our PFC we will get a new terminal facility that will take this State from the Stone Age of the Labor Government into the next millennium.

Members interjecting:

The SPEAKER: Order! I remind the member for Ross Smith that he was warned during that last reply.

Mr Venning interjecting:

The SPEAKER: Order, the honourable member for Schubert!

HEALTH PROFESSIONALS, COUNTRY

Mr MEIER (Goyder): Will the Minister for Human Services advise the House of the latest initiatives to encourage health professionals to move to and remain in country areas of South Australia? The week before last, the Minister for Human Services visited some six hospitals and health services on Yorke Peninsula. During that time—

Members interjecting:

The SPEAKER: Order! The member will resume his seat. If the member for Ross Smith interjects once more, I promise him he will be named.

Mr MEIER: During that visit, the importance of health professionals, in particular GPs, moving to and remaining in country areas was made very clear to the Minister and to me.

The Hon. DEAN BROWN: There is no doubt that making sure there are enough medical professionals in country areas is a key issue in terms of health services outside the Adelaide metropolitan area. A number of initiatives have been taken, and I must compliment the former Minister for Health, now Minister for Government Enterprises—

Mr Foley interjecting:

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

The Hon. DEAN BROWN:—because the former Minister for Health introduced a scholarship scheme in 1994 due to the neglect of rural health by the former Labor Government. He introduced a scheme which is either training or has trained 33 different recipients. This morning I announced that a further 11 people would participate in this scholarship scheme. It allows doctors, nurses and other paramedics or professionals in the health area to obtain a scholarship for the last three years at university and, through that scholarship, they are then required to go back into the country areas for a guaranteed period of at least three years. I am delighted to say that the people, families and communities involved have said the scheme has worked extremely well indeed.

In fact, this morning I announced scholarships for another five people to complete the last three years of nursing, for another two doctors, an occupational therapist, podiatrist, physiotherapist and a speech pathologist. I am also delighted to say that the scheme is now seen to be working so effectively that the Wyatt Benevolent Institution, which was set up by Dr Wyatt in the 1880s, has now come in behind that. It has also been backed this year with one scholarship and next year with two scholarships.

In asking the question, the honourable member talked about a number of other initiatives that have been taken. Whilst I was at Minlaton I had a chance to see the new medical clinic there, which is now taking trainee students from the medical faculty of the University of Adelaide on a probationary period of up to 12 months. That is another excellent example of getting trainee doctors into country areas with the expectation that they will stay there. I also went to Maitland. Again, there is a different scheme with the University of Adelaide and Maitland, and they are getting trainees over there.

With regard to another important initiative, on Saturday morning I was delighted to go to the opening of the new medical clinic next to the airport at Olary. People may remember that, 13 months ago, Olary was absolutely washed out in the floods, and the Treloar family lost virtually their entire home. The out-station, the building that was used as the medical clinic, was washed away. I am delighted that this Government, together with strong support from the local community, from various companies, etc., has now kicked in a total of about $150 000—

The Hon. D.C. Wotton: And the local member.

The Hon. DEAN BROWN: I was coming to the local member for Stuart, who came along, and 150 people turned up on Saturday morning. I must say that almost the entire community of that north-eastern part of the State turned up, and they appreciate the member for Stuart and what he is doing with pastoral leases. Next to the airstrip at Olary there are two doctors' rooms, a dentist's room, a women's health room and a child health facility, together with a waiting room, and it is all air-conditioned. That shows a commitment by this Government to rural health services.

GRIEVANCE DEBATE

The SPEAKER: The question before the Chair is that the House note grievances.

Ms HURLEY (Deputy Leader of the Opposition): Yesterday evening, the member for Kaurna, the shadow Minister for Environment, visited the site of the proposed Medlow Road dump in my electorate. At short notice, just fewer than 100 people came to hear him speak and to tell him their views on the suitability of that site for a landfill facility. This is part of a long running campaign by locals against the siting of such a facility in that part of my electorate. The

proposed Medlow Road dump is in the hills face zone; it runs through a known fault line; and it is proposed that it be sited in a deserted quarry. These factors alone flout the interim guidelines put in place by the Environmental Protection Authority.

The residents of my electorate are calling for the Environmental Protection Authority and the Department for the Environment to enforce those guidelines. This site has already been rejected once as the site for a landfill facility. That rejection occurred five years ago. An environmental impact statement was done. At that time, the Environmental Protection Authority recommended that the landfill facility not proceed. The residents and objectors to the landfill facility rested, pleased that they had made their case and that the dump site had been rejected.

It was revived again by the Northern Adelaide Waste Management Authority, in light of the fact that the Wingfield facility was nearing the end of its useful life, and the councils were concerned that they would have nowhere to dump municipal waste. As a result of that, they revived the Medlow Road proposal. An amendment to the EIS was done on the basis that there were several what I would regard as minor amendments for the landfill proposal, the most significant being that the waste would be baled before it was put into the facility. The residents do not believe that this is sufficient grounds to approve the current proposal.

Over the years, there has been substantial local opposition, and that is increasing as we get closer to the date when a decision will be made about this proposal. We are waiting on the results of an EPA submission to the planning authorities, and we hope that it will reinforce its earlier view that this is not a good proposal for this area. I will outline again the substantial objections raised by these residents. It is proposed to be in a hills area, and the rainfall and underground water flows down towards the Adelaide plains and the Virginia market gardens area.

A number of Virginia and the Adelaide Plains residents at the protest meeting last evening expressed grave concern that the underground water supplies, on which they rely to grow their fruit, vegetables and flowers, will be contaminated.

Virginia has built up an increasing reputation as an area growing excellent export produce. Its residents have worked very hard with the Virginia Expo and other marketing initiatives to increase the export from that area, and they are very concerned about the possibility of contamination. There are other reasons, apart from its Hills location, why it is an unsuitable site. These sites are recognised in the interim criteria of the environment protection authorities. It is well recognised that quarries are not suitable sites for a landfill proposal. This quarry will have to be blasted out further in order to accommodate the proposal. It is an engineered and inappropriate solution for landfill in our area. The residents are further concerned that, with four or five other proposals in the northern Adelaide area all competing with each other, it also raises questions about the financial viability.

Mr BROKENSHIRE (Mawson): I had the privilege and pleasure on Saturday evening of representing both the Premier and the Minister for Primary Industries and Natural Resources at the Adelaide University Club to formally welcome 55 plant pathologist delegates from 13 countries right across the world who have chosen South Australia for their third international workshop on grapevine downy and powdery mildew. This was something in which I had a particular interest, because downy and powdery mildew have a major impact on viticulture productivity, not just in my electorate of Mawson but throughout the whole of Australia. It is estimated that Australia alone is currently losing between $80 and $100 million of income through grapevine downy and powdery mildew, and that is a matter of great concern.

Another concern is that most of the very good viticultural land, particularly where there is a niche market opportunity such as McLaren Vale and the Willunga Basin wine industry and region, happens to be close to towns or areas of urban sprawl, and these days people are becoming concerned about spraying, because of spray drift and the like. Whilst I look forward to continuing work that I currently have in my brief case on the right to farm, we have to look at options that will reduce spraying. A problem involved in the over-spraying of vineyards is that it costs wine grape growers a considerable amount of money as well as time, particularly during the wet summer seasons with the ensuing humidity, when the mildew really takes off.

What I wanted to say today is that we are able to bring 55 plant pathologists from around the world to look at this as an international problem, and I see this as a really exciting opportunity. One of the things we need to do in this world is work together on these major issues. Whether wine grapes are being grown in South Africa, Switzerland, Germany, Italy, Canada, USA or wherever, these people have decided that they will remedy this issue. I believe that we will see some very good outcomes as a result of this workshop. It has been indicated to me by the people concerned that they believe that, as a result of the workshop and within the next year or so, spray programs will be reduced drastically.

Another issue raised was the importance of education with respect to the time when spraying should occur. I am pleased to see what is happening with weather stations coming into the regions. I want to congratulate the wine grape growers in my own electorate, through McLaren Vale, McLaren Flat and Blewitt Springs, who have become part of the team involved with the weather stations in monitoring and reporting what is happening in connection with the weather. In a local region, that does assist the department in giving the right advice to growers as to whether or not they should go out and spray.

I want to congratulate the public servants who are often unsung heroes. One of the things that has concerned me a great deal since I have been in Parliament is that people out in the broader community run around talking about faceless bureaucrats. Working with bureaucrats often from 7.30 a.m. to 10 or 11 p.m., I can say they are no different from the rest of us. They are South Australians and certainly not faceless and, together with the private sector, they make a magnificent contribution to the development of this State.

In particular, I refer to Rob Lewis from SARDI and congratulate him on the great leadership he has shown. SARDI is an excellent example of what can happen when there is collaboration between a research institute, the Government and private enterprise. I would encourage all those people engaged in fishing and agricultural activities to work closely with SARDI. I also congratulate Peter Magarey, from the Department of Primary Industries' Loxton operation, for his real commitment to horticulture and particularly to wine grape growing.

Immediately this conference and workshop closes in about four or five days time, a roadshow will be going throughout South Australia. Whilst I know it is a very difficult time right in the middle of a great vintage—one that will see some

fantastic, really gutsy shiraz (the Baumé is about 14 per cent—and I have been told we will see some of the best red wines ever in McLaren Vale this year), I would encourage my constituents to try to make the time on 31 March to attend the roadshow that will be coming through McLaren Vale and, eventually, all the other wine regions. This is an exciting breakthrough from the point of view of both keeping the wine industry clean and green and letting it be known right around the world that we are about good quality food and wine.

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

Ms BREUER (Giles): I want to join with the Minister for Education and Children's Services and Training last week in congratulating the Regency Institute of TAFE on its wonderful achievements in the last few years and, in particular, in winning the Training Provider of the Year Award last year in the Australia-wide competition, and also its contract for an 18-month post-graduate course in restaurant management. It is indeed recognition of the excellent work for which the management and staff at Regency—indeed, all TAFE staff—are renowned and respected.

I speak from a somewhat biased point of view, having worked for eight years at the Spencer Institute of TAFE before my election to Parliament, but I also speak with some authority having worked in the system and knowing the inside story of TAFE. I believe that TAFE has succeeded against all odds in maintaining its integrity in the last four years since the Liberal Government came to power in South Australia. TAFE has always been saddled with the problems of being a large bureaucracy, but it has been able to provide a quality, equitable system for all South Australians, including those in isolated areas of South Australia.

TAFE has given inspiration, hope and a future to many South Australians of all ages—young unemployed people, women returning to the work force, single mothers, retrenched mature-age people, Aboriginal people, people with disabilities and people in areas that are not accessed by other training organisations. But, in the last four years, I have watched the morale, dedication and hard work of those thousands of TAFE lecturers and other workers being slowly eroded way by the harsh, unrealistic policies of this Liberal Government, which seems hell-bent on winding TAFE back to bare bones.

I have seen people who had given years of dedicated service to students, and to the organisation, worry from week to week whether they still had jobs. People who had security were now faced with contracts, mostly short term, and the Government was hell-bent on privatising its services such as catering, cleaning and maintenance. Lecturers were employed term by term. With luck you got a contract for a semester. Lecturers were forced to increase their work loads to a point where the personal stress and effect on their family lives was at crisis point. I saw managers so stressed out by totally unmanageable workloads and work expectations. I saw cuts to budgets, which meant fewer resources, fewer teaching aides and less clerical support, making the job of teaching students more difficult, to the point of being impossible.

When I joined TAFE in 1989 it was a wonderful place to work. We loved our jobs, worked as a team and made great achievements . I do not have a problem with having a good look at the way an organisation the size of TAFE operates, streamlining its processes, removing dead wood and introducing far more effective and better work practices. TAFE workers got behind this and did it well in the years leading up to the Liberal victory. But the Liberal Government was not satisfied with that and embarked on a policy of destroying TAFE by running it down so much that private providers—and I believe that many were their mates—were able to come in and take core business away from TAFE.

If the process is allowed to go on it will kill TAFE. When that happens, what will happen to the equity policies and the opportunities for all people to succeed in their lives? Private providers are not interested in the long-term unemployed, the young people who have not had a chance to prove themselves or the supporting mums who are trying to make a break. I know of one young woman who came in with no skills or confidence. She worked hard and is now doing an associate diploma course, and she has become President of the student union at the Whyalla campus of TAFE. I congratulate Lisa Kranz on her incredible effort, but would private providers have given her that opportunity? They would not have looked at her.

So, congratulations to Regency Institute. It has achieved far more than members here realise. Indeed, congratulations to every hard-working, dedicated TAFE worker in every institute in South Australia. Public servant bashing is a national pastime but, when the Government bashes you also, it is impossible. I was interested to hear the comments of the member for Mawson. It is the first time I have heard public servants being congratulated by a member of the Government. So, brickbats to the Minister and to his predecessor for the greatest prune job in education history and for his hypocrisy in taking credit for Regency Institute's success.

The Hon. R.B. SUCH (Fisher): Before addressing some of the topics that I wish to raise, I will quickly respond to some of the comments made by the previous speaker. TAFE is an excellent system and, as members would know, I was Minister responsible for TAFE for three years—a time I enjoyed immensely. I am proud of the achievements of TAFE and its staff. We fought as hard as we could against the cuts that were imposed on TAFE largely because of Federal requirements. Unfortunately, because the Federal Government controls the purse strings it is not always possible to reduce the impact of those cuts.

I draw the attention of the member for Giles to speeches I have made in this place and elsewhere praising public servants. It is inaccurate to say that members on this side do not value our public servants, because we do. I am on the record on many occasions praising the contributions of our public servants. In this State they are outstanding, have been outstanding and are a model in terms of other States and Territories throughout the country.

I draw attention to an important event that occurs next month, namely, Anzac Day. I do not do so to glorify war—I detest war and everything it stands for—but to highlight and to encourage members to promote the recognition of those who gave their lives and were wounded during the wars. Members should realise that that adds up to 100 000 Australians who were killed defending and fighting for this country—almost totally young men who gave their lives. If we look at the history of Australia, we realise that we took a long time to recover from that loss of our talented, creative and adventurous young men and women.

In my electorate I wrote to the schools, using the example of Simpson and the donkey. I had an artist draw up an illustration of that event to ensure that young people in particular appreciate the sacrifice made, not to glorify war but to highlight the fact that we enjoy freedom because of the

sacrifice made by others. This year Anzac Day falls on a weekend, so it will not get the attention in the school environment that it should get. It also falls in the school holidays. That is unfortunate, but I trust that every school and teacher will make a point of highlighting the sacrifices made on Anzac Day, in particular to encourage young children to research and find out about the young men and women from their area who gave their lives, so they can have a better understanding and help ensure that we do not ever get ourselves in a situation where tens of thousands of our young men and women lose their lives in conflict.

I touch on the issue of our three excellent universities in South Australia—Adelaide, Flinders and the University of South Australia. It is important that we recognise that those three universities together have an enrolment equivalent to one large interstate university, namely, Monash, and it is time the universities, in conjunction with the Government and other interested parties, set up a group to look at whether or not the three universities should amalgamate or form some other close-knit structure to ensure that they remain viable and vigorous into the future. With the development of satellite delivery of programs and use of the Internet, geographical boundaries are now no longer relevant in terms of higher education. In order to market programs overseas as well as within Australia, we need a well organised and efficient arrangement involving the three universities.

It is appropriate that we have an impartial, objective look at whether it is in the best interests of the universities, their students, staff and this State and nation that they form one university or some variation thereof. In so doing they can maintain the variety within their campuses and in their course offerings and maintain a commitment to equity provisions and excellence. I have concern about the future of our universities in a world that is rapidly changing and, with new technology, poses a real challenge to the future of very small universities such as ours in South Australia.

Mr KOUTSANTONIS (Peake): I rise to speak about celebrating Greek Independence Day tomorrow, 25 March. On the weekend I attended Glendi to celebrate Greek culture and Greek independence. Glendi is a vibrant festival that celebrates Greek culture, which has become part of the Australian way of life. You can go to Glendi now and buy a yiros, a souvlaki or some authentic Greek cake, which is no different from a third generation Irishman in Australia having Irish stew. It is as Australian as that. It was a wonderful display.

I was heartened by Mike Rann's address at the Glendi where he comprehensively brought down the House in his speech talking about the Labor Party's commitment to occupied Cyprus and northern Greece. We have ongoing continued support for the occupied areas of Cyprus and wish to see the immediate withdrawal of Turkish troops from that area.

On Sunday I also attended the Divine Liturgy at St George's Orthodox Church in Thebarton, which is in my electorate, to commemorate and celebrate Greek Independence Day. In the sermon given by our spiritual leader, Bishop Joseph, he talked of the need for freedom in Greece in 1821 not as a need for religious freedom or a need for freedom of land ownership or need for freedom of education or the learning of the Greek language but in terms of the need for freedom of equity for all Greeks living in Greece at the time.

In the eighteenth century and for 400 years of occupation many Greek nationals were treated badly under Turkish occupation. Greek education was not allowed, freedom of religion was restricted, there was often persecution and murders, and workers were not paid appropriate wages. There was an abundant slave trade in Greece and the cry for freedom in Greece in 1821 was not only about religious freedom but about equity. There are four members of this Parliament of Greek origin, they being the member for Colton, myself, the Hon. Nick Xenophon and the member for Kaurna, who has Greek origin in him also, although probably a long time ago, but I am sure we can trace it back.

The Hon. W.A. Matthew interjecting:

Mr KOUTSANTONIS: Well, the great thing about the Labor Opposition is that it has an abundance of talent with a choice of many leaders. However, our current Leader is doing very well, and he will remain as Leader for a long time. I will support Premier Rann after the next election when we form a Labor Government and undo the evils of the past eight years which members opposite have introduced.

I refer now to Independence Day. On 25 March 1821, Greek civilians rose up against the Ottoman occupying forces and threw them out of their country. This revolution has been celebrated throughout the world as Greek nationalists have left Greece and settled in countries including Australia, Canada, the United States, Great Britain, Germany and South Africa—almost every part of the world. It is interesting to note from that migration that, outside of Greece, Australia has the highest percentage of politicians with a Greek background. I intend to encourage a lot more of that. The majority of those are Labor members in both Federal and State Parliaments across the country. I understand that there are only three Liberal MPs of Greek origin in Australia: the member for Colton, the Federal member for Kooyong and the former Speaker of the Queensland Parliament.

Independence Day (25 March 1821) is celebrated by Greeks all over the world in recognition of their struggle for independence. I hope that those people who attended the Glendi Festival also enjoy Greek Independence Day. Greece is the father of civilisation. We brought to the world democracy, culture, theatre and other great festivals: we are the founders of modern civilisation. Most Greeks will celebrate Independence Day tomorrow, and I will do so with the Consul-General. I thank members for their indulgence.

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

Mr MEIER (Goyder): During Question Time, I asked the Minister for Human Services a question about new initiatives to attract health professionals not only to move to country areas but to stay there. I thank the Minister for his answer. In my explanation to that question, I indicated that, during the week before last, the Minister visited Yorke Peninsula, which is the heart of the electorate of Goyder. It was a profitable and useful visit, which took the better part of 15 hours from go to whoa by the time we visited all the hospitals and health units. I want to put on the public record my sincere thanks to the Minister for giving his time and coming to see at first hand what our health units and hospitals are doing in much of the electorate of Goyder.

The Minister was pleased to meet with the chairmen and members of the boards, and the staff and patients of those hospitals and health units. This is a very good way of ascertaining exactly how health units are operating and their needs. I am pleased that the chairmen involved were able to be present. In particular, I mention Trevor Urlwin, who chairs the health units at Yorketown and Minlaton; Rod Gregory,

who chairs the health unit at Maitland; Mrs Barbara Lodge, who chairs the Ardrossan Hospital; and Mr Tim Evans, who chairs both the Moonta Hospital and the Wallaroo Hospital, which is part of the Northern Yorke Peninsula Health Services. It was obvious to both the Minister and me that these people are dedicated to their work and that board members give a lot of time and commitment to those health units.

A highlight of the visit was the fact that the Minister was able to present certificates of accreditation to quite a few of the units that he visited, including: the Yorketown Hospital, which is part of the Southern Yorke Peninsula Health Service; the Melaluca Court Nursing Home at Minlaton; the Southern Yorke Peninsula Community Health Service at Minlaton; the Wallaroo Hospital which, as I said earlier, is part of the Northern Yorke Peninsula Health Services; and the Northern Yorke Private Hospital, which is collocated within the Wallaroo Public Hospital.

For a hospital to receive accreditation, it must do a lot of work and come up to the standards that are expected by the Australian Council of Health Care Services. The awards are provided only after an extensive independent survey is made of each facility based on the principle of quality care in a particular environment. It is heartening, therefore, that these hospitals on Yorke Peninsula have received a certificate of accreditation. At least two of the health units that the Minister and I visited are working on their accreditation at present. One of those units indicated that it would be at least a year or possibly two years before the work would be completed and that hopefully it would be successful when it applies for accreditation.

To all those who were involved, I express my sincere thanks. The people of Goyder are having their needs attended to in the best way possible, although there is always a need for additional health services in the form of general practitioners and professional health services. It was heartening to hear the Minister say today that through the Government's incentive programs some additional people have been awarded scholarships. Let us hope that they will be practising in rural areas in the not too distant future. I also compliment the University of Adelaide for its excellent work through its bases at Minlaton and, more recently, Maitland. It is a great experiment, and hopefully we will be able to export to other areas of the State and the country.

VALUATION OF LAND (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 March. Page 653.)

Ms HURLEY (Deputy Leader of the Opposition): This Bill was introduced last week. I have had a short period in which to consult with a number of interested groups about this Bill, and those groups have been very cooperative. I have had a briefing from the Valuer-General's Office and I have spoken with the Local Government Association and the South Australian Institute of Rate Administrators. I understand this Bill is fairly generally supported. There are some important issues contained within this Bill, and I would like to refer to the major issues and outline the Opposition's position.

First, I will deal with the common date of valuation. I understand that dates currently used for valuation of properties can vary over a six-month period. This can lead to differences between councils during a period where real estate values are rising or falling at a relatively rapid rate. That has not occurred in South Australia for some time, but one can easily see that this might happen. This is particularly relevant following recent council amalgamations and boundary adjustments. It means that anyone in any part of a council area will have their valuation set at a particular date. If a valuation is queried, it will be taken back to that date and compared with all other properties in the surrounding area which were valued at that time. That seems to be a reasonably sensible and just proposal, and I understand that it has the support of major interest groups. It also has the value of allowing all sales data to be taken up to the common date of valuation, which seems to be an efficient way to operate. This amendment has the full support of the Opposition.

Another major part of the Bill relates to notional values. As I understand it, landowners are able to apply for a notional value for their property under a series of circumstances, and probably the most common is where primary producers are, for example, near a major urban area. Under the current arrangement, the Valuer-General is meant to rate a property at the highest rateable value. If a farmer is farming across several allotments, the valuation should be on the value of the close area which would relate to housing and which would encroach onto that land. Therefore, the farmer applies for a notional value which would rate that farmer's property as a primary industry rather than as a housing option.

This has obvious advantages in ensuring that urban housing areas do not encroach onto farmland and thus force farmers out of operation because of the high rates that they would have to pay. The downside is that councils miss out on receiving that higher rate, and also the State Government receives less from land tax valuations and so on. However, I understand that this has been the existing practice for some time and that there will be little, if any, net effect on the finances of either councils or the Government. My only caveat might be that this is an indication of people providing a subsidy to primary producers because they are covering the cost of the rateable value lost.

But, I understand the Local Government Association, although having similar reservations about it, has agreed to this provision. A Local Government Association representative was on the ministerial working party which reported a full two years after its being formed. It was either a very difficult process or unnecessarily protracted, I am not sure which. The LGA does have reservations about the loss of rateable property, particularly in those areas where notional values are prominent, for example, Mount Barker, Strathalbyn in the Adelaide Hills and, close to my own electorate, around Angle Vale and Penfield where, I presume, many market gardeners also benefit under this situation. We all feel some sympathy for farmers in areas where there are urban encroachments. We would wish to preserve, as far as possible, farming areas within close proximity of urban areas and would agree to support it in this instance.

Notional values might also be taken into account where residential premises are in the middle of a commercial area. For example, along Greenhill Road or perhaps even Rundle Street a person could be using a property as a residence only but could be rated according to a higher commercial rate. That person is able to apply for a notional value on their

property and receive rates at the lower valuation. Again, that is perfectly understandable and acceptable.

Another example is where a property might have a heritage listing and, therefore, may not be used as a commercial or high density residential property. The owner of that heritage-listed property could apply for a notional value on the basis that the rateable value should be less. Again, in the interests of preserving heritage, the Opposition supports that proposition.

I understand that the Bill also seeks to amend the Act to increase the maximum penalty for not informing the valuing authority of circumstances concerning entitlements. That is very important because we do want to avoid the situation where a farmer ceases operation as a primary industry yet still claims the benefit of that reduced rate. That is an important component of our support for this Bill.

I also understand that the Valuer-General will adhere fairly rigidly to Australian Taxation Office requirements in defining a primary industry so that the property owner must be carrying on a genuine primary industry business on that land and not, as has been proposed in some quarters, sitting on that land while waiting for it to be revalued to thus increase the value of the property. In that case there would be no reason why the council should forgo rateable value.

Another significant feature is the limited objection period within which valuations of property may be queried. Currently, ratepayers can object to the property value at any time, and this impacts on councils which are not sure during an entire 12-month period whether the rating valuation may be objected to. It also creates difficulties for valuation staff who must process those objections throughout the year.

This Bill provides that the objection period be limited to 60 days after receipt of the first council valuation. Therefore, property owners must object within two months of receiving the valuation. They are not able to object if they have paid one and then received the second, third or fourth rate notice. I also understand that the 60-day period applies to subsequent bills that include a valuation, such as the SA Water valuation for sewerage charges and land tax. A person receiving that tax has an opportunity to query the valuation within 60 days of receiving those accounts as well.

The Local Government Association has informed me that it is not entirely happy with the current Bill. For example, if a person has paid a council rate and then receives a subsequent account and queries the valuation, say, an SA Water account, then the revaluation as a result of that water account also affects the council. The council must provide a credit if the land is revalued downwards. The Local Government Association would prefer that, if the 60-day period has passed after receipt of the rate notice, that quarantines the council from having the land revalued.

The Local Government Association argues that this is of further assistance to councils' budgeting because they could find themselves with less money than they had budgeted for. It would argue that that was because the landowner had a problem with SA Water rather than the council rating. However, that is a fairly complex formulation and, while I do have some sympathy for the Local Government Association's position, I believe that it is not easily enforced and may be seen to be unfair. If the land is rated downwards, I believe the ratepayer has every reason to expect that their rates would reflect that downward valuation of their property. While voicing that objection, the LGA reluctantly supports the legislation in the current form and is being fairly practical about it, as in my experience the Local Government Association usually is.

Again, we would indicate some support for the limited objection period. Even though it is a reduction in entitlement for ratepayers, we can see that it streamlines the system and is reasonably just and that most people would query their valuation within 60 days of receiving their first notice.

Mr Brokenshire interjecting:

The DEPUTY SPEAKER: Order!

Ms HURLEY: The final major issue under the Bill is the appointment of the Valuer-General. I must admit I was somewhat astonished to hear that we have not had a Valuer-General for some time and that the Deputy Valuer-General has been acting in the position. I am rather surprised that it has taken so long for this Bill to come before us to rectify the situation. I understand that administrative difficulties were experienced when the former Valuer-General moved from that position to another appointment and left the department and the staff associated with that position: as a result, the Government has decided to change the terms of appointment of the Valuer-General. Currently the Valuer-General is permitted to be appointed until retirement age, on the basis that the Valuer-General should be free of political interference, should not be subject to appointment at the whim of the Government and should be fair and free and without restraint in deciding what land valuation should be and giving advice on that aspect.

This Bill seeks to rectify the situation, first with a series of amendments which provide that, if the Valuer-General moves away from a position associated with the Department for Administrative and Information Services, that person can no longer hold the position of Valuer-General. If the Valuer-General moved away from the relevant department, he or she could no longer continue in the position of Valuer-General.

However, another aspect of this measure is that the position of Valuer-General becomes a five year term. The Opposition is certainly not so comfortable with this aspect and would query the necessity for it, because we strongly support the view that the Valuer-General should be absolutely free of Government interference. We believe that the awareness that a Valuer-General might be coming to the end of their five year term might leave him or her open to influence by a Government. We would suggest maintaining the current position whereby the Valuer-General is appointed until retirement. The Opposition would be interested to hear the Minister's reasoning for the five year term and why the Valuer-General might not continue under the current situation. If the answer was not satisfactory, we would consider moving amendments in the other place to return to appointing the Valuer-General until retirement.

I believe that everyone would support the idea that the Valuer-General should be very fair and independent and, in that sense, responsible more to the Parliament than to the Minister of the time, and this would be an indication that the Government was serious about that independence. The Institute of Rate Administrators has raised a series of detailed concerns with me which I will address in Committee. It is particularly concerned that the Local Government Act should mirror the Valuation of Land Act amendments that we are considering at the moment. However, we will deal with that in Committee.

Mr VENNING (Schubert): I support this Bill but have a few concerns. I am a landowner and I declare that, if one has to declare it. Also, when I was previously a member of

local government for 10 years this issue came up before us many times, particularly when rates were set and valuations of land were worked out. I welcome this Bill, because it certainly clarifies the situation. I understand that this Bill initially endeavours to protect owners of primary production land, who are usually farmers, vignerons and market gardeners, particularly in my new electorate, which is situated close to townships where land may be subdivided. It is important that our primary producers be protected against any unnecessary financial strains that may occur if their land is rated unfairly. That has been the case for many years, and we know of many areas where farmers are driven from their land, mainly where encroaching land divisions and high rates have driven them off. It is hard enough for certain of our primary producers to make ends meet without further financial strain placed upon them. My electorate could well suffer considerably from the current legislation. It certainly requires amendment to protect these people, and that is why I welcome this Bill.

The Barossa Valley is a real example of this, where quite large towns throughout the valley are surrounded by land used for primary production, mainly grape growing. It is quite a densely populated area compared with other country used for farming. It is absurd for these farmers, vignerons and horticulturalists in the valley to pay rates on their land that may reflect its value when subdivided into smaller blocks for residential development or the like. If the land is being used for primary production, particularly if it will continue to be used in that way, it should be rated on the same basis as is land 50 kilometres away. The problem is that in the past the land has been encroached upon and that houses have been built on some of the best primary production land in this State. We know that the State is very short of quality land, and in fact Adelaide sits on the best land that we have. So, this Bill should have been introduced 30 years ago, and we would have saved some of the most valuable lands in the State.

The Barossa and surrounding districts are developing at quite a pace, with people pushing out from the metropolitan areas in search of land on which to build a new home and establish that very special backyard. After all, is it not part of the Australian dream that we all know about—to own your own home and have your own piece of dirt? You only have to drive out along Main North Road to Gawler to see that there are only a couple of paddocks between those northern suburbs and Gawler, so soon Gawler will be a suburb of Adelaide. It was less than 10 years ago that tractors, ploughs, harvesters and the like were being used in paddocks at Golden Grove. Now all you see are thousands of new homes. It is a pity, because I still believe that Golden Grove ought still to be primary production land and that those people should be forced to come into the city and condense their housing, as has been done in most other cities of the world.

Mr Atkinson interjecting:

Mr VENNING: Irrespective of the election result out there, I believe we should condense our housing and save our prime primary production land. Golden Grove is very productive, with good rainfall and good soil. That is just one example of how development can take place on such a large scale. One of my strongest supporters used to farm at Golden Grove before this expansion development. I am sure he would not have wanted to be charged such rates on the land then, given what it is worth today as subdivided housing blocks. In fact, I think he went before the crunch came. I will not name him, but he now lives at Kapunda. His father was Mayor of Tea Tree Gully.

The push for residential land is never ceasing because people are looking to build new homes. Certainly, I cannot see a problem when a farmer subdivides blocks for his children to build on and still work the land as they always have and pay the same rates as previously. We must look to protect these Australians who contribute so much to our economy. It is a most valuable part of our country and to have him or her pay a rate premium for this action is quite unjust and undemocratic. It is easy to work out what the land use is. If they use it for farming, they should be paying farming rates. If they are speculators, they should pay the inflated prices.

The system stifles people's incentive to move ahead. If and when land is to be used for the specific purpose of development for housing and if the development has commenced, the valuation of rates could be struck accordingly. I also support the Bill in trying to protect not only primary producers who have already subdivided some land but also those who may wish to take this action in the future. It is the Government's role to promote people and businesses to develop and not necessarily hinder them. The Labor Party has always been good at this with its central control policy and complex, unworkable, tiresome, bureaucratic maze. I experienced that, particularly during my 10 years in local government, and it was difficult to sort out the system. I believe we should cut red tape to a minimum and promote development. Look at the development in Queensland over the past few years and also in Darwin, for that matter. People in Darwin claimed that they had felt the effects of the recession. Imagine how it would be for all South Australians if that was the case here. Certainly, we can thank Labor for this situation.

Certainly, I am not advocating a 'throw caution to the wind' approach, but we must assist people to grow and develop and not shackle them down with burdens. Let us look at the now defunct communist regimes in Europe. They collapsed because eventually people realised that being dragged down on a collective basis to something less than mediocrity was not sustainable. It is human nature to want to move ahead.

I also refer to the proposal in the Bill to have rates charged accordingly in a subsequent year after an amendment has been made, on which proposal the Deputy Leader commented. The position is grossly unfair. This may affect respective authorities in regard to revenue and budgets but those inflated values should not be placed on properties in the first place. Notional values should be placed first, that is, the opinionated value. The dictionary defines 'notionary value' as 'a speculative, imaginary and abstract figure'. If a person appeals against the notional value and is successful, why should they have to pay the inflated and unfair rate when it is seen to be unjust? I have difficulty with that.

I was a member of local government and I do not think any local government will be embarrassed in budget terms by this provision being reversed, because it would not involve any more than a couple of per cent of total rate revenue. I do not think it would affect them. As I said, I have a problem with that. Councils charge the average value unless they are questioned. Then they look at the rate and perhaps drop it but that is not the way to carry out honest and credible business. It is like banks charging high interest rates until people shop around and question them. My point is that, if the true value of a property is determined after an application for revalu-

ation is made and assessed, the rate should be charged at that level in the current year and not be applied in the following year.

It is unfair to pay full tote odds in the year you called for a revaluation or appealed. If it is agreed that the value of your land and rates be lowered, you have to wait for the following year to have the rates reduced to reflect the value of the land a year ago: that is not right. I have a problem with that and I hope that the Minister will explain the position during the third reading stage.

I cite the example of a constituent who lives near Mannum. He bought a small property on which to semi retire, yet within two years their rates shot up by almost 60 per cent. This gentleman requested a revaluation and a new notional value was placed on the property. He received the benefit of that lower valuation only in the following year. The value of the property was that of the notional value placed on it. I believe the rate should be applied in the same year and not in the following year. Thus the Act should be amended. I understand that this may cause difficulty in some council areas but they could make an allowance in their budgets or cash flows to account for it. I believe it is a wholesale problem. This is not an isolated example and I do not believe resolution of the problem would cause much stress to councils. I would be surprised if councils were so finely tuned that a 3.5 per cent variation in some rates would impact on the financial viability of a council.

I agree with the provision of the Bill under which common dates of valuation across all councils will provide consistency to ratepayers. They will have a clear understanding of the date on which the valuation was made, and that has not always been the case in the past. This will also assist in future council amalgamations by providing valuation data at a point in time. That would be of value. In conclusion, I support the Bill, apart from those areas I highlighted that need some refinement.

Mr BROKENSHIRE (Mawson): I am pleased to support the Bill, which in some ways is tidying up a number of issues that have been outstanding for a long time, particularly dealing with notional values, a subject in which I have an interest. I congratulate you, Mr Deputy Speaker, on your previous role as Minister for the Environment and Natural Resources in implementing initiatives to get the committee going that I was privileged to chair when I was your parliamentary secretary. In fact, that was one of my most cherished years in this place.

Mr Venning: What a team!

Mr BROKENSHIRE: As the member for Schubert says: what a team! Sir, you showed the initiative to get a committee together to address some of these issues that have been outstanding for some time. In fact, I will go through the history of notional values and talk about other aspects of the Bill later. Prior to the beginning of the Tonkin Government in 1979, it was the policy of the Liberal Party that we should have a policy on notional values because, even then, as the member for Schubert stated (but he was wrong by about 100 years), we should have been starting to protect our prime agricultural land not 30 years ago but 130 years ago. When Colonel Light was involved in looking at how Adelaide was to proceed, he knew what he was about.

However, we have a situation now where the land on which we should have built and which we are now protecting, ironically, is the hills face zone. In terms of recycled water and so on, we have to pump miles to Willunga Basin or Virginia, yet we could have been gravity feeding treatment plants onto the fertile plains. We could have had a totally better management system than we have for South Australia. That is now history.

Now we have to look towards the future. In 1979 the Liberal Party—and I commend those responsible at the time—saw that it was important that we started to make moves to prevent the rating out of primary producers. This applies across the State but it was particularly important in the hinterland and the escarpment areas around the northern and southern suburbs of Adelaide. I declare an interest in this from the point of view that I am a farmer with multiple titles.

Some people want to get at any member of Parliament involved in business. If we continue to criticise, hold back and push out members of Parliament involved in small business or whatever, we will end up with a hell of a problem in Parliaments across Australia. Notwithstanding that, the most important reason I have for supporting this Bill is that I am the member for Mawson representing my constituents. For some time, I have been concerned about the impost these enormous rate increases have had on constituents in rural areas of my electorate.

I would like to thank all members of the committee. I also congratulate the new Minister who took over this matter. He had a lot to learn in getting a handle on the portfolio, but he did not mess about. He realised that this was an important issue, and he worked closely with departmental staff. He primarily accepted the recommendations of the committee, and he now has this Bill before the Parliament. I congratulate Minister Matthew for that. While I am throwing out a couple of accolades, I am pleased to see, by and large, the cooperative support of the Opposition which has allowed us to deal with the Bill this week. The Deputy Leader's contribution to this Bill is the best I have heard her make thus far.

It took the committee nearly two years to work through the recommendations. Particularly with respect to the notional valuations aspect of the Bill, we now have something that is clear and precise which everybody will understand in the future. We should not have to revisit this matter for a long time. We should not rush into the legislation: we should consult, adopt a collaborative approach and try to build into the Bill something that is in the best interests of all parties. That has been done now, within reason and given the parameters within which we had to work. I would like to thank the Local Government Association for its support in the matter. I appreciate that some councils had more concerns over the potential loss of revenue than others.

Unlike the Deputy Leader of the Opposition, I feel comfortable with other people living in rural areas—or, indeed, people generally living in that council area—in time having to pick up slightly more rates if there is not to be a net reduction in the overall income of the council. All those people are indirectly getting a financial gain by virtue of increased capital gains, because of the unique situation in which they live where they are able to enjoy the rural landscape and the rural opportunities for their families. When you talk to people, you find out that many who live on the fringe on the urban sprawl-cum-rural areas do so because they appreciate that open space and that opportunity. Frankly, these days it is a fact of life that everybody has to pay for privileges. I do not believe that there will be a major financial impost on any of those people.

On the other hand, people are talking about being visionary and looking forward to protecting prime agricultural regions. As I have said, the Premier has initiated this

Food for the Future Council, which I am privileged to convene for him. We are looking at increasing agricultural produce from $5 billion to $15 billion—a 300 per cent increase—in just 12 years. It is a tall order, but I am sure we will get there with the cooperation and the commitment of the team involved. This measure is an important component of that. We all know what happens in agriculture. I have lived with it all my life. It is like one big roller-coaster ride: you are either up on a high or down on a low. You have to be able to have a few things working for you that will help you to budget, and the last thing you want is high council rate valuations. I might add that they are increasing; in fact, some of the constituents in my area are starting to express concern about the valuations of their properties.

For argument's sake, in my region of Mawson, I have heard some people in council talk about $270 million of value added wine alone this year, and that is growing. I was talking to some people in local government about that only this week, and they said, 'We'll have to have a look at how we can get a few more rates out of them.' Wrong! I want to say something else on that matter. I am getting sick and tired of the Valuer-General's Department being blamed for increases in council rates. I have had it with people from local government who say that it is always the responsibility of the Valuer-General if rates increase. The fact is simply this: you may be given a valuation but then you might strike a low rate in the dollar, and I will just leave it at that. The bottom line is that, if councils do not strike a high rate in the dollar, the valuation will not have such a huge impact on council rates.

I also want to commend Mr Scarborough, one of the officers from the department, and the Acting Valuer-General for the work they have done on this matter. As I have said already, I commend the Local Government Association, other departmental officers and also the South Australian Farmers Federation (SAFF). In particular, I would like to thank Sandy Cameron, who was on the committee as the Chief Executive Officer. As I said, we had to look at the matter from all aspects. This matter involved many complexities, and there had to be a bit of give and take. The outcome of this Bill is a most satisfactory outcome.

One of the things that also worried me personally, though, was the factor of highest and best permitted use, and I am pleased to see that a structure for that is in place. Whilst the Act did allow some discrepancy through the Valuer-General, ultimately, to make a decision on what might happen with appeals or with objections about highest and best permitted use, I am pleased to see that as a result of the committee work a structure is in place that will be able to look at that and a range of other issues. That is exciting, too, because it will allow people to work through issues for individuals without too much angst and in an unpressured way. I commend that structure that has now been put in place, and I am sure it is one which in the future people will say was a great initiative.

I almost felt that the Deputy Leader was having a crack at this Government's not having had a Valuer-General for a while. Obviously that matter is being addressed. Having worked closely with the Acting Valuer-General, I have seen nothing but professionalism, a damn good job being done and everything being kept under control. No-one has been running around screaming and shouting about the fact that things have not been done. I am not sure what the Deputy Leader was trying to imply there.

If we are serious about agriculture, we must no longer allow urban sprawl to put concrete slabs on our best land. We have to give the right signals. This is just one of the signals we have to give people if we are serious about their making investments, and they are not small investments. One has only to drive through my electorate, now that we have the recycled water program going, to see the enormous capital expenditure occurring: $15 000 an acre just to plant up a vineyard, rising to $40 000 an acre average value of that vineyard once it has reached year 3 of its maturity. That is a massive investment, and you cannot expect people to make those investments if they think they will get rated out of it in the future. Whilst geographically an area like McLaren Vale and, indeed, your area, Mr Deputy Speaker, the Adelaide Hills, is also doing a good job with viticulture, horticulture and market gardening, other areas are doing so as well; for example, the growing of almonds in the Willunga Basin and at Renmark and over the border.

Because of rates and the wrong signals being given to people, they were feeling insecure about making further investments in these prime agricultural areas. That is how things started to erode at Lockleys, and so on. Obviously, that would happen, because it is so close to Adelaide. However, these other areas are far enough out to be protected. We have regions that need growth, and we have to get industry into regions such as the Iron Triangle, the South-East, the Riverland, and so on, and get our growth in population there and at the same time protect these areas.

The member for Schubert said that people who discover they are eligible for notional values should immediately have the right to a reduction in rates, but I do not agree with that. We had a really close look at that. You have to be fair to local government here. The member for Schubert mentioned that they may be losing 2 per cent of their rate. We looked at what would happen in some areas. In some councils it is a significant reduction in income for them, and it has to be a fair deal for all, as I said before. At least this gives councils a chance to get into their next budget period and assess their overall budget requirements rather than taking an *ad hoc* piecemeal approach that makes it very difficult for them to budget.

I also do not believe that, given the fact that we have now actually widened the opportunity for people to come in, with the checks and balances in the notional values parameters, it is unreasonable for them to have to wait 12 months before they get that opportunity. One of the things discussed in the committee which I would hope will come out of this—and I believe that the Farmers Federation has a major role to play in this matter as a service to its members—is the situation concerning notional values, and I look forward to seeing quite a lot of marketing carried out to get this message across. I would encourage the Farmers Federation to pick up some of the other points relevant to valuation, such as frequency of general valuations and the like being made under this Bill, because it has that responsibility and it can probably do it better than anyone else.

In conclusion, the report that I had the privilege of signing off to the Minister—

Mr Atkinson: Just 'signing'; you don't need the 'off'.

Mr BROKENSHIRE: In conclusion—and I do not need the assistance of the member for Spence either—in signing off the report to the Minister, I appreciated the complexity of the work that was done by the department and the committee, and I am pleased as a member of the Liberal Party in a Liberal Government to know that we, in 1998, have shown some vision and commitment to primary producers and have got in there to support them to make sure that their future, as

best we can from the point of view of rates, is solid and sound.

I hope that we will get as much bipartisan support as we have received with this Bill for the other jobs that we now have to do, such as that involving the sale of ETSA. That will be the only way we will be able to help make this State grow, by reducing debt and the like that we talk about every day. I am pleased that there is some bipartisanship here and to know that my own electorate and many colleagues in future generations will see a lot more agriculture and confidence as a result of these initiatives. I support the Bill.

The Hon. W.A. MATTHEW (Minister for Administrative Services): I thank the Opposition for its frank and open support for this Bill and will endeavour to answer its queries about a couple of minor matters of concern. I also thank the members for Schubert and Mawson for their comments in support of the Bill. While I have done so both informally and in writing, I take this opportunity to place on the record my thanks and appreciation to the member for Mawson for undertaking the chairing of the notional values working party, and also to you, Mr Deputy Speaker, in your former role as Minister for the Environment and Natural Resources, for the establishment of this committee in the first place and for the foresight in seeing that it needed a conciliatory method for bringing together parties with disparate views to reach consensus. That was the reason for the delay in the workings of this committee.

It is not an easy task to bring together a group of people with differing backgrounds and perspectives to reach a position of consensus, and the member for Mawson in chairing that committee did bring about a consensus on notional values. It is for that reason that this Bill can be expedited through the Parliament. I thank him for that effort, and I am sure that his constituents in the electorate of Mawson will be particularly appreciative once this Bill has passed through the Parliament and they realise that he has had an instrumental role in enshrining in legislation the notional values methods that have been applied to date. The Deputy Leader of the Opposition in her support for the Bill—

Mr Atkinson: She made a splendid speech.

The Hon. W.A. MATTHEW: I would have to say that I agree on this occasion. It is actually one of her better contributions, probably the best contribution I have heard the Deputy Leader of the Opposition make in this Parliament. It may be she is growing in her new role and will make it a little harder for perhaps the member for Hart or the new member for Kaurna to realise their ambition in making that move further along the bench.

I am sure that the Deputy Leader of the Opposition is particularly appreciative of the strong support given her by the member for Spence. It may be that the member for Spence is content with his shadow Attorney-General portfolio. Perhaps he has no aspirations for leadership or deputy leadership. I would have thought he may be a fine contender for one of those positions—he is that kind of guy!

The DEPUTY SPEAKER: Would you mind getting back to the Bill?

The Hon. W.A. MATTHEW: Thank you for your guidance, Mr Deputy Speaker. The Deputy Leader indicated that she had some concern about the provision in this Bill for a five-year term of employment for the Valuer-General and was concerned that that may provide the opportunity for political influence in that position. I draw to the Deputy Leader's attention that in fact the Police Commissioner has a five-year tenure. The new Police Commissioner was employed on that basis, and that is because it is becoming a fairly common way for Government employees, particularly at senior management level, to be employed within the Public Service.

While it is true that there was a difficulty with a previous Valuer-General in having that individual vacate his office when moved in employment to a different position within Government, it is also equally true that the five-year provision is consistent with other Government employment terms and conditions. If the Opposition really did have a genuine concern about the potential for political influence, I would have thought its concern might perhaps be greater when, under the existing Act, a Liberal Government is able to appoint a Valuer-General until that person reaches 65 years of age or any other factors come into play.

If the Opposition generally believed that in the future it will be in Government between now and the time the next appointee attains the age of 65 years, it actually gives the Government of the day an opportunity to appoint to that position a person who they believe will carry out the duties in accordance with the Act and in the interests of the people of South Australia. So, I would have thought the Opposition might actually look at the amendment in a favourable light and this Government is indicating it is only seeking to appoint a Valuer-General for a term of five years and no greater, and would leave a subsequent Government or Minister free to reappoint or to appoint a successor, whatever is determined appropriate on the day.

I do not see it as a position of the Government exerting political influence but rather a situation where the Government is employing people on a common basis across all of Government. This has become a common method for employing people, and I would suggest that if the Opposition had any concern at all it would probably have raised that concern on the appointment of the Police Commissioner, a very important role and one where the Commissioner has been appointed for a five-year term.

The Deputy Leader also indicated that the Opposition would have some further questions during the Committee stage of this Bill. I will endeavour to satisfy the Opposition's questions about any concerns during that stage.

Bill read a second time.

In Committee.

Clauses 1 to 14 passed.

Clause 15.

Mr ATKINSON: The Opposition shares the concern of the South Australian Institute of Rate Administrators that perhaps the wording of clause 15, amending section 24 of the parent Act, is not as certain as it might be, and we wonder whether that clause might not be improved. In the case of clause 15(b)(1a), after the words 'is first served' we suggest inserting the words 'in respect of each financial year'. With respect to clause 15(b)(1b), after the word 'valuation' we suggest adding the words 'referred to above'. Further down it reads 'the further notice is the first notice of the valuation', but it should read 'that valuation'. Similarly, in subclause (1c) 'the valuation' should read 'that valuation'.

Mr David Porteous, who is the secretary of the institute, has written to the Opposition as follows:

> The addition of the words indicated above are to make quite clear which valuation is being referred to. It is considered that the words appearing in the Bill could be ambiguous. In the case of the words omitted from (1c)—

I interpolate that the institute advocates dropping from (1c) the words 'by that person'—

it is firmly believed that only one person should be permitted to lodge an objection to a valuation. If an objection has been submitted, whether or not it has been successful, a subsequent owner or occupier should not be able to lodge a further objection in respect of a valuation which has already been considered under an objection by the Valuer-General.

Will the Minister respond to the concerns of the institute in those matters?

The Hon. W.A. MATTHEW: The Government, as did the Opposition, received the same set of concerns from the Institute of Rate Administrators and, as the member for Spence would expect, we had the request for change very carefully checked by Parliamentary Counsel. Our legal advice is that the amendments are not necessary to be able to put into place the intent of this Bill. As the member for Spence would expect, I am prepared to take that legal advice in this area, and I would have to say—

Mr Atkinson interjecting:

The CHAIRMAN: Order!

The Hon. W.A. MATTHEW: I do not see that the words of clarification suggested by the honourable member make any great difference. I am not personally fussed whether or not they are included and have resolved to accept the legal advice I have been given that further clarification is not needed as it is clear enough as it is, and I do not intend to continue to waste Parliament's time with it.

Mr ATKINSON: It is characteristic ungraciousness of the Minister to describe the letter from the South Australian Institute of Rate Administrators as wasting the Parliament's time. I would have thought that now is the time in Committee to deliberate on the detail of the Bill, which is precisely what the Opposition is asking the Minister to do, but he seems to get irritable and is not willing to undertake a detailed examination of the provisions he is putting before the Parliament. He relies indolently on the opinion of Crown Law. I assume, and will the Minister confirm, that the legal advice on which he is relying is from Crown Law, and will he further confirm that this is the same outfit that advised the Government on school crossing signs and on the Anderson report?

The Hon. W.A. MATTHEW: The member for Spence does both himself and myself a great injustice with his words. He accused me of dismissing the letter from the Institute of Rate Administrators as wasting Parliament's time. That is not what I said. The record will show that I said that I did not propose to waste Parliament's time by going through the issue in detail because the issue has been decided, in my view, by legal advice received. The honourable member also claimed that I was getting irritable about questioning. Regrettably *Hansard* does not show pictorial reference, but members know that that is not the way that I conduct myself in the Parliament.

I also indicated that the advice that had been taken was from Parliamentary Counsel. I did not indicate that it was from Crown Law, so I can therefore safely say to the honourable member that, in relation to the questions that he asked as to whether the legal representatives had been involved in giving other advice that Crown Law had been giving, the answer is, 'No, they were not the same practitioners.'

Mr ATKINSON: I am pleased that the Minister indicates that the advice is from Parliamentary Counsel. Because it is advice from such a noble source, the Opposition is happy to accept that advice, given that it comes from Parliamentary Counsel rather than Crown Law. The Opposition is now satisfied that the queries of the South Australian Institute of Rate Administrators regarding clause 15 have been properly answered. Of course only the test of time will show whether any particular legal interpretation is vindicated, so the Opposition will wait until the effluxion of time to determine whether the Government and Parliamentary Counsel were correct on this matter.

I am pleased to see the member for MacKillop moving back to his place, as I believe he may have an important contribution to make on this clause. Should the member for MacKillop want to make a contribution by way of amendment, I would like—

The CHAIRMAN: He will determine that.

Mr ATKINSON: Thank you, Sir, for prolonging consideration of the clause so that the member for MacKillop could get back to his place. It is kind of you to intervene in that way to be helpful.

Mr Brokenshire interjecting:

Mr ATKINSON: If the member for MacKillop chooses to move an amendment to the Bill, the Opposition will be happy to support him.

The Hon. W.A. MATTHEW: A further point I make to the Opposition—and I thank it for accepting the version of the Bill before us in relation to the clause under debate—in respect of the suggested amendment by the Institute of Rate Administrators to (1c) to remove the words 'by that person' is the additional danger that that would reduce the rights of other people, because at the moment it is possible for more than one interested party to object to a valuation in force. So if the words 'by that person' are inserted, it could have the effect of—

Mr Atkinson: So you want people to object to valuations?

The Hon. W.A. MATTHEW: I would hope that the member for Spence is as supportive as I and all members of this Parliament of the concept that people ought to have the right to object to a valuation and have it overturned if it is a wrong valuation. I am sure that the member for Spence would have no objection to that. Whilst we do not want actively to encourage people to object to a valuation, we believe the right ought to exist for them to do so. At times, a valuation is wrong—it does not occur very often, but it does happen.

Mr WILLIAMS: I have serious problems with clause 15(b). Restricting an owner or an occupier to make an objection within 60 days of service of the notice is a great change in the regime to which South Australians have become used over a long period. I am not sure why that change has been introduced into the legislation. Particularly within the farming community that I represent there could be quite a few instances where it may not be in a farmer's best interest to have this sort of a restriction. I would like a little more time to discuss this with the Minister with the view to making some amendments to the relevant Acts under which these notices are served.

Mr Atkinson interjecting:

Mr WILLIAMS: The member for Spence suggests that it is possible for me to ask that progress be reported, to enable me to have those discussions.

Progress reported; Committee to sit again.

EVIDENCE (USE OF AUDIO AND AUDIO VISUAL LINKS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 March. Page 722.)

Mr ATKINSON (Spence): Provision is made in the Bill for witnesses located interstate to give evidence by video or audio link in South Australian courts and for interstate courts to receive evidence by video or audio from witnesses in South Australia. The Bill makes reciprocal arrangements whereby the place where the testimony is given virtually becomes part of the interstate court. Local laws of contempt apply. The Bill conforms to a national model sponsored by the Standing Committee of Attorneys-General. Our courts cannot make an order for the provisions of this Bill to be used if 'the court is satisfied that the evidence or submission can be more conveniently given or made in this State.' I would have thought that that barrier would hardly ever arise.

Neither may an order be made if 'the court is satisfied by a party opposing the making of a direction that the direction would be unfair to the party.' It is on this point that the Opposition has received a copy of a letter to the Attorney-General from Mr D.H. Peek, Chairman of the Criminal Law Committee of the Law Society. Opposition members will recall Mr Peek's extraordinary paper responding to the Opposition's Bill to abolish self-induced intoxication with alcohol or drugs as an excuse for crime. It is lawyers such as Mr Peek who make articles such as that of journalist Evan Whitton in the *Weekend Australian* (21-22 March 1998) seem so compelling. The article reviews Mr Whitton's forthcoming book *The Cartel: Lawyers and their Nine Magic Tricks*. The article is entitled 'Law crimes' and is introduced with the words:

> Evan Whitton has reported on our legal system for 30 years. His verdict: truth is the first casualty of the law, and it's lawyers and criminals who benefit.

The article is worth reading for Patrick Cook's cartoons which remind me so strongly of criminal lawyer Michael Abbott of Barnard Street, North Adelaide that I think Mr Abbott must have sat for the illustrator.

If the British common law tradition and our system of criminal justice are to be saved from Mr Whitton's preference for the European inquisitorial system, we will have to hide the Peeks and Abbotts of this world from public view because they are unconsciously witnesses for Whitton. Mr Peek's letter states:

> The right of an accused person to have a witness give evidence in his presence is a fundamental right. . . the witness should give his evidence in open court so that his or her appearance and demeanour can be fully seen and assessed by all, particularly the jury or other tribunal of fact, as an important aspect of determining credibility. Such matters can be largely lost in evidence given by video link. Further, but very much allied to the above, the cross-examination of a witness by video link is fraught with practical difficulties. For example, the putting of a document to such a witness which is in possession of the defendant or his counsel or is in the courtroom is well nigh impossible.

Mr Peek's remarks about video links are even stronger when applied to audio links. I am not sure that Mr Peek, in the opinion that he tendered to the Government, is aware that the Bill provides for audio links and not just video links.

The House will be surprised to know that I think Mr Peek makes good points. I would like the Minister to respond to them during his reply. I agree with Mr Peek when he writes:

> This scenario will inevitably become more common as prosecutors find it more convenient not to procure the presence of the interstate prosecution witnesses.

The Criminal Law Committee of the Law Society submitted to the Government that before availing itself of the provisions of the Bill the prosecution ought to prove that it made a substantial effort to procure the attendance in South Australia of the prosecution witness. Is the Government willing to accept an Opposition amendment to this effect; and, if not, why not?

I turn now to another issue raised by Mr Peek on behalf of the Criminal Law Committee of the Law Society. Mr Peek writes:

> We wonder whether it is altogether wise to give *carte blanche* recognition to the exercise of all present and future powers of an interstate court.

It seems that Mr Peek does not trust the Governments and courts of other Australian States and Territories to have civilised criminal laws, rules of evidence and rules of court. Perhaps he thinks that one or more Australian jurisdictions will fall to the Evan Whitton view of the world and have from that time a continental system of justice. I suppose that if that occurred we could break off relations with that State or Territory under the Evidence Act. Mr Peek writes:

> It might be preferable to spell out in an inclusive way the particular powers or types of power that the recognised court may exercise in South Australia rather than, as is presently proposed, allow the recognised court to exercise any power except for those delineated.

I disagree with Mr Peek on this: the Evidence Act is already cumbersome enough without outlining the heads of power that interstate courts can exercise in South Australia. Members will note that the clauses of this Bill create new sections of the Evidence Act numbered—and wait for it—591O and 591P. We have only 26 letters in the alphabet. To achieve what Mr Peek wants, the Evidence Act would have to be entirely redrafted and be much thicker than it now is.

Moreover, I think the Law Society proposal is wrong on principle. I am sufficiently cosmopolitan, I think, to be comfortable with the criminal and evidence law of other Australian States and Territories—especially as I was legally educated in another Territory—and I do not think these laws need to be filtered by our Evidence Act as though they were the laws of Saudi Arabia or North Korea. But, Mr Peek, of course, is prone to exaggeration, as we have seen in one of his previous papers.

Members interjecting:

Mr ATKINSON: And I notice the members for Playford and Peake interjecting to indicate their assent to that proposition. Mr Peek's point may be valid when, as the Standing Committee of Attorneys-General intends, video and audio links are arranged with overseas courts. With those remarks, and subject to the Minister's answering the questions raised in detail satisfactory to the Opposition, the Opposition conditionally supports the Bill.

The Hon. W.A. MATTHEW (Minister for Administrative Services): I thank the member for Spence for providing conditional support from the Opposition in relation to this Bill. The debate by the Opposition shadow spokesman developed more into agreement or disagreement with various points raised by Mr Peek in his paper on behalf of the Law Society, and I feel that I will not be able to give justice to the member for Spence's questions in relation to that paper in the round-up at the end of the second reading stage. Inevitably, a diatribe of questions will result in Committee. So, with those words, I will take my seat and wait for the Bill to pass into Committee to answer questions from the member for Spence.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3.

Mr ATKINSON: I must say that I am surprised by the way in which the Government is handling or, rather, mishandling the Bill before us. This is quite a complicated Bill and its passage requires a Minister who has familiarised himself or herself with the provisions of the Bill. As so often happens in the House on sleepy afternoons after Question Time, the Opposition is more familiar with a Government Bill than is the Minister who is representing the Government in the Chamber. It is most unsatisfactory that the Minister representing the Attorney-General in this place is not present in the House to deal with the Bill. It is just not good enough.

The Hon. W.A. Matthew interjecting:

Mr ATKINSON: What does the Minister mean by 'usual protocol'? The Minister has been invited by me to explain what he means by 'usual protocol'. This is a Minister who, from the time he lobbed here in 1989, has continually drawn attention to the absence from the House of members of the Opposition for the purpose of criticising them, when that is bad parliamentary manners. He has been doing it for nine years yet now he talks to me about parliamentary protocol.

The point is that there is a Minister representing the Attorney-General in the House, and I know that, because I have been notified of that Minister's identity and because, when I ask questions in the House either on notice or without notice, it is that Minister who responds.

In the last Parliament, the former member for Waite, the Hon. Stephen Baker, handled the Attorney-General's Bills in the House of Assembly, and he did a very good job of familiarising himself with those Government Bills, even though he was not the Attorney-General. I am yet to see what sort of a Minister representing the Attorney-General the member for Adelaide will be, but it is simply not satisfactory to send into the House a Minister who is not familiar with the Bill and who is not familiar with the portfolio. The Opposition was going to support this Bill provided the Government could answer a few simple questions. The Minister was invited during the second reading debate—

The CHAIRMAN: Order! I have shown some flexibility in this issue and I have enabled the member for Spence to make his point. I think he has made that point well.

Mr ATKINSON: No, I haven't, Sir.

The CHAIRMAN: I would suggest that we get back to debating the clauses in the Bill and we are on clause 3.

Mr ATKINSON: Sir, if you had read the Bill, if you had had a close look at it, you would see that the Bill has only three clauses and the substantive part of the Bill is clause 3. There is, in effect, nothing but clause 3, so I am debating the Bill, because the Bill is clause 3.

The CHAIRMAN: Order! The Chair is very much aware of the fact that the Bill has only three clauses. The Chairman has had the opportunity to study the Bill beforehand. There is no need for the member for Spence to get excited about that. The fact is that the opportunity is provided through the third reading for questions to be asked of the Minister about the Bill. I invite the member for Spence to do that.

Mr ATKINSON: Sir, I cannot accept that, because I am trying to scrutinise the Bill with a view to getting answers from the Minister and getting the Bill amended, if that is in the interests of justice. If I wait until the third reading, we will just end up with a Bill that the Opposition cannot support and it may go down in a screaming heap. I am trying to do a mechanic's job on the Bill to fix it up. I believe now that—

The Hon. W.A. Matthew interjecting:

Mr ATKINSON: The Minister interjects to ask, 'Am I going to ask a question?' The Committee stage is not necessarily for the asking of questions. I have already asked those questions at the second reading stage and the Minister ostentatiously decided not to answer them at the second reading stage. I can speak three times on any clause in a Committee stage and I do not have to ask any questions. I can merely express my opinion and that is what I am doing. But, as it happens, I will ask a question.

I am glad that, Sir, now having been correctly briefed, you accept the points I made earlier. I would not want to appear disrespectful or dissenting from your tremendous wisdom, but I do think we have had a meeting of minds after you have been counselled about the Bill. I am glad you read the entire Bill before the Committee stage began. That delights me, because it is more than the Minister has done.

I ask the Minister: is there merit in amending the Bill as the Law Society advocates so that it is harder for the prosecution to call on a video or audio link instead of requiring a prosecution witness to come to South Australia and sit or stand in the court and for his or her demeanour to be examined by defence counsel and for him or her to be cross-examined by the defence in the usual and proper way? The Bill can be seen as potentially disadvantageous to defence counsel in a criminal trial. Does the Government think there are any merits in Mr Peek's criticism of these provisions of the Bill? Will the clause allow video and audio links to be too easily obtained by the prosecution with a view to denying the defendant some of his or her constitutional rights?

The Hon. W.A. MATTHEW: I am advised that on receipt of Mr Peek's letter the Attorney-General deemed it appropriate to make an amendment to the Bill prior to his introducing it in Parliament. The Attorney amended section 59(i)(e)2(c) to provide that the party must prove disadvantage by direction and that it should be for the party to prove disadvantage or it would inappropriately allow the defence always to defeat the issue. The Attorney introduced that provision into the Bill on receipt of that letter from Mr Peek.

Progress reported; Committee to sit again.

VALUATION OF LAND (MISCELLANEOUS) AMENDMENT BILL

In Committee (resumed on motion).

(Continued from page 760.)

Clauses 15 and 16 passed.

Clause 17.

Mr ATKINSON: In its letter to the Opposition the South Australian Institute of Rate Administrators asks why the wording of clause 17 of the Bill is not the same as in the equivalent sections in the Local Government Act—just for the sake of consistency.

The Hon. W.A. MATTHEW: As the member for Spence would be aware, the Local Government Act to which he referred has not yet been proclaimed and that the Minister for Local Government has flagged a review of that Act. I would expect that the question the member for Spence raises would be accommodated in that further review and change to the Act. The point is understood and well made, but the Act has not been proclaimed.

Mr ATKINSON: I thank the Minister for his splendid answer to our query.

Clause passed.

Schedule passed.

Clause 14—reconsidered.

Mr WILLIAMS: I move:

Page 4, line 29—After 'that document will' insert ', subject to the regulations,'

Before my consultation with the Deputy Valuer-General, the Minister and the member for Mawson, I had objections to clause 15, which reduces the period during which landowners can object to their evaluations from an open period of any time during the year to 60 days. After those negotiations, I was quite happy to see clause 15 stand. This amendment, which has the concurrence of the Minister, will insert a regulation into the Act that provides that the account, assessment or notice for rates, etc. will clearly specify the time allowed for the objection. If we are to change something as basic at this, it should be enshrined in the legislation so that, when someone gets a rate notice, they are aware that there has been a major change and that they have only 60 days to make their objection. I thank the member for Spence for his input into this matter, and I commend the amendment to the Committee.

Mr ATKINSON: Not 20 minutes ago the member for MacKillop was full of fire to protect the rights of land-holders—particularly neighbours who had heard that their neighbour had had a valuation overturned—to object to a valuation, and now he has meekly given into the Public Service and accepted an amendment which would merely tell the poor land-holder that he or she had only 60 days in which to appeal.

There he was, fired up, and now he is just willing to accept notice of an amendment which he previously regarded as unjust. The Opposition was willing to support him to go the whole way and not just consider this modest amendment but, if this modest amendment is what the member for MacKillop wants, then in the interests of our beautiful friendship the Opposition will agree to it.

Mr BROKENSHIRE: I support the member for MacKillop's initiative. I discussed this matter with him because it affects my electorate as much as it affects his. This is a good compromise. By virtue of this regulation, people will know clearly that they have a 60-day objection period. If we adopt the principle of *caveat emptor*—let the buyer beware—and people are buying the services of rating authorities, 60 days is fair and adequate. They should be clear in understanding that they have 60 days, and this is a good amendment.

The Hon. W.A. MATTHEW: The Government accepts the amendment moved by the member for MacKillop. I highlight to the Committee that the member for MacKillop has used the Committee stage of this Bill as it ought to be used, that is, to improve the outcome and ensure that it is a Bill in the public interest. The member for MacKillop's amendment provides a change very much in the public interest. It will ensure that his constituents and even those constituents in the electorate of the member for Spence are fully aware of the changed provisions and of their right to object to a valuation within a 60-day period.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

EVIDENCE (USE OF AUDIO AND AUDIO VISUAL LINKS) AMENDMENT BILL

In Committee (resumed on motion).

(Continued from page 762.)

Clause 3.

Mr ATKINSON: My questions about the clause, which is effectively the Bill, were those of the Law Society and Mr Peek. Just to refresh the Minister, Mr Peek's criticisms—

The CHAIRMAN: Order! I ask the member for Spence to resume his seat. I request that the little meeting going on in the far corner cease.

Mr ATKINSON: In his letter, Mr Peek said:

The right of an accused person to have a witness give evidence in his presence is a fundamental right.

He went on:

The witness should give his evidence in open court so that his or her appearance and demeanour can be fully seen and assessed by all, particularly the jury or other tribunal of fact, as an important aspect of determining credibility. Such matters can be largely lost in evidence given by video link.

And lost even more if the evidence is given by audio link as contemplated by the Bill. He continues:

Further, but very much allied to the above, the cross-examination of a witness by video link is fraught with practical difficulties. For example, the putting of a document to such a witness which is in possession of a defendant or his counsel or in the court room is well nigh impossible.

He goes on:

This scenario will inevitably become more common as prosecutors find it more convenient not to procure the presence of interstate and prosecution witnesses.

The Criminal Law Committee of the Law Society proposes that the burden ought to be on the prosecution to establish that it made a substantial effort to procure the attendance in South Australia of prosecution witnesses. So, Mr Peek's concern and the Law Society's concern is that prosecutions in the criminal trial will use the Bill to be slack and to have witnesses give evidence by video or audio link from interstate, thereby putting them beyond the reach of proper cross-examination by counsel for the accused.

I have to reiterate all of this because we are having tag team legislating at the moment. I had one Minister representing the Attorney-General during the second reading and the first half of the Committee stage and now we have Killer Kowalski or Skull Murphy come in. We have the member for Adelaide come in to represent the Attorney-General in this latter stage of the debate, and I have had to go over material in order to apprise the Government of the contents of the Bill. I hope the Minister will be able to answer the question competently because, if he does not, the Opposition will not be supporting it.

The Hon. M.H. ARMITAGE: First, it is important to indicate that audio visual and audio linking is hardly a particularly frightening concept. I am informed that the Tasmanian and Queensland Governments are currently considering enactment of these model provisions.

Mr Atkinson: That's not the point: answer the substance of the question.

The Hon. M.H. ARMITAGE: I am. The Victorian Parliament has passed an Act to deal with audio visual and audio linking. Clearly, it is not concerned.

Mr Atkinson interjecting:

The Hon. M.H. ARMITAGE: No, please allow me to get to the answer. I am just indicating that a number of your august former colleagues already utilise the options we are attempting to put in. Indeed, the result of inquiries at the Supreme Court and District Court registries indicate that they do not have facilities at the moment to allow for a video link-up but they have facilities for telephone conferencing. The

District Court has one court equipped for a video link-up and it has used the facility on a number of occasions within this State.

Mr Atkinson: That's not the question.

The Hon. M.H. ARMITAGE: No. You made a number of allegations about the validity of representation by these forms and I am taking this opportunity to point out that there are a number of particular courts and registries that already use this. The District Court and the Supreme Court have facilities for telephone conferencing but not for audio visual.

Clearly, the member for Spence is implying that audio would be worse than audio visual. This is even an improvement on that. Having said that, I am also informed that the Bill that was circulated has been altered by the insertion of section 591E(2)(c) following the Attorney-General's receiving the letter from Mr Peek. The rationale behind it is merely that the party must prove that it is disadvantaged by the direction—

Mr Atkinson: Hooray!

The Hon. M.H. ARMITAGE: I am getting to it; I said I would. It should be for the party to prove disadvantage or it would perhaps allow inappropriately the defence always to defeat the issue. Of course, the clause always allows the court to have the discretion.

Mr ATKINSON: I am delighted that the Minister finally got there via answering questions that the Opposition asked in another place. Now that he knows which House he is in and which question is being asked, I thank him for answering the question and for doing so in much the same way as the previous Minister handling the Bill answered the same question. I am most grateful for getting a double dip from the Government today. The Minister's answer is so satisfactory that the Opposition will now support the Bill.

Clause passed.

Title passed.

Bill read a third time and passed.

MOTOR VEHICLES (DISABLED PERSONS' PARKING PERMITS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 March. Page 611.)

Mr ATKINSON (Spence): The Opposition thinks this measure is a sensible extension of the entitlement to park one's vehicle in the wide disabled persons' parking slots at shopping centres and other car parks. Members will be familiar with these car parks; they are in lined car parks. They are the broadest car parks with a disabled motif spray-painted onto the asphalt in the middle. Indeed, when my chapel recently re-established itself on Port Road at West Croydon, although we have only a very small congregation we were required by the council to have a disabled persons' car park in our backyard, and we duly complied, while grumbling that none of our parishioners was currently disabled. I mention that to show how common these car parks are now. It is important that Parliament is careful not to widen the eligibility to park in the disabled slots too much lest the public have the impression that just about anyone can park their car there. If this impression were conveyed, many members of the public would no longer respect—

The Hon. G.M. Gunn: They even park there now.

Mr ATKINSON: The member for Stuart is uncharacteristically right: able-bodied people park in those parks now, and I am coming to that. I do not want members of the public to have the impression that anyone can park in these slots. If that impression were created, many members of the public would no longer respect the disabled slots and would park there with the excuse that they had seen people who were not very disabled parking in these slots. It does not take much for the rule of law to lose its persuasive force. For many years, we have had a problem with able-bodied motorists parking in the disabled slots. I well remember the late Clem Goldfinch, a Devon Park identity, posing with a shillelagh at the Arndale disabled persons' parking slots to deter law breakers. The Bill extends the eligibility—

The Hon. G.M. Gunn interjecting:

Mr ATKINSON: Well, he may have had an offensive weapon. Indeed, his picture with the offensive weapon was published in the *Weekly Times*, a paper circulating in the district. However, I am pleased to say the Regency Park police, then based at Hindmarsh, decided not to prosecute Mr Goldfinch, and his record remained unblemished to his dying day. The Bill extends eligibility for disabled parking permits to people with a temporary physical impairment that restricts their speed of movement and whose ability to use public transport is significantly impeded by the impairment. I refer the House to clause 9 of the Bill, amending section 98X of the parent Act. ACROD, the national industry association for disability services, queries the tests on speed of movement and access to public transport as the test for entitlement to the parking permit. It says physical impairment should be enough. It argues:

> Surely, individuals with physical impairments should qualify for a permit regardless of the ability to use public transport.

And it adds:

> One of the main reasons for a person with physical impairment needing a special parking permit is to be able to use the wide dedicated car parking space so that egress and access to the vehicle is possible. People who need to use sticks, walking frames, crutches, wheelchairs or scooters cannot use the regular car parking spaces.

Perhaps the Minister would like to respond to ACROD's comments. I note again that, in the spirit of tag team legislating, we have not the Minister representing the Minister for Transport, the Hon. Dean Brown, but another Minister who, although he is not familiar with the transport portfolio, is mercifully, owing to a previous portfolio, familiar with disabilities. So I would welcome him here. I wonder whether any application for the permit will be refused because the applicant lives near a bus route on which the splendid new kneel-down buses are used and, therefore, the applicant has access to public transport, a question the Minister might take on board. As I speak, the tag occurs and those questions I have raised on the second reading of the Bill will now be forgotten by the Government because it has changed Ministers, and it is a most unsatisfactory way to legislate. This is a Government whose legislating is simply in chaos. It cannot understand what is going on in the House this afternoon. Perhaps it is having secret meetings about a matter. It certainly is not concentrating on the main game, which is legislating.

The Hon. M.K. Brindal interjecting:

Mr ATKINSON: The member for Unley is engaging in another constitutional flight of fancy. Mr Acting Speaker, would you grant me a small pause so that I can reorganise myself given that I have now an entirely different Minister to whom I will have to address the question?

The Hon. M.K. BRINDAL: On a point of order, Mr Acting Speaker, there is no Standing Order that allows

anyone to take a small pause. Either the member speaks or sits down and allows other members to proceed.

The ACTING SPEAKER (Mr Scalzi): I ask the honourable member to proceed with his contribution.

Mr Hanna interjecting:

Mr ATKINSON: As the member for Mitchell says, we hear the voice of authority in the Chair, someone with a deep scholarly background in the Standing Orders and tradition of the House. I am happy to comply with your direction, Sir. I also thank the member for Unley for making a valueless point of order which enabled me to have a pause and to gather my thoughts.

Moving right along, 'temporary physical impairment' is defined in the legislation as an impairment 'likely to endure for more than six months but is not likely to be permanent'. A person issued with a permit on the grounds of temporary impairment will have the permit for 12 months unless the Registrar of Motor Vehicles issues the permit for a shorter period. A person issued with a disabled parking permit on the grounds of permanent impairment has the permit for a maximum of five years. ACROD says that people with such a permit should have it permanently and not have to go to the trouble of renewing it every five years. I hope that the Minister, paying careful attention as he is, has heard that question. Would the Minister care to comment on this point?

Is there potential for abuse with a permanent permit? In this connection, I should add that the permit of a physically impaired person may be displayed and used by a non-disabled driver. Clause 5 makes it clear that the permit may be used only 'while the vehicle is in the course of being used for the transportation of the disabled person'. The Bill extends the entitlement to a permit to 'an organisation that provides to at least four disabled persons services that include transportation services'. Clause 8 of the Bill extends to interstate permit holders under a corresponding law the ability to use our disabled parking spaces.

The Hon. M.K. Brindal: Are you giving a second reading speech?

Mr ATKINSON: I am giving a second reading speech.

The Hon. M.K. Brindal interjecting:

Mr ATKINSON: I guess the member for Unley has now been in Government so long that he thinks the Opposition ought not to be able to make a second reading contribution. Of course I am making a second reading contribution, because the Opposition is allowed to and it is expected to. So that is just what I am doing. I will not be intimidated by the member for Unley into not making a second reading contribution. I am making a second reading contribution because it is the Opposition's right and because we are expected to as part of normal parliamentary procedure. In fact, the member for Unley would be one of the first to complain if the Opposition let Bills go through without conducting a second reading examination of the Bill. So, of course that is what I am doing.

Also, if my speech bears some resemblance to a speech a Minister might normally give as a second reading explanation, it is because the Ministers of this Government on any Bill today have singularly failed to make an ordinary second reading explanation, and the reason for that is that they have not been here. We have had tag team legislation, in case members have not noticed. So, I am doing the Minister's job for him. And I am sure he thinks I am doing a fine job of it.

The Hon. Dean Brown interjecting:

Mr ATKINSON: In response to the Minister, there have been many occasions, especially when the Hon. Stephen Baker, his loyal Deputy, was here, when the Minister would table a second reading explanation without reading it, and I would respond immediately at his request in order to facilitate the legislative process. So, if he had any memory of that, he would not make that kind of remark.

The DEPUTY SPEAKER: Order! I invite the member for Spence to get back to the second reading debate on the Bill.

Mr ATKINSON: Sir, like Bonnie Prince Charlie's troops at Culloden, I am being sorely provoked by the Government troops, and I have responded as the highlanders did at Culloden.

The Hon. M.K. Brindal interjecting:

Mr ATKINSON: Yes, and lost, but nobly so.

An honourable member interjecting:

Mr ATKINSON: No, for the information of the member for Hartley, Bonnie Prince Charlie did not lose his head—

The DEPUTY SPEAKER: Order!

Mr ATKINSON: —although he fought nobly against an illegitimate royal family.

The Hon. M.K. Brindal interjecting:

Mr ATKINSON: High Anglicans such as myself always enjoy dressing up! I had just said, before I was sorely provoked, that corresponding interstate laws will be gazetted. I am sorry to say that the schedule to the Bill contains the wicked conversion of divisional penalties to cash sums and specific terms of imprisonment, but I have spoken at length about the iniquity of that Government initiative and I shall say no more on the point now. The Opposition supports the Bill.

Mr HANNA (Mitchell): I will make a brief contribution in supporting the second reading of the Bill. I am very pleased to advise that in the electorate of Mitchell there are two schools, the Suneden Special School and St Ann's Special School in Marion, which will be only too glad for this legislation to be passed as soon as possible. They are both organisations which provide to at least four disabled persons services that include transportation services, because the students who attend those schools are frequently taken out on excursions, etc. When they go to places such as the Westfield Shopping Town at Marion, they can take advantage of disabled permits in the future once this legislation is enacted, and I am therefore very pleased to support it. I will have great pleasure in informing the schools of their entitlements once the measure is passed.

Ms RANKINE (Wright): I also stand to support this Bill and to register my approval that it incorporates a provision that allows people with temporary physical impairment also to have parking permits. I also concur with the member for Spence that we should not widen the disabled parking permits too much to prevent them from being discounted. However, I am concerned that these are restricted to people who are likely to endure their temporary impairment for more than six months.

When this legislation was discussed in another place, an issue was raised highlighting a significant inadequacy relating to a case that came to my attention through the office of the member for Ramsay. It related to a four-year-old child in a full-body cast. The family could not use normal car parking spaces to get the child in and out of their car, yet they were refused a disabled parking permit. I am concerned that even with this provision included in the Bill families in those circumstances would still not be eligible for temporary disabled parking status. I ask the Government to look at the

fact that families need to function and impairments that may not last six months still have a significant impact on people's lives and should be taken into consideration.

Mr SCALZI (Hartley): I also rise briefly to support the Bill. It is very important that the Government has seen fit to address the difficulties of the disabled by extending the permit. Like many members in this place, I have had representation from constituents who have been affected adversely by the limits of the current provisions with regard to disabled permits. Although there will always be some who say it does not go far enough and people who are inconvenienced because with short-term illnesses they will not be provided with permits, nevertheless, it does increase the number of people who will benefit from such legislation while at the same time acknowledging permits from interstate. In so doing the Bill addresses those problems and inconsistencies of the past. For those reasons I support the Bill and commend the Government on the extensive consultation it has had with various groups in the community to come up with legislation to ensure that as many disadvantaged people as possible with disabilities have their problems addressed and to ensure they are able to have some recognition of the difficulties they have with parking permits. For those reasons I support the Bill.

The Hon. M.K. BRINDAL (Minister for Local Government): I commend the Minister for this initiative. I listened to the contributions of members opposite in terms of the extension of the parking permit provision for people who are not necessarily permanently disabled. As the member for Unley I have had an experience in this area, and I commend the Minister for Transport for her sensitive handling of the issue. A number of my constituents unfortunately suffer from HIV-AIDS, and they have approached me on this issue. Previously they had not been able to get a car parking permit, despite the fact that in the latter stages of the disease they can be severely physically incapacitated and have a need for private transport and to park as close as they can to facilities.

I approached the Minister for Transport about one such elector and she was very good in ensuring that that elector received a parking permit. Any decent Minister, Liberal or Labor, would seek to do the same. It is commendable that this Bill provides for people such as that as it shows proper sympathy and understanding for people who sometimes are not permanently disabled but, at a critical time in their life, find themselves in need. I commend the Minister on that aspect of the Bill and on the development this Bill makes for disabled people generally.

Mrs GERAGHTY (Torrens): I reinforce the point raised by the member for Wright. I have been contacted by families who have a member of their family temporarily disabled for a period of less than six months, but their disability is debilitating for that time. They have raised the concern that such people need a temporary parking permit just for that period. People who have children in plaster casts to the waist, and so on, find it difficult to manage. This situation will not be resolved for the constituent I am thinking of, but for others in future I concur with the member for Wright that it needs to be examined.

Ms STEVENS (Elizabeth): I briefly commend the Government on the Bill. I am pleased to see this happen as I have written to the Minister for Transport on behalf of a number of groups, and I am pleased that it has come to pass.

Debate adjourned.

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

TOBACCO PRODUCTS REGULATION (LICENCE FEES) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training): I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill repeals those provisions of the *Tobacco Products Regulation Act 1997* that relate to the imposition of *ad valorem* licence fees.

On 5 August 1997 the High Court held that New South Wales tobacco franchise fees were invalid under section 90 of the Australian Constitution. While the South Australian Acts were not necessarily invalid, the decision left such doubt over the constitutional validity of business franchise fees on tobacco, petroleum and liquor that the States and Territories had little choice but to cease collecting them.

As a result of this decision States and Territories faced an annual revenue shortfall in excess of $5 billion and were exposed to potential claims for many billions of dollars of refunds of fees paid in the past. These revenues have been used in the past, and are needed in the future, to finance expenditure on roads, health and education services.

The revenue loss to the States and Territories meant that there was no alternative but to ask the Commonwealth to use its taxation powers to collect revenue previously raised by State and Territory business franchise fees on tobacco, petroleum and liquor and to introduce windfall gains tax legislation to protect the States and Territories from exposure to refund claims.

The Commonwealth has agreed to this request on the clear understanding that the States and Territories will repeal the relevant provisions of their business franchise fee Acts, with effect from the dates on which the increases in Commonwealth excise and wholesale sales tax were imposed on each of the affected products.

This Bill puts that commitment into effect. Separate amending Bills are being introduced to remove the *ad valorem* licence fee provisions of the *Petroleum Products Regulation Act 1995* and the *Liquor Licensing Act 1997*.

I commend this Bill to honourable members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

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

Clause 3: Amendment of long title

This clause amends the long title of the principal Act. This change is consequential on the removal of *ad valorem* licence fees.

Clause 4: Amendment of s. 3—Objects of Act

This clause alters the objects of the principal Act. This change is consequential on the removal of *ad valorem* licence fees.

Clause 5: Amendment of s. 4—Interpretation

This clause removes definitions that are made unnecessary by other clauses of this measure.

Clause 6: Repeal of s. 5

This clause repeals the application provision. This change is consequential on the removal of *ad valorem* licence fees.

Clause 7: Substitution of Part 2

This clause removes the provisions relating to the imposition, assessment and recovery of *ad valorem* licence fees and substitutes new sections.

PART 2
LICENCES

6. Requirement for licence

This section makes it an offence for a person to carry on the business of selling tobacco products by retail, or to hold himself or herself as carrying on such a business, without holding a licence under the Act. The maximum penalty is $5 000.

7. Issue or renewal of licence

This section empowers the Minister to issue and renew licences.

8. Licence term, etc.

This section provides for the term of a licence to be one year and allows a licence to be renewed for successive terms of a year.

9. Licence conditions

This section empowers the Minister to fix and vary conditions on licences and makes it an offence for a person to contravene or fail to comply with a condition of a licence. The maximum penalty is $5 000.

10. Form of application and licence fee

This section requires an application for the issue, renewal or variation of a licence to be made in a manner and form approved by the Minister and contain the information required by the Minister. It also requires an applicant to provide any information that the Minister reasonably requires for the purpose of determining the application, and pay the licence fee prescribed by the regulations.

11. Cancellation or suspension of licence

This section empowers the Minister to suspend or cancel a licence if satisfied that the licensee has contravened the Act or is not or no longer for any reason a fit and proper person.

12. Review of decision of Minister

This section provides a right of review of decisions of the Minister under Part 2 of the Act.

13. Appeal

This section provides a right of appeal to the District Court from a decision of the Minister on a review under section 12.

Clause 8: Repeal of s. 28

This clause repeals an unnecessary interpretative provision.

Clause 9: Amendment of s. 38—Sale of tobacco products to children

This clause makes minor amendments that are consequential on the removal of *ad valorem* licence fees.

Clause 10: Amendment of s. 39—Evidence of age may be required

This clause makes amendments that are consequential on other amendments made by this measure.

Clause 11: Amendment of s. 47—Smoking in enclosed public dining or cafe areas

This clause removes reference to a Division of the Act struck out by this measure.

Clause 12: Amendment of s. 58—Continuation of Fund

This clause makes a minor amendment that is consequential on the removal of *ad valorem* licence fees.

Clause 13: Amendment of s. 63—Appointment of authorised officers

This clause amends section 63 so that authorised officers under the *Taxation Administration Act 1996* are no longer authorised officers under the Tobacco Products Regulation Act. This change is consequential on the removal of *ad valorem* licence fees.

Clause 14: Amendment of s. 65—Power to require information or records or attendance for examination

This clause removes references to the Commissioner of State Taxation. This change is consequential on the removal of *ad valorem* licence fees.

Clause 15: Amendment of s. 66—Powers of authorised officers

This clause removes the power of an authorised officer to seize and retain tobacco products that the officer reasonably suspects have been sold or purchased in contravention of the Act or if the officer reasonably suspects a person of otherwise engaging in tobacco merchandising in contravention of the Act.

Clause 16: Amendment of s. 69—Powers in relation to seized tobacco products

This clause removes references to the Commissioner of State Taxation and makes other changes that are consequential on the removal of *ad valorem* licence fees.

Clause 17: Repeal of Part 6

This clause repeals Part 6 which deals with the use of *ad valorem* licence fee revenue collected under the Act.

Clause 18: Amendment of s. 72—Delegation

This clause removes a reference to the Commissioner of State Taxation.

Clause 19: Repeal of s. 74

This clause repeals section 74 as it is to be incorporated in the new section 6.

Clause 20: Amendment of s. 76—Minister may require verification of information

This clause removes a reference to the Commissioner of State Taxation.

Clause 21: Amendment of s. 78—Confidentiality

This clause amends section 78 so that confidential information cannot be disclosed to State, Territory or Commonwealth officers engaged in the administration of laws relating to taxation or customs.

Clause 22: Amendment of s. 80—Immunity from personal liability

This clause removes a reference to the Commissioner of State Taxation.

Clause 23: Substitution of s. 82

82. Prosecutions

This section limits the period for commencing proceedings for expiable offences against the Act to that prescribed for expiable offences by the *Summary Procedure Act 1921*.

Clause 24: Repeal of ss. 83 and 84

This clause removes provisions dealing with the recovery of *ad valorem* licences fees.

Clause 25: Amendment of s. 85—Evidence

This clause makes changes to evidentiary provisions consequential on the removal of *ad valorem* licence fees.

Clause 26: Amendment of s. 87—Regulations

This clause makes changes to the regulation-making power consequential on the removal of *ad valorem* licence fees.

Clause 27: Substitution of schedules 1 and 2

This clause removes forms. This change is consequential on the removal of *ad valorem* licence fees.

SCHEDULE

Transitional Provision

This schedule provides for a class A licence authorising the sale of tobacco products by retail in force before the commencement of this measure to continue until the expiry of the period for which it was granted or renewed.

Mr ATKINSON secured the adjournment of the debate.

POLICE SUPERANNUATION (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training): I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill seeks to make a number of technical amendments to the Police Superannuation Act 1990, and deals with issues that have arisen in the administration of the Act. A number of the proposed technical amendments are similar to amendments made in July 1997 to the Superannuation Act 1988.

One of the amendments proposed results from recent amendments to the Police Act, whereby commissioned officers are appointed on contract. As a result of contract employees now participating in the police superannuation schemes, the provisions of the Act relating to the determination of salary for contributions and benefits requires amendment. The proposed amendment will enable contributions and benefits for commissioned officers employed on a contract to be based on the highest salary achieved in either a permanent position or in a contract position. The amendment will ensure that existing contributors to the police superannuation schemes will not be disadvantaged upon appointment to a contract position. The existing principle of benefits being linked to the highest salary paid in respect of a position with the Police Department will be maintained as a result of this amendment.

An amendment is also proposed to deal with the situation where police officers are seconded to positions in another police force or police forces in Australia or in any other country. The Bill defines another police force to include a body established by the Australian Police Ministers' Council, a body established by the Council of Police Commissioners of Australia, all law enforcement agencies, and any other prescribed body. It frequently occurs that a police officer is seconded to work for another policing body with a higher

salary being paid to the officer. The current provisions of the Police Superannuation Act do not however recognise for contribution and benefit purposes, any higher salary that may be paid to an officer under such a secondment arrangement. The amendment proposed in the Bill provides that where a police officer is seconded to serve in another police force or police forces for at least five years, or periods aggregating five years or more, the contributions payable by the officer during the period of secondment will be based on the actual salary received. Furthermore, the officer's final salary for the determination of benefits will be adjusted to reflect any higher salary paid by the other policing agency as a consequence of the secondment.

The other technical amendments being proposed in the Bill deal with issues which have arisen in the administration of the Police Superannuation Act, or are similar to amendments made in 1997 to the Superannuation Act 1988.

The Commissioner of Police, the Police Superannuation Board and the Police Association have been fully consulted in relation to these amendments.

The provisions of the Bill are as follows:

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal

Clause 3: Amendment of s. 4—Interpretation

Clause 3 amends section 4 of the principal Act. New subsection (3a) defines the term "permanent position in the police force" to include a position to which the contributor is appointed on contract for a fixed term. New subsection (6b) provides for the application of subsection (3) to a contributor who has been seconded to another police force.

Clause 4: Amendment of s. 13—Contributors accounts

Clause 4 amends section 13 of the principal Act. Subsection (6) is replaced by a subsection that makes it clear that the Board can estimate a rate of return for the previous financial year where the rate of return for that year has not yet been determined by the Board. New subsection (6a) provides that an estimated rate of return will not be adjusted when the rate is finally determined.

Clause 5: Amendment of s. 17—Contribution rates

Clause 5 amends section 17 of the principal Act. Paragraph *(a)* of subsection (2) is replaced with a provision in the same form as section 23(4)*(a)* of the *Superannuation Act 1988*. The new provision takes into account changes in salary caused by changes in the hours of work. Paragraph *(b)* of the clause inserts a new provision (similar to section 23(4)*(b)*(iv) of the *Superannuation Act 1988*) that provides for the eventuality of a reduction in a contributor's salary after the date on which contributions are fixed and enables the contributor to elect to contribute as though the reduction had not occurred. New subparagraph (iv) allows such an election to carry over from year to year despite the operation of paragraph *(a)* of section 17.

Clause 6: Amendment of s. 22—Resignation and preservation

Clause 6 amends section 22 of the principal Act. The words removed from paragraph *(c)* of subsection (1) are no longer required because of Commonwealth requirements. Paragraph *(c)* replaces paragraphs *(a)* and *(b)* of subsection (1a) with provisions that will now allow a contributor to carry over the superannuation payment to another fund or scheme. The limit for taking the payment is reduced from $500 to $200 and the requirements for payment on invalidity are more specifically spelt out. New subsections (1b), (1c) and (1d) set out a new method for determining the amount of interest accruing on a superannuation payment under subsection (1a). The requirements for payment of preserved benefits on invalidity under subsection (2)*(b)* are more specifically spelt out in the new paragraph *(b)* inserted by paragraph *(e)* of the clause.

Clause 7: Amendment of s. 32—Pensions payable on contributor's death

Clause 7 amends section 32 of the principal Act. Paragraphs *(a)* and *(b)* make amendments recently made to the *Superannuation Act 1988* to deal more completely with the possible circumstances relating to status as a lawful or de facto spouse before termination of the contributor's employment or before the contributor's death. Paragraph *(c)* makes amendments that cater for the amount of the notional pension where the deceased contributor had been employed on a part time basis.

Clause 8: Amendment of s. 34—Resignation and preservation of benefits

Clause 8 makes amendments to section 34 dealing with resignation under the old scheme that are similar to the amendments made by clause 6 to the resignation provision (section 22) under the new scheme.

Clause 9: Amendment of s. 39—Review of the Board's decisions

Clause 9 substitutes the District Court for the Supreme Court in section 39 which provides for the right to have decisions of the Board reviewed.

Clause 10: Amendment of s. 40—Effect of workers compensation, etc., on pensions

Clause 10 makes an amendment to section 40 of the principal Act which reflects the provision in the *Superannuation Act 1988* (section 45(4)) dealing with the effect of the surrender of weekly workers compensation payments.

Clause 11: Amendment of s. 49—Confidentiality

Clause 11 amends section 49 of the principal Act to authorise the divulging of information if required by a State of Commonwealth Act.

Clause 12: Amendment of Schedule 1

Clause 12 inserts a transitional provision relating to the change in the way interest is determined under subsections (1b), (1c) and (1d) of sections 22 and 34.

Mr ATKINSON secured the adjournment of the debate.

STATUTES AMENDMENT (ADJUSTMENT OF SUPERANNUATION PENSIONS) BILL

Received from the Legislative Council and read a first time.

SUPERANNUATION (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training): I move:

That this Bill be now read a second time.

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

Leave granted. This Bill seeks to make a number of technical amendments to the Superannuation Act 1988, and deals with issues that have arisen in the administration of the Act.

One of the proposed amendments deals with the term of membership of a member of the South Australian Superannuation Board. The current provisions of the Superannuation Act provide that members of the Board are appointed or elected for terms of three years. This means that there is the potential for there to be a major departure of experience from the Board at one time. With continual changes occurring in the area of superannuation, it is considered appropriate to ensure there is some continuity in membership of the Board. This will be available through the provision of more flexible terms of appointment. The amendment proposed in the Bill provides for members of the Board to be appointed or elected for a term of up to three years.

The Act currently allows a member to contribute at one of a number of percentages rates of salary. However, because of the requirements of the Commonwealth's Superannuation Guarantee legislation in requiring a prescribed minimum level of employer support, and to provide that the administration of the Superannuation Guarantee is not split between schemes, the Bill seeks to amend the Act to require that members contribute at the existing specified rates of 3.0 per cent of salary and above as from 1 July 1998. A member contributing less than 3.0 per cent of salary will need to increase their contribution or transfer to the Triple S Scheme where they could in fact accrue a greater benefit.

An amendment is also proposed to the definition of income used in determining any reduction in invalidity or retrenchment pension payable to a member who is in receipt of a benefit under the age of 60 years. The amendment proposed in the Bill expands the definition of income from remunerative activities to incorporate income received in a non cash form, and income paid in respect of remunerative activities but paid to a third person. The amendment will ensure that persons receiving an invalidity or retrenchment pension do not receive a greater level of income than if they had remained in their previous employment. The amendment has become necessary because of the various forms in which people may receive income

from remunerative activities. The amendment maintains the original intention of the income test provisions of the Act.

The other technical amendments being proposed in the Bill deal with issues which have arisen in the administration of the Superannuation Act. These other amendments clarify existing provisions, ensure consistency between similar provisions, or enhance the general administration of the Act.

The Australian Education Union, the Public Service Association and the South Australian Superannuation Board have been fully consulted in relation to these amendments.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

Clause 1 is formal.

Clause 2: Commencement

Clause 2 provides for the commencement of the new provisions. Clause 18*(h)* will be taken to have come into operation on 1 July 1994. This date is the commencement of the interim period under the *State Bank (Corporatisation) Act 1994* and is the first day on which a contributor could have made the election that triggers the operation of clause 7(6)*(a)* of Schedule 2 of that Act.

Clause 3: Amendment of s. 4—Interpretation

This clause amends section 4 of the principal Act. The new definition of 'month' spells out the meaning of that term when used in legislation. New subsection (2) provides a precise means of determining the number of contribution months in a contribution period.

Clause 4: Amendment of s. 8—The Board's membership

Clause 4 makes an amendment to section 8 of the principal Act that will enable a member of the Board to be appointed or elected for any period up to 3 years instead of for a fixed term of three years.

Clause 5: Amendment of s. 9—Procedures at meetings of the Board

Clause 5 inserts a provision into section 9 of the principal Act that will enable meetings of the Board to be held by telephone.

Clause 6: Amendment of s. 17—The Fund

Clause 6 makes a consequential amendment.

Clause 7: Amendment of s. 20A—Contributors' Accounts

Clause 7 replaces section 20A(6) with a provision that will enable the Board to estimate the rate of return during a period before the Board has been able to make a final determination on the subject.

Clause 8: Amendment of s. 20B—Payment of benefits

Clause 8 makes consequential changes to section 20B of the principal Act.

Clause 9: Amendment of s. 23—Contribution rates

Clause 9 amends section 23 of the principal Act.

New subparagraph (v) inserted by paragraph *(b)* of the clause will allow the Board to continue the operation of an election under subparagraph (iv) (to contribute as though there had been no reduction) after the end of the financial year in which it was made. New subsection (7) inserted by paragraph *(d)* replaces the existing subsection. The new provision distinguishes between contributors accepted under the repealed Act and those accepted before the commencement of the repealed Act and also includes those contributors who are entitled to the maximum pension allowed under section 34(5).

Clause 10: Amendment of s. 28—Resignation and preservation of benefits

Clause 10 amends section 28 of the principal Act.

New paragraph *(a)* of subsection (1c) enables a contributor to roll over the payment under this subsection to another fund or scheme.

Clause 11: Amendment of s. 29—Retrenchment

Clause 11 amends section 29 to require that in default of election under subsection (1) a retrenchment benefit will be taken to have been preserved.

Clause 12: Amendment of s. 31—Termination of employment on invalidity

Clause 13: Amendment of s. 32—Death of contributor

Clauses 12 and 13 change terminology used in sections 31 and 32 of the principal Act. The term 'adjusted salary' takes into account the possibility that the contributor has been employed part time or on a casual basis.

Clause 14: Amendment of s. 32A—PSESS benefit

Clause 14 makes changes required for conformity with Commonwealth requirements.

Clause 15: Amendment of s. 34—Retirement

Clause 15 makes a minor amendment to section 34 of the principal Act that acknowledges that a contributor may terminate his or her employment on the ground of invalidity in circumstances that don't give rise to benefits under the Act.

Clause 16: Amendment of s. 37—Invalidity

Clause 17: Amendment of s. 38—Death of contributor

Clauses 16 and 17 make consequential amendments.

Clause 18: Amendment of s. 39—Resignation and preservation of benefits

Clause 18 makes amendments to section 39 that are similar to those made by clause 10 to section 28 of the principal Act.

Clause 19: Amendment of s. 44—Review of the Board's decisions

Clause 19 provides that the District Court and not the Supreme Court will review the Board's decisions in the future.

Clause 20: Amendment of s. 45—Effect of workers compensation, etc., on pensions

Clause 20 makes amendments to section 45 of the principal Act that clarify the operation of that section.

Clause 21: Insertion of s. 47A

Clause 21 inserts two new provisions relating to the roll over of money to and from the State scheme.

Clause 22: Amendment of s. 55—Confidentiality

Clause 22 amends section 55 of the principal Act.

Clause 23: Substitution of s. 56

Clause 23 inserts a provision relating to the application of the Act that is similar in form to section 48 of the *Southern State Superannuation Act 1994*.

Clause 24: Amendment of Schedule 1—Transitional Provisions

Clause 24 amends the transitional schedule of the principal Act.

Mr FOLEY secured the adjournment of the debate.

MOTOR VEHICLES (DISABLED PERSONS' PARKING PERMITS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 766.)

The Hon. DEAN BROWN (Minister for Human Services): I thank members for their contribution: a surprisingly large number of members contributed to the debate. I think that is because of the nature of the Bill itself as it involves an issue on which many members of Parliament have received representations. A large number of members, of whom I am one, have written to the Minister at various stages and asked for some variations to be made to the Act. Built into the original Act are a number of inequalities some of which this Bill attempts to amend.

During the second reading debate, some questions were asked which I will now answer. The key question raised by the member for Spence relates to a change of wording regarding public transport from 'who is by virtue of a permanent physical impairment unable to use public transport' to 'whose ability to use public transport is significantly impeded by the impairment'. The honourable member specifically asks whether, if a disabled person resided next to a bus stop serviced by a kneeling bus, that would be grounds for rejecting an application. The answer is: 'No, not at all.' I hope that clarifies the point. The problem is that the original Act is absolute. Under that Act, a person had to be unable to use public transport whereas this amendment allows some discretion, particularly for people with fairly severe disabilities who, under certain circumstances and even with great difficulty, could use public transport.

The second major issue that was raised relates to whether a person who has a significant disability for a period of, say, four months would be eligible. The answer is: 'No, not under this amendment.' The disability must exist for an anticipated period of at least six months. There is a reason for that. The Australian Building Code, which is applicable across the whole of Australia, requires 1 per cent of a car park to be made available for people with a disability who have a special

permit. That means that only one in 100 people who use that car parking facility can have access to those special car parks. If short-term disabilities of less than six months were included, it is anticipated that the number of people who would have access to a permit would be significantly greater. Therefore, more than the allotted number would try to get access to that 1 per cent of a car park. Some thought has been given to the basis on which the six month period has been selected. The answer to the question is that a person with even a severe disability for four months would not be eligible to get a disabled permit.

They are the two main issues. As members have indicated during the second reading debate, the Bill responds to the need for change and more flexibility in terms of both the degree of disability and the ability to use public transport and, secondly, where there is a disability that might exist for a defined period of more than six months but not on a permanent basis. I am delighted that members support the legislation. I hope it has a speedy passage.

Bill read a second time.

In Committee.

Clauses 1 to 8 passed.

Clause 9.

Ms RANKINE: I understand the Minister's reasoning for the requirement for temporary physical impairment of more than six months. However, the Government must recognise that this can impose an unreasonable impost on a large number of families. In fact, in the instance that I raised, the local shopping centre provided a permit for people to use the car park, so it recognised the difficulty that they faced.

Some impairments do not warrant a parking permit, but surely the Government is imposing an unreasonable impost on people by determining that the impairment must continue for more than six months. If someone is disabled for four months, three months or two months, families must be able to go about their normal business, to shop and to take their children to doctors and dentists, and that must be considered.

The Hon. DEAN BROWN: I can understand that all of us would like, in the perfect world, to provide a permit for anyone with a disability, but it is not practical. To provide a permit to anyone with a disability, regardless of how temporary the disability was, would mean that there would be a large number of people wanting to use a limited number of car parks. As a result, those with genuine, severe disabilities could not get access to them.

In this way we are limiting the use of parks to people with severe and longer term disabilities to try to ensure that a car park is available when they need it. I understand the point that the member for Wright is making, but we must be practical. Legislation cannot cover every single situation. Any legislation which tries to do that becomes too complicated. As the honourable member spends more time in this House, she will realise that there is a point of commonsense that needs to prevail where legislation is written for the vast majority of cases, not always to fit every single case.

Ms RANKINE: I understand the practicalities of legislation. Quite clearly, a parking permit is not issued to someone with a disability that will last a week or two weeks, but a child in a full plaster cast has a significant disability with which a parent must deal. That disability may last three months, four months or five months. Six months is a significant impost on those people. Perhaps the legislation needs to provide some flexibility in the provision of temporary parking permits.

The Hon. DEAN BROWN: It is up to the honourable member to move an amendment. She has not done so. I assume, therefore, that she is accepting or rejecting what is here completely.

Ms RANKINE: I would like to move an amendment.

The CHAIRMAN: The honourable member will need to prepare the amendment in writing and bring it to the Chair.

Ms RANKINE: Mr Chairman, I want to change only two words in the Bill.

The CHAIRMAN: It will still need to be in writing. The honourable member may want to seek advice, but that is up to her.

The Hon. DEAN BROWN: I rise on a point of order, Sir. It is normal to distribute any amendments so that all members of the Committee can see them.

An honourable member interjecting:

The Hon. DEAN BROWN: I made the point that the honourable member has not prepared any amendments, and that is a fact.

The CHAIRMAN: Order! It is not a point of order. It is convention that an amendment be circulated. It does not have to be the case.

Ms RANKINE: I move:

Page 3, line 28—Leave out the words '6 months' and insert the words '1 month'.

The Hon. DEAN BROWN: I must object to this, and I am sure that, if the honourable member went out and asked a few key groups in the community, she would find that, equally, they would object. First, there was extensive consultation with disability groups before this Bill was presented to the Parliament. Those disability groups have already expressed some concern even about a reduction to six months. If we reduce it from six months to one month, half the Crows will get disability permits.

Mr Atkinson: And will you deny it to them?

The Hon. DEAN BROWN: The point is that people who have very serious disabilities on a permanent basis will not be able to get anywhere near the car parks provided for them simply because the Australian Building Code states that 1 per cent of the car parks should be allocated to people with disabilities.

Ms Rankine interjecting:

The CHAIRMAN: Order! The member for Wright has had the opportunity to speak.

The Hon. DEAN BROWN: The honourable member says that the shopping centre recognises the disability. If it wants to put aside a special park, let it do so, but we are talking about special car parks which are marked and put aside for people with disabilities. I point out that even disability groups would oppose this amendment. Frankly, you do not make good legislation by firing from the hip in the House.

Mr ATKINSON: How is the entitlement to park in a wider disability car park established? Is it enforced by the shopping centre or the police? By whom is it enforced?

The Hon. DEAN BROWN: There is a special sticker that goes onto the windscreen of the car so that it can be seen that there is a special permit on the car.

Mr ATKINSON: The reason I asked that question is that I do not think there is any problem now with an excessive number of entitled people competing for a small number of car parking slots in shopping centres and other public places. As I see car parks around Adelaide, the disabled car parking slots are often unoccupied, although there is a problem with people who are not disabled parking in those slots. So, it

seems to me that if a sticker is issued which expires on a certain date there can be no real objections to the member for Wright's amendment.

In the fanciful example given by the Minister, if members of the Crows are given one-month permits, it will be obvious when that permit expires and if they continue to use disabled car parks that, after the permit on their windscreen has expired, they will be parking unlawfully and they will be justly punished. The question is really one of enforcement. Again, I ask the Minister: who does the enforcing and is the enforcing adequate? I recall that, when this was first raised with me a long time ago when I was first a member of Parliament, there was hardly any enforcement, and that was the chief problem.

The Hon. DEAN BROWN: It is enforced by the local government body, and I stress again that through its association local government itself has expressed support for these amendments. Commonsense should prevail.

The Hon. G.M. GUNN: The honourable member gave the example of a parent whose child is in plaster. I have had some experience with that situation, and the difficulty that was brought to my attention had nothing to do with legislation: it was the intransigence of the Adelaide City Council, which took a peculiar attitude. It issued stickers to mothers whose children had both legs in plaster, when those mothers attempted to park in front of the then Children's Hospital to take their children in for treatment. When I made some inquiries in those days I found that it was the intransigence of the Adelaide City Council that was the problem. I am fully aware that it was intransigent on a number of other issues, but we will debate that matter in this place later. I can say that the problem was not this legislation but the intransigence of the people who, when they put on a uniform, suddenly got important and wanted to throw their weight around. I have had personal experience of the matter that the honourable member raised and I sympathise with people in that situation, but this legislation cannot deal with that problem.

Ms RANKINE: I am aware that it is not only local government but also shopping centres that enforce these regulations.

An honourable member interjecting:

Ms RANKINE: I have been involved with disabled parking permits: my father has one, so I know what goes on in the Tea Tree Plaza Shopping Centre, for example. It was Parabanks that issued the parking permit for this family, so for this child they were allowed to use parking spaces used by permanently disabled people. These are people who apply to their councils for approval based on people's permanent disabilities, and they are the ones who provided the temporary parking permit for this family who were having extreme difficulties. So, along with their private car parking spaces, the shopping centres also police their disabled car parking.

The Hon. DEAN BROWN: If a private shopping centre wants to issue some sort of permit that allows someone to park somewhere in the shopping centre, that is up to them, but this Act is administered by the local government authority and we are dealing with parking permits issued by the register, and that is what we have to relate to. I ask the Committee to continue to support the Bill as presented.

Mr ATKINSON: Next time the Minister decides to ask a rhetorical question in debate I hope it will not be, 'Why don't you draft an amendment?'

Amendment negatived; clause passed.

Clause 10.

Mr BROKENSHIRE: Mr Chairman, I will be brief, given the time of night, but this is an issue—

Mr Atkinson: You never are.

Mr BROKENSHIRE: Actually, I am quite a bit faster, even though I talk more slowly than the member for Spence.

Mr Hanna: You're not brief with your interjections.

Mr BROKENSHIRE: Indeed, but—

An honourable member interjecting:

The CHAIRMAN: Order! The member for Mawson.

Mr BROKENSHIRE: Thank you for your protection, Mr Chairman. This issue has been brought up with me on several occasions, and I would like to get it on the public record so that I can inform my constituents. I understand that these amendments will make it a little fairer and easier for people to get disability permits. In one case in particular I felt that the previous system was a little difficult for a 90-year-old to have to go through. Further, is the Minister happy with the 1 per cent car parking allocation? Does he think that is adequate for the number of people with parking permits?

The Hon. DEAN BROWN: Car parking is set by the Building Code for the whole of South Australia. My feeling is that it is probably about adequate now but that as our population continues to age that percentage will have to be increased. It would not surprise me to see at least 2 per cent of car parks set aside at some time in the future; I am sure that that sort of change will occur as our population ages.

Clause passed.

Schedule and title passed.

Bill read a third time and passed.

MOTOR VEHICLES (WRECKED OR WRITTEN OFF VEHICLES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 March. Page 612.)

Mr ATKINSON (Spence): The Opposition is happy to be a party to national uniform legislation designed to reduce vehicle theft. South Australian law already introduces the recording of wrecked or written off vehicles on the wrecks register. The Bill requires a vehicle that is the subject of registration to have attached to it a written-off vehicle notice before it is offered for sale. If such a vehicle is presented for reregistration, it will have to be inspected and its having been wrecked recorded in the register. People applying to re-register a repaired wreck, who have fitted major vehicle components, such as the complete body, must prove from receipts that the components have been legitimately acquired before reregistration will be granted.

The thorough inspection on reregistration will make it much harder for racketeers to use false identifiers on a stolen motor vehicle. The register should have that identifier flagged on computer as inactive. The Bill will work in tandem with the recently proclaimed Second-Hand Dealers and Pawnbrokers Act 1996, which requires those who sell major vehicle components to keep a record of the purchaser and issue receipts for such sales. Details of the severity and location of damage to a written-off vehicle must now be notified to the Registrar. This will make fraud harder to perpetrate. The key punishment for breach of the Bill is refusal or cancellation of registration. The Opposition supports the Bill.

Mr VENNING (Schubert): I support the Bill. As you may know, Sir, this issue was addressed by a report of the ERD Committee, of which I am currently Presiding Member.

The report into compulsory inspection of motor vehicles found that compulsory inspection would not necessarily be advantageous in reducing the road toll but it found there was an area in which the Government needed to move involving the security of motor vehicles, particularly in regard to wrecked and written-off vehicles, that is, the exchange of plates. It is of vital importance that untoward criminal behaviour is identified and dealt with harshly. This Bill puts in place measures to make the process of stopping criminal activities even more acute in regard to motor vehicles. We all know there has been a long and profitable history in the racket of stolen cars, particularly interstate. I was always amazed that when one bought a second-hand car—and I have bought them for my children—clearance of the car was always given but there was no surety that the cars were not stolen from interstate until recent years when we had a databank that gave a full check.

After the family home, one's car is the next most major investment and, therefore, its theft is keenly felt by the public. The stolen car racket can be very lucrative if it is allowed to flourish. I believe that in some areas it has been flourishing, and it is most important that all States combine in the war against crime, particularly in respect of the wrecks register. Only South Australia, New South Wales and Victoria participate in the recording of details of wrecked and written-off vehicles on to the wrecks register, and I would like Western Australia, Queensland, the Northern Territory and Tasmania join the agreement in the near future. We are all aware that one of the main sources of obtaining false vehicle identification plates for the purpose of reidentification of a stolen car is through the damaged car auction system. The wrecks register ensures that vehicle identifications are flagged as inactive and then become of little use in regard to reidentifying a stolen vehicle, as any vehicle bearing those numbers will undergo a thorough inspection prior to re-registration. That is why all States should be part of this program, to thwart the attempts of the lucrative trade in stolen cars and parts.

I support the proposal to attach to a vehicle that has been notified, wrecked or written off an official notice stating that it has been written off when it is offered for sale. This would alert prospective buyers that the vehicle has been recorded as wrecked or written off and will require inspection before it can be put back on the road. This issue has always concerned me under the current Act. Who is to say that the reregistered vehicle is the wreck restored or an identical stolen vehicle with the plates of the wrecked vehicle? I believe that inspections would have to be thorough and undertaken by experts when they reinspect a vehicle to check whether it is the wrecked vehicle repaired.

I recommend and suggest to the authorities that, when the wrecked vehicles are inspected, note should be taken of the extent and type of damage incurred. Therefore, when it is inspected as a restored vehicle, it can be seen as being the same vehicle. Otherwise it is difficult to prove that the vehicle one looks at is a restored vehicle and is not a stolen one with the same plates. These steps have been taken after discussion with the National Motor Vehicle Task Force, which has developed a comprehensive action plan against car theft. I support this action 100 per cent. We have to create an environment which makes it impossible for criminals, especially interstate criminals, to operate. I believe it has been particularly easy for them in the past. We all drive on the highways and see truckloads of secondhand vehicles crossing the borders. Every time I see them I think there must be one or two in the load that must have been stolen. That is the sort of hunch I have. The Bill complements the Road Traffic (Vehicle Identifiers) Amendment Bill, which also aims to bring to an end stolen car rackets.

Mr Atkinson interjecting:

Mr VENNING: That is right. I will not be speaking to the second one but I will air my thoughts on this Bill. In South Australia alone it is estimated that the cost of car theft is between $50 million and $70 million a year. Australia has one of the worst car theft statistics in the world, which surprises me. In 1995 the rate of motor vehicle thefts per 100 000 of population was 703, and that compares with the 560 per 100 000 in the United States. That amazes me. Some vehicles are not recovered, because they are reidentified, some are dismantled, some are sold for spares, some are shipped interstate and some are even sold overseas. As mentioned, both Bills complement each other and seek to strengthen existing legislation dealing with the illicit trading in motor vehicles.

I am a motor vehicle enthusiast and a collector of old motor vehicles. I believe that those who seek to gain from this form of theft, and that of any other, should be brought to justice and harsh penalties applied. As Presiding Member of the ERD Committee I am committed to improved safety and roadworthiness of vehicles. We must try our hardest to curb the serious road toll that occurs almost on a daily basis. As to a person buying a wrecked vehicle, it is very suspect, as we saw on television only a few weeks ago where a late model Australian-made motor car was identified as being two cars joined together in the repair shop. That startled me and caused great concern to many people. I am sure that unsuspecting people in the market for a motor car would be most upset to buy a car they thought to be a genuine and sound vehicle only to learn that it was two cars joined together. The wrecked vehicle problem is serious.

Some vehicles are real wrecks and, while some people do repair them genuinely without stealing them, those vehicles really should not be repaired because they are put back on the road with body stresses and with the wheel alignment and everything else very suspect. Members of the unsuspecting public can come along and buy them. This whole area needs to be scrutinised closely. The ERD Committee recognised the problem clearly. It did not recommend the periodic checks of vehicles, but it did recommend random vehicle tests particularly in connection with breath testing. It was recommended that with a vehicle test there should be a check of the vehicle's ID plate. We all know that there are vehicles out there with dodgy ownership. It does not take long for a policeman or an authority to read the ID plate, particularly on modern vehicles where they are visible through the glass without lifting the bonnet. By checking the databank on computer we would quickly see who the driver is.

I realise that, with modern cars, we are seeing fewer thefts because of the security devices that are now fitted to them. I was concerned to read in the newspaper last week that the number of vehicles being stolen is increasing, even though they are fitted with modern deterrents. I would question that increase, because modern vehicles—particularly the Falcon and the Holden—are fitted with good anti-theft devices, which I would have thought would solve that problem. It is timely that we introduce this Bill. I am amazed that we did not do it many years ago, because it has been a rampant practice among those people who are less than professional. They steal a vehicle and continue to drive it with impunity

because they switch its plates with those of a wrecked vehicle they buy legally. I wholeheartedly support the Bill.

The Hon. DEAN BROWN (Minister for Human Services): I thank members for their contributions to the debate. Again, this is commonsense, and I know that members support the legislation.

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

ROAD TRAFFIC (VEHICLE IDENTIFIERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 March. Page 614.)

Mr ATKINSON (Spence): Car theft will be harder now that we have the National Exchange of Vehicle and Driver Information System (NEVDIS). This Bill is part of making NEVDIS work. We support the Bill. After the Bill is proclaimed, it will be an offence to fix to a vehicle a vehicle identification number, an engine number or a chassis number other than the one fixed by the manufacturer. If an engine loses its number for whatever reason and another number is issued by an inspector or other authority approved by the Minister, it shall be an offence to place a different number on the engine. If these provisions are to be effective, they must be enforced nationwide. If a vehicle identification number is flagged on a computer as inactive, or that the vehicle to which it belongs has been wrecked or written off, this information should be available in other Australian jurisdictions.

The Opposition has received correspondence from the Motor Trade Association of South Australia expressing some concern about a clause in this Bill, that is, the clause that provides:

> A person must not remove, alter, deface or obliterate a vehicle identification plate or vehicle identification number lawfully placed on a motor vehicle or trailer.

I will quote Brad Dawson, the Divisional Manager of the Collision Repair Division of the Motor Trade Association. He writes:

> I understand this matter was brought up several times during numerous committee meetings prior to the introduction of the Bill. The collision repair industry claims it is normal in their everyday business to have to remove vehicle identifiers on certain vehicles, for example, Mercedes Benz, which have the vehicle identification number attached to the radiator cowling or other vehicles which have them attached to body panels.

In his summing up I ask the Minister to respond to that concern of the Motor Trade Association.

One of the benefits of NEVDIS is that drivers' licences across the nation can be checked to make sure individuals do not have more than one licence; for example, a licence in South Australia and a licence in Victoria. The mischief here is that a driver who was disqualified in one jurisdiction or who was on the verge of disqualification owing to his number of demerit points could use the second licence to avoid the law in his home State. With those remarks and that one question, the Opposition supports the Bill.

Mr VENNING (Schubert): I reiterate the words of the member for Spence. I believe that the honest car renovator or the *bona fide* car rebuilder has nothing to fear from the Bill. Some people will say that we are restricting their trade. There is no reason for anybody to want to change the engine number of a motor vehicle. They may want to fit another reconditioned or second-hand motor—and we know that many are imported into this country from Japan. That would not be a problem, because you would just notify the authority, it would go onto the data bank as a change of motor and, if you can prove where it comes from, there should be no problem. I gather that is the situation and, if it is not, the Minister can explain it to me. I understand that, as long as the appropriate authority is notified, there is no hassle in changing the motor vehicle number. I cannot understand why we did not have this interstate data bank many years ago. This is 1998. I just assumed that when we got a clearance for a motor vehicle it was automatically checked interstate, but apparently it is not. I am a little taken aback, but I am pleased that we have at last addressed the matter.

The Hon. DEAN BROWN (Minister for Human Services): I thank members for their contributions. The member for Spence raised the specific case of a vehicle that had been damaged in an accident where, as part of the repair of the vehicle, the plate had to be removed. In fact, the department is working with the MTA to look at putting into the regulations some sort of justifiable excuse in terms of a just cause for defence so that in the sort of case that the honourable member has mentioned, which is a quite legitimate point to raise, there is a reasonable defence for a motor vehicle repairer who has to remove the plate because that part of the body has been damaged.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3.

Mr ATKINSON: New section 110C(8) provides:

> A person must not remove, alter, deface or obliterate a vehicle identification plate or vehicle identification number lawfully placed on a motor vehicle or trailer.

This is the clause about which I asked in my second reading contribution and to which the Minister responded. The Minister's response raises a question in my mind, and his response was that the Motor Trade Association's concern could be addressed by a regulation that provides that a vehicle identification number could be removed if one had a lawful excuse.

It is 20 years since I did administrative law, but it seems to me that a law expressed in the way it is in the legislation could not justify creating a regulation underneath it which allowed breach of that principal clause on the grounds of lawful excuse. New subsection (8) is very clearly expressed. It provides:

> A person must not remove, alter, deface or obliterate a vehicle identification plate or vehicle identification number lawfully placed on a motor vehicle or trailer.

I do not think the Government can then go away and gazette a regulation which says that you can do that, you can obliterate it or take it off, remove and alter, provided you do it with a lawful excuse. Such a regulation seems to me obviously *ultra vires* and liable to be struck down by the courts. I cannot imagine the circumstances in which it would be challenged. All I say is that it seems to me to be bad legislative practice to put the lawful excuse in regulation when it could be here in the Act. I suggest that the Minister amend new subsection (8) to provide:

> A person must not, without lawful excuse, remove, alter, deface or obliterate a vehicle identification plate.

Mr Clarke: Do you know what a car is?

Mr ATKINSON: The member for Ross Smith is chiacking me because I happen never to have driven a motor vehicle.

Members interjecting:

The ACTING CHAIRMAN (Hon R.B. Such): Order! The member for Spence will ignore interjections from his colleagues.

Mr ATKINSON: Many of them are chiacking me because I have not done something which is the greatest pollutant to our environment, the greatest destroyer of a sustainable environment. I am very clear on what is required here, and I say to the Minister that this should not be done by regulation. The lawful excuse provision ought to be in the Act and not in the regulations.

The Hon. DEAN BROWN: The honourable member has raised a very legitimate point. I am willing to take further advice from Parliamentary Counsel on this matter. I think the honourable member could well have a legitimate point, which I want to check with Parliamentary Counsel. If I can satisfy the honourable member within the next 20 minutes or half an hour before the House adjourns, I hope we can resume the debate this evening. If we cannot, we will deal with it tomorrow.

Progress reported; Committee to sit again.

STATUTES AMENDMENT (NATIVE TITLE) BILL

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Part 9B was inserted into the *Mining Act 1971* by the *Mining (Native Title) Amendment Act 1995* to establish a 'right to negotiate' in respect of mining activities on native title land. This Part commenced operation on 17 June 1996.

A 'sunset clause' providing that Part 9B would expire two years after the date of its commencement was included in Section 63ZD of the Act in recognition of the likelihood of amendments to the Commonwealth *Native Title Act 1993*, in particular, to the right to negotiate regime. This was intended to avoid the possibility of South Australia being left with a more onerous regime than that contained in the (amended) Commonwealth Act.

The *Native Title Amendment Bill 1997* does contain a number of substantive amendments to the right to negotiate in the *Native Title Act*, but failed to pass the Senate in December 1997. The situation in respect of the Commonwealth amendments is likely to remain at an impasse in the next few months and it may take 12 months for legislation to finally be put in place amending the *Native Title Act*. It is impossible at this stage, to predict how (if at all) the Commonwealth right to negotiate regime will be altered.

In the last few months the mining industry in South Australia has shown a much greater willingness to utilise the procedures set out in Part 9B of the *Mining Act*. The number of notices initiating negotiations with native title parties served on the Government pursuant to Section 63M of the *Mining Act* has increased markedly since the amendments to the Commonwealth Act stalled.

In these circumstances it seems both necessary and appropriate to continue the operation of Part 9B beyond 17 June 1998, to (at least) the year 2000. Given the proposed amendments to the Commonwealth scheme, it also seems appropriate to amend the *Mining Act* in such a way that the notion of a 'sunset clause' for Part 9B is preserved.

The scheme in Part 9B of the *Mining Act* (including the sunset clause) was mirrored in Part 7 of the *Opal Mining Act* when it was enacted in 1995. This Act came into operation on 21 April 1997. It is appropriate that a similar amendment should be made to the 'sunset clause' in section 71 of the *Opal Mining Act* to synchronise the two sunset clauses.

It is also appropriate to deal with a number of other minor, technical (and non-controversial) amendments to Part 9B and to other related State legislation at this time. These other amendments are intended to:

- Bring into line certain references to the Supreme Court in the *Mining Act* which were inadvertently overlooked when all references to the Supreme Court were changed to refer to the Environment Resource and Development Court in 1995.
- Facilitate resolution of a matter involving a native title question at the conference stage by making appropriate use of the experience of the various members of the ERD Court.
- Clarify a possible area of uncertainty in relation to the provision dealing with the ability to negotiate conjunctive agreements (agreements dealing with current and future tenements over the land) in section 63K(2).
- Clarify certain procedural issues that have been raised in respect of the expedited procedure process set out in section 63O.

Section 63K(2) currently states:

> 'If a native title mining agreement is negotiated between a mining operator who does not hold a production tenement for the relevant land, and native title parties who are claimants to (rather than registered holders of) native title land, the agreement cannot extend to mining operations conducted on the land under a future production tenement'.

Concerns have been expressed that, on a literal reading of this sub-section, no mining operator will be able to negotiate an agreement which would authorise the grant of a production tenement over native title land until a determination of who holds native title in an area is made. This was never the intention of the operation of this section. Rather, the provision was intended to limit the ability to obtain conjunctive authorisations which would cover production tenements not yet contemplated to areas of land where the native title holders have been determined. This would ensure that there would be no risk that the determined native title holders could be different to the parties with whom the agreements was negotiated, an event which would require the re-negotiation of the agreement within two years of the determination.

The addition of the words 'and is not an applicant for' after 'who does not hold' in section 63K(2) is designed to clarify that mining operators who have *applied for* a production tenement can negotiate with native title claimants to authorise the proposed operations.

Section 53 of the *Opal Mining Act* is in identical terms to section 63K(2) and an identical amendment is also proposed to that section.

There are two amendments dealing with the expedited procedure process. The first is intended to provide that any written objection to a proponent's reliance on the expedited procedure set out in section 63O should be given to the proponent with a copy given to the ERD Court. This is necessary as, at the present time, the section is silent on who objections should be given to and, as a consequence, the potential for confusion exists.

The second amendment is designed to cure an anomaly in the interaction between section 16 of the *Native Title (South Australia) Act* 1994 and section 63O of the *Mining Act*.

The expedited procedure in section 63O can be invoked where the impact of mining will be minimal. This is done by making a statement of the intention to invoke the procedure in the notice issues under Division 4 of Part 9B. A person who holds or may hold native title in land may object to such a notice invoking the expedited procedure within 2 months of the notice being given. If an objection is lodged, the ERD Court cannot make a summary determination allowing the mining operations to proceed unless it is satisfied, after hearing from all the parties, that the operations are in fact operations to which the expedited procedure applies.

An argument has, however, been raised in the ERD Court that an application for a summary determination to allow operations to proceed pursuant to section 63O of the *Mining Act* amounts to proceedings involving a 'native title question' for the purposes of section 16 of the *Native Title (South Australia) Act*. If that were true, the Registrar would be obliged to give a further 2 months notice of any application for a summary determination and to allow interested parties identifying themselves at that time to join to the proceedings.

As a matter of statutory interpretation, it is clear that this is not what was intended. The references in section 63O to *ex parte* proceedings for a summary determination and the fact that a flat 2 month period is allowed for objections is completely inconsistent with the suggestion that the Registrar notify all other interested parties and allow a further period of 2 months in which those parties can apply to join the proceedings. The whole notion of an expedited procedure would be brought undone if the provisions were interpret-

ed in the manner suggested. Effectively, there would be no expedited procedure.

While it seems clear, as a matter of interpretation, that the legislation is not intended to operate in the manner suggested, it is appropriate to amend the legislation so as to make it clear that proceedings prescribed by regulation (e.g., summary determinations under Part 9B of the *Mining Act*) are not proceedings involving a 'native title question' for the purposes of the *Native Title (South Australia) Act*.

I commend this Bill to the House.

Explanation of Clauses

PART 1
PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

Clause 3: Interpretation

This is the usual interpretation provision for Statutes Amendment Bills.

PART 2
AMENDMENT OF MINING ACT 1971

Clause 4: Amendment of s. 19—Private mine

This amendment corrects a reference.

Clause 5: Amendment of s. 63K—Types of agreement authorising mining operations on native title land

This amendment has the effect that an applicant for a mining tenement may negotiate a native title mining agreement extending to future production tenements with registered holders of native title.

Clause 6: Amendment of s. 63O—Expedited procedure where impact of operations is minimal

The amendment requires a copy of an objection to the use of the expedited procedure by a mining operator to be given to the proponent and the ERD Court.

Clause 7: Amendment of s. 63ZD—Expiry of this Part

This amendment extends the operation of the native title provisions (Part 9B) to 17 June 2000.

Clause 8: Amendment of s. 65—Powers, etc., of Warden's Court

This amendment corrects a reference.

PART 3
AMENDMENT OF NATIVE TITLE (SOUTH AUSTRALIA) ACT 1994

Clause 9: Amendment of s. 9—Mediator

Section 9 of the *Native Title (South Australia) Act 1994* provides for the Court to select a mediator from amongst the native title commissioners to preside at the compulsory conference required to be held before contested proceedings involving a native title question proceed to a formal hearing. The amendment enables a Judge of the ERD Court to be selected to preside at the conference as an alternative to a native title commissioner. The amendment further enables the Court to appoint a member of the Court to assist the mediator. Consequently, appropriate expert assistance can be made available to a Judge appointed as mediator through the appointment of a native title commissioner to assist, or to a native title commissioner appointed as mediator through the appointment of another member of the Court to assist.

Clause 10: Substitution of s. 12

This is a consequential amendment to section 12 to ensure that a member of the Court who has acted as mediator or assisted a mediator takes no further part in the proceedings without the agreement of all the parties.

Clause 11: Amendment of s. 16—Notice of hearing and determination of native title questions

This amendment is aimed at providing that the requirements relating to notice of hearing etc do not apply in relation to ex parte proceedings. The relevant classes of proceedings will be identified by regulation.

PART 4
AMENDMENT OF OPAL MINING ACT 1995

Clause 12: Amendment of s. 53—Types of agreement authorising mining operations on native title land

This amendment has the effect that an applicant for a tenement may negotiate a native title mining agreement extending to future tenements with registered holders of native title.

Clause 13: Amendment of s. 71—Expiry of this Part

This amendment extends the operation of the native title provisions (Part 7) to 17 June 2000.

Mr FOLEY secured the adjournment of the debate.

LEGAL PRACTITIONERS (QUALIFICATIONS) AMENDMENT BILL

The Legislative Council agreed to the amendment made by the House of Assembly without any amendment.

CHILDREN'S SERVICES (CHILD CARE) AMENDMENT BILL

The Legislative Council agreed to the Bill with the amendment indicated by the following schedule, to which amendment the Legislative Council desires the concurrence of the House of Assembly:

Page 2 (clause 5)—After line 22 insert the following:

(2ba) An exemption granted under subsection (2b) will apply only in relation to—

(a) if the exemption is granted under subsection (2b)(a)—children of the family specified in the exemption; or

(b) if the exemption is granted under subsection (2b)(b)—the children in the care of the care provider at the time the exemption is granted; or

(c) if the exemption is granted under subsection (2b)(c)—the children in the care of the care provider immediately prior to the commencement of that subsection.

ROAD TRAFFIC (VEHICLE IDENTIFIERS) AMENDMENT BILL

In Committee (resumed on motion).

(Continued from page 774.)

Clause 3.

Mr ATKINSON: I move:

Page 4, line 1—After the words 'a person must not' insert the words 'except in prescribed circumstances,'.

The Hon. DEAN BROWN: We had a brief discussion on this. The point raised by the member for Spence is potentially valid. The only thing we have not been able to do is check with Parliamentary Counsel to see whether there is an overriding clause elsewhere in the principal Act that might give the ability to draft regulations covering subsection (8) at any rate. Otherwise, I am in favour of the amendment because the point the honourable member has raised is valid. We will be able to check that overnight. The measure will go back to the other place and we will be able to check it and satisfy the honourable member one way or another. If it was passed otherwise tonight without this amendment, and the point that the honourable member has raised went unchecked, we could well find that we do not have the power to create the regulation. So, I am certainly willing to accept the amendment on that basis.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

ADJOURNMENT DEBATE

The Hon. G.A. INGERSON (Deputy Premier): I move:

That the House do now adjourn.

Mr CLARKE (Ross Smith): I refer briefly to a question asked in Parliament today about Workskil Incorporated. I have before me the minutes of the meeting of Workskil held on 9 September 1997. I thought it would be of interest to the House if I read out a number of points from those minutes, as follows:

Minutes of the previous meeting held on Tuesday 12 August 1997 were questioned by Mr Zimmerman who asked for clarification on the accommodation sub-committee rights to make decision on the sale of the Murray Bridge industrial facility. Mr Cox stated that he believed the sub-committee could act without the full board. Mr Zimmerman asked that the minutes be amended to reflect that. Ms Herraman seconded.

Reports of the business from previous meeting—12 August 1997. . . Mr Cox explained that two staff members had nominated themselves for the new role: Sue Hammond from our city office and Barbara Mayfield from our Murray Bridge office. Ms Dwyer held a staff election resulting in 20/11 vote in favour of Sue Hammond. Sue is a training coordinator responsible for the OCPE project. Sue was welcomed to the new board and would be present following the AGM on 23 September. . .

Mr Cox advised that he had received a letter from ATT Capita (tabled) that stated the bank guarantee could be revised downward. However, there would be a fee involved and that it should be done in six months' time. Mr Cox also advised that the bank had a copy of this correspondence. . .

Mr Cox stated that he was disappointed that the board had questioned the future of Workskil yet were unable to attend the presentation arranged for the—

the date is unspecified—

Mr Cox advised that there would be no presentation this meeting and that Ms Dwyer and Mr Hall were currently extremely busy preparing the Flex (EPE) tender and that the presentation would occur two weeks following the AGM.

Mr Zimmerman queried whether 30 to 45 minutes for the presentation was too long. Mr Cox replied that he believed that amount of time was needed for the presentation. Mr Millar suggested allocation of a set time limit and advising Ms Dwyer and Mr Hall to work within this time frame. All agreed that presentation be scheduled for 7 October 1997. Time allocated—30 minutes including question time. . .

Mr Cox apologised for lateness of the project activity report. However, discussions with bank regarding cash flow management and tender commitments had not allowed sufficient time to work on board documentation.

Ms Herraman highlighted comment in independent report by Sims Lockwood that income would be generated by further lotteries. Ms Herraman queried whether a decision was necessary by the board for the running of any future lotteries given that approval for the second lottery was minimal and that this was not guaranteed future funds. Mr Cox responded that the bank and Sims Lockwood were advised that aboard approval was required for any future lotteries.

Mr Zimmerman queried whether the running of lotteries was to be a regular event and should this be included in forecasting. Mr Cox replied that the bank was given 'known' income only and that nothing 'sinister' was occurring to mislead the board.

Ms Herraman asked if the bobcat was sold. Mr Cox replied that there were two interested parties and that the asking price was $23 000 and that the moving expenses for collection from nursery were to be at the purchaser's end.

After reading the independent report from Sims Lockwood Ms Herraman stated that our financial situation looked 'a bit scary'. Mr Cox replied that the bank sought 'confirmed activity only' and that the report from Sims Lockwood was 'no holds barred'. Mr Zimmerman explained to Ms Herraman that the report from Sims Lockwood received prior to the meeting was a third report which considered Workskil to be a viable business and saw no problem with Workskil trading out of difficulty based on the figures received. Sims Lockwood stressed that the Murray Bridge facility needed to be put on the market to improve cash resources.

Mr Cox explained that the organisation required $500 000 credit facility for a period of seven weeks, worst case scenario $502 000. Mr Zimmerman referred to dishonoured cheques in Sims Lockwood report. Mr Cox replied that there were no funds in the bank at that time. Mr Cox had requested an independent report to be done on our business and the Commonwealth Bank had recommended Sims Lockwood. The bank had then taken advice from Sims Lockwood and will be extending credit facilities to allow Workskil to continue to trade.

Mr Zimmerman asked if we were maintaining contact with our creditors. Mr Cox replied that Ms Garrick, his secretary, was speaking directly to creditors on an ongoing basis and giving them an expected date to receive funds.

Ms Herraman asked if this was a 'scheme of arrangement'. Mr Cox replied that Sims Lockwood are not administrators, but recommended that Workskil continue to trade with extended credit facilities to $500 000 over the next seven weeks until funding is received. Mr Cox reiterated that the report from Sims Lockwood was instigated on his behalf and not the Commonwealth Bank's. Ms Herraman agreed that finances are critical. However, even if Murray Bridge industrial facility is sold, how long will this take to help finances. Mr Zimmerman explained that the Sims Lockwood report has shown that Workskil will survive but that the facility must be sold in the short/long term to help finances.

Mr Zimmerman asked how much funds does Workskil have. Mr Cox replied that our bank guarantee was included as debt and a fixed loan of $224 000. Sims Lockwood confirmed that in October Workskil's overdraft will drop down to $340 000. However, this was based on confirmed business only and that there was significant expectation of success with other contracts.

Mr Zimmerman stated that if the bank was happy then the board should be happy. Ms Herraman asked that if Murray Bridge facility was sold are we confident that no other assets will need to be sold to carry WorkSkil through difficult times. Mr Millar responded that Workskil still owned 1069 South Road and that the funds from the industrial facility were to be used only to reduce Workskil's overdraft facility and help with its cash flow situation.

Mr Millar explained that the first report from Sims Lockwood was based on conversations that Mr Cox had with the Commonwealth Bank and had not appeared to be completely independent. Sims Lockwood's second report then went further and had taken copies of Workskil's contracts and had given a much clearer definite picture of Workskil's future based on known income only.

Given the information received all board members agreed that the sale of the Murray Bridge industrial facility was appropriate and should proceed quickly. Mr Zimmerman moved to accept the report, Mr Millar seconded and Mr Cox to provide feedback to the board from the bank regarding conditional arrangements, etc.

Concerns have been expressed on a number of occasions by the Opposition (both Federal and State) regarding the formation of a new system of assistance by the Commonwealth Government for unemployed persons seeking employment as well as employed persons looking to change jobs. It is felt that, as the old Commonwealth Employment Service has basically been gutted from 1 May this year, with the creation of Employment National and a number of private companies coming into this employment job broker market paid for by the Commonwealth Government, it will end up a complete shemozzle.

We have seen already that a number of these job brokers have applied for and obtained lucrative tenders from the Commonwealth Government when they themselves are in extremely difficult financial situations. We have had the situation in New South Wales where a broker enterprise that got the contract had absolutely no staff whatsoever but, nonetheless, was awarded a contract and claims that it will now seek to build up the necessary staff to carry out its work as a jobs broker.

We have a situation in South Australia with Workskil Incorporated, which has not been in a position to pay its superannuation legal obligations for its employees and which has been in all sorts of financial difficulties. As I have illustrated from these minutes, taken as recently as September 1997, it is extremely unlikely that that organisation also is a viable job broker in the context of what the Commonwealth Government would have hoped to provide, namely, an efficient and effective service to unemployed South Australians.

These are only tips of the iceberg. Because of the Liberal Party's obsession with outsourcing and privatising so much of Government activity, it forgets that organisations such as these job broker schemes are there to help place unemployed persons in work. The whole problem is not just Workskil Incorporated but the theory behind it, which is that if you hand over to the private sector it will look after the public

good. But, when dealing with these types of issues, private profit motives will supplant the public good on every occasion, because that is how private enterprise works and how it must work if it is to survive in that type of environment.

As I have said before, long-term unemployed persons, persons who have English as their second language, and persons with poor education standards and the like will be overlooked in terms of work force placement by these brokers because they will not be a product, if I can use the retail trade language, 'that moves on the shelf quickly': they have a slow-moving shelf life. Consequently, because they are difficult to train and it is difficult to find employers to take on those people, the job brokers will say, in effect, 'We are not getting enough money to work with those people; far better for us to concentrate on the short-term unemployed persons with marketable skills and various other attributes so that we can move them through the system faster at a greater profit.'

The Hon. G.M. GUNN (Stuart): I am pleased to take part—

Mr Clarke interjecting:

The Hon. G.M. GUNN: I am always pleased to follow the honourable member, and I am pleased to take part in this debate. I suggest to the member for Ross Smith that he read what Tony Blair is doing in the United Kingdom, and he would find that some of the matters he is raising are somewhat in conflict with what the Blair Government is doing in the UK.

Mr Atkinson: So what?

The Hon. G.M. GUNN: He is taking a very conservative view on many of these issues. Tonight, I want briefly to refer to some comments made by the Deputy Leader of the Opposition, who was obviously in a state of confusion this afternoon. She did not know the difference between the Northern Power Station and the Playford Power Station at Port Augusta. The Northern Power Station is the base load station which generates a large percentage of South Australia's electricity and which operates—

Mr Clarke: I am surprised you know the difference. When was the last time you visited?

The Hon. G.M. GUNN: One of the unfortunate things about the member for Ross Smith is that his geography is poor and he is even less informed in relation to my knowledge of the power industry. The Deputy Leader was in a state of confusion, because the Playford Power Station is the old power station at Port Augusta. In the past 12 months, a considerable amount of money has been spent on that power station to give it some stand-by capacity. It operates on a few days of the year; it operated on that hot Wednesday, and I think it operated last Friday. It is an old and not very efficient operation. Optima—

Mr Clarke interjecting:

The Hon. G.M. GUNN: The honourable member does not want to lead with his chin. The Playford Power Station has had little use in recent years. I would suggest that the Deputy Leader refer back to the time of the previous Government, which was fully aware of the situation. When the power station is brought on-line—when Optima Energy believes that because of the climatic conditions there will be an excessive draw on power supplies—the existing employees stoke it up—and I understand that only about 200 people are currently employed at the power station at Port Augusta.

The Deputy Leader does not want to be like a cat that has swallowed the cream and think she is onto something. She was in a state of considerable confusion. I understand that Optima has looked at alternative sources of fuel in relation to that power station so that it can bring it on-line more quickly and so that it can avoid some of the current environmental problems.

The member for Hart also referred to the Sheridan report today. It is a great pity that the honourable member did not read it and refer to it—which I would like to do, Mr Speaker, because I know that you are interested in this subject. The executive summary states:

> The assessment shows that major competitive and trading risks confront the State's electricity businesses and that these risks place in jeopardy the current dividend flows to the State budget and to the value of the asset of those businesses. I believe that the available evidence supporting the responses and conclusions set out in the attachments to this summary provide the basis for a strong case: (a) to support transferring ownership of the State's electricity businesses to the private sector; (b) for the Government to focus on regulating the electricity supply industry to ensure that the community's interests are well served.

This is what the former Auditor-General, Mr Sheridan, said. In the conclusions to the report, he says:

> Major competitive and trading risks confront each of the State's electricity businesses. These risks have the potential to increase the volatility of dividend payments and to put substantial downward pressure on their overall level. The exposures confronting South Australian taxpayers are unprecedented with respect to a Government-owned trading (rather than financial) enterprise in the State.

That, in itself, brings to the attention of the House—

Mr Clarke interjecting:

The Hon. G.M. GUNN: Unlike the honourable member, I want to see South Australian taxpayers in the community get the best possible return from any asset which is wholly or partly privatised, because I want to see the long-term interests of the people of South Australia protected. We have had a situation in the past few years where our electricity generating facilities have been very well run, and comments made by the Leader of the Opposition about sacking the management were really made by a person who knows nothing about the history or the way in which these facilities are managed. They have been a supplier of revenue for the Treasury.

The unfortunate set of circumstances which will confront us in the future is that it is most unlikely it will continue. We cannot stand idly by and see that situation evolve. It would be the height of irresponsibility. I do not know about the honourable member's electorate, but in my electorate and others there are a number of important public infrastructure programs which I would like to see implemented and which would create opportunities and do a great deal for the community of South Australia.

If Optima and ETSA suddenly become loss-making organisations, and ETSA Corporation is budgeting this year for a $96 million loss on its trading, that will be $96 million that we do not have. Therefore, I am not prepared to sit idly by as a member of this place and see a situation evolve which will inflict more hardship on the people of South Australia. If the Opposition is so naive that it believes—

Mr Clarke interjecting:

The Hon. G.M. GUNN: If it is so financially naive, then I fear for the welfare of the people of South Australia. The role of Government is to assess the information at its disposal, no matter what the political cost may be, and to make the right decisions. If members of this House are not prepared or do not have the political courage to do that, they are unfit to serve in this place and to represent the people of

South Australia. If the only answer the former Deputy Leader has is to continue to interject and make a lot of noise, that is a matter for him, but at the end of the day the public of South Australia expects governments to make the right decisions and not shirk their responsibility. The easiest thing in the world would be to adopt the Bannon attitude and pretend that there is not a problem by just sidestepping the issue. That is not an option I want to be part of, and I know that members on this side are prepared to accept their responsibilities, because that is the least that the people of South Australia can expect.

Last Saturday I had the pleasure of accompanying the Minister to the opening of the new health facility at Wiawera Station near Olary to show that this Government does care and is concerned about the interests of people in isolated communities. It is an excellent facility which is appreciated by the community and which will serve a large number of people for a long time. I intended to say one or two things concerning the member for Hammond, but I will not do so at this stage, because there are other pressing needs.

Motion carried.

At 9.2 p.m. the House adjourned until Wednesday 25 March at 2 p.m.