HOUSE OF ASSEMBLY

Thursday 29 July 1999

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

SELECT COMMITTEE ON WATER ALLOCATION IN THE SOUTH-EAST

The Hon. G.M. GUNN (Stuart): I move:

That the committee have power to continue its sittings during the present session and that the time for bringing up the report be extended until Thursday 5 August 1999.

Motion carried.

SELECT COMMITTEE ON A HEROIN REHABILITATION TRIAL

Mr HAMILTON-SMITH (Waite): I move:

That the committee have power to continue its sittings during the recess and that the time for bringing up the report be extended until Thursday 30 September 1999.

Motion carried.

SELECT COMMITTEE ON THE EMERGENCY SERVICES LEVY

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

That the time for bringing up the report of the committee be extended until Tuesday 3 August 1999.

The SPEAKER: While the report may be brought up, it is a piece of private members' legislation and that will present a time constraint as to when that debate can be called on.

Motion carried.

RACING (SATRA—CONSTITUTION AND OPERATIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 July. Page 1800.)

Mr McEWEN (Gordon): I support the general thrust of this initiative. I believe that there are two issues at play here. The first issue is a belief, I think, within the Liberal Party that it is the exclusive custodian of all that is light. The fact remains that, from time to time, people other than Liberals do have good ideas and they do bring them to this Chamber in an attempt to improve arrangements in the State as a result of that initiative. I have found that the opposition to this initiative has rested more on political judgment rather than the merit that is in the initiative itself. Mind you, I have experienced exactly the same situation on many other occasions, and I think that this place would be better and the State would be better if private members' Bills were acknowledged for the merit that is in them rather than for the political gamesmanship revolving around who places them on the Notice Paper. I might add that the learned member who normally occupies the bench next to me but who is not in his place at the moment says that he agrees with me.

The Bill before us attempts to address just one of the many matters that need to be addressed as part of putting the racing industry back on track and working forward in terms of a vision that, over time, all the codes take responsibility for themselves. So, not only the thoroughbreds but also harness racing and the dish lickers at some stage in the future need to take responsibility for their own racing codes. We have before us, though, a small initiative that moves in that direction. It says to one of the codes that it needs to be given the right and the opportunity to have represented around the table as many of the stakeholders as possible because, without that, an industry cannot move forward. It is interesting to note that the industry is now also acknowledging major deficiencies—and the industry to which I am referring now is the thoroughbred aspect of it, which is dealt with by SATRA as the overarching body.

It is interesting to note that SATRA and the SAJC met jointly on 29 June this year and, amongst other things, agreed that the appointment of their controlling body was deficient and that the present controlling authority was autocratic, and they went on to identify a whole lot of other deficiencies in the controlling body that they were part of. It is amazing that it was only when pressure was brought to bear in the form of a private member's Bill that they were prepared to get themselves together and acknowledge that there were some deficiencies. But they went beyond that, because they then said, 'We had better find an internal solution.'

Unfortunately, the very people who acknowledged that their controlling body was autocratic and that the controlling body was deficient, in that it was not democratically constituted, then chose to put forward a solution. And the solution that they put forward at this stage, unfortunately, is therefore deficient. I do not believe that the solution that has been put forward in the private member's Bill is entirely right either, but it is a move in the right direction. The reason why it needs to be addressed at this time is that we need to review the membership of the SATRA board in October. So, it is appropriate that we address some of these issues now.

I believe that the new membership of SATRA proposed in this Bill is right, except perhaps for some further discussion about a separate body called TRAC, which will in turn have one place on SATRA. But what I think is not particularly relevant: it is what the industry thinks that matters. I chose, therefore, to get together all the stakeholders in the South-East—the trainers, the jockeys, the club administrators, and the State administrators—and that meeting unanimously supported the initiative that we are addressing today. Since then, I have received further correspondence again supporting the initiative before the House. The South Australian Racehorse Owners Association has written to me saying that, in principle, it supports Michael Wright's initiative. The South Australian Jockeys' Association pleads that we move at this time and strongly emphasises the need for representation on the controlling body. The Australian Trainers Association supports a review of the structure of South Australian racing, and this particular initiative, as a means to an end.

I believe that in Committee we will have some debate about the membership of TRAC—maybe we need to freshen it up a bit, and there are some doubts about whether a couple of the people proposed there would truly reflect the industry. It is a wish that everyone on TRAC is part of the industry and not just a representative of a body that is part of the industry.

I think that the initiative is a good one and that it is a move in the right direction. It is not a solution in its own right, but it helps to prepare the ground for what we must all accept at the end of the day: that the industry must take responsibility for its own future. The industry must, therefore, be accountable to those that make it up—to its stakeholders—for the decisions that they make.

The Minister cannot afford to be a whipping boy for internal politics or be held responsible to the industry at large for what the SAJC does, because over recent time the SAJC has not shown that it has the broad interests of the industry at heart, and it has now acknowledged that in the notes I cited from the meeting of 29 July. The sad indictment on it is that it has taken all this pressure, and at the eleventh hour it has tried to cobble up some short-term solution which only in part addresses the problem. I think there is merit in the Bill. It is one of a number of initiatives that will need to be put in place as we move forward to the bigger vision.

Mr MEIER secured the adjournment of the debate.

SUMMARY OFFENCES (CHILD BOXING CONTESTS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 10 December. Page 568.)

Mr De LAINE (Price): I wish to speak briefly in support of this Bill, which was introduced by the member for Lee and which seeks to ban anyone from holding or promoting a boxing contest in which a child under the age of 14 years of age is participating. It concerns the health and safety of children and the protection of young people. There is a real risk of chronic long-term brain injury from boxing, and the risk is extremely high in young people. Boxing is a good sport, and the rules have been changed at an international level to protect amateur boxers from head injury with the use of protective head gear, so it is even more important that we protect our youngsters from the possibility of long-term head injuries in this sport.

Boxing is a full contact, combative sport, where blows are targeted at the head in order to score points to win the contest. Even with the international provision to which I have just referred regarding the wearing of protective head gear, according to Sports Medicine Australia there is still a real risk of some sort of injury to the brain, especially of young people. These are the reasons why the honourable member has introduced this Bill, and it is a very good measure.

Other sports, such as my own sport of cycling, now have restrictions in place to limit the age at which youngsters can race, and for some years Australian Rules football has had modified rules in place to protect young players from injury in some of the hard tackling that goes on in this contact sport. These are all very good reasons why we have to protect our youngsters in this sport of boxing. I commend the member for Lee for introducing this Bill and I ask that all members of this House support it.

Mr MEIER secured the adjournment of the debate.

DOOR-TO-DOOR SALES (EMPLOYMENT OF CHILDREN) BILL

Adjourned debate on second reading.
(Continued from 11 February. Page 720.)

Mr McEWEN (Gordon): We have before us a Bill for an Act to regulate the employment of children in door-to-door selling. What we have, though, is something far more significant: we have what potentially could be the failure of the Government to act in a very significant matter. We are close to a point where this Bill will be removed from the Notice Paper for a second time. This Bill was introduced in the First Session of the Forty-Ninth Parliament and had to be reinstated to the Notice Paper in November as part of the Second Session of the Forty-Ninth Parliament.

The initiator of this Bill put to this House that she has no preference in terms of the way the issue is solved but a determination to see that the issue is solved. And until the issue is solved we are putting children at risk and having children exploited. The first time the honourable member put the initiative forward, Minister Brown (and I compliment the Minister) acknowledged the significance of the matter. He agreed with the initiative and that something needed to be done, and he went down the path of child protection as a way of solving the problem. He came up against a barrier because this initiative is not so much a child protection initiative, unfortunately, as an IR initiative, because the stepping off point is employment of children, which precipitates the opportunity to exploit children.

The Bill has ended up in the IR bag and, by ending up the IR bag, it will end up in regulations; so, there is no clarity as to what the solutions will be. More than a year after the attention of this House has been drawn to the fact that children are being exploited and put at risk, we have not shown the wit, the will or the wisdom to solve the problem, and that is an indictment on all of us. Collectively we will have to take responsibility if something goes wrong. We have allowed the Bill to sit for more than a year because, I suspect, political gamesmanship has overwhelmed the obvious.

It may not be the case but, if it is not the case, and if something goes wrong, the Minister responsible for the Bill—and I notice that he is shaking his head—will be held accountable, the same as the rest of us. It may not be the Minister's responsibility: it just may be that the processes of this place are so cumbersome that, when the bleeding obvious stares us in the face, we do not have the ability to fix it. That is not particularly attacking the Minister: that is simply saying there is something fundamentally wrong with the whole process. But if we head out of the end of the Second Session of the Forty-Ninth Parliament late next week without having resolved this issue, we ought to collectively hang our heads in shame, because it will mean that the Bill will have to be reinstated on the Notice Paper for a third time.

Mrs Geraghty: And it will.

Mr McEWEN: And it will happen; it will have to happen. I think that if it does happen it is an indictment on this place and our inability to respond quickly to solve a serious problem when it is brought to our attention. It is sad that this Bill is still on the Notice Paper and has not been resolved in a satisfactory way.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): First, I reject any suggestion that this process has been delayed by political machinations and machinery. It is a fatuous claim and it is incorrect. There have been no dealings whatsoever in relation to this matter other than those that have been focused on getting the appropriate outcome. Of course this is an important issue, as we acknowledge and as indeed we acknowledged right from the beginning. I heard a member ask, I believe it may have been the member for Gordon, why we have taken so long because this is such an easy solution. Factually that is a lovely claim and if only Government and legislation was easy we would not be taking so long in making these decisions. If this was an easy decision, and if the question of whether, for argument's sake, these people and anyone involved in door to door selling (not only children) were employees or agents

was easy to answer, we would have had a solution a long time ago.

I indicate merely that I reject the allegation that there is an easy solution to this and that we have not been trying to come to that solution. There have been a number of discussions with interested parties in relation to the issue and the parties include people from such organisations as the Shop Distributive and Allied Employees Association, the SDA, the SA Employers Chamber of Commerce and Industry and the Office for Families and Children, Department for Human Services. If anyone thinks that those three groups of people would not have been focused on an appropriate outcome, again I reiterate that they are wrong. If those people had been able to come up with an easy solution, it would have been identified before.

When you stir into that pot advice from the office of the Crown Solicitor regarding whether children are employees, agents or have some other status, you have a complex problem. The one thing I am absolutely certain about is that an easy grab, emotional solution to a complex problem, nine times out of 10 you do not fix the problem. The Government is intent on fixing the problem, as it has quite clearly identified. We strongly believe that the inclusion in the Industrial and Employee Relations (Workplace Relations) Amendment Bill 1999, presently being debated, of a prohibition on the employment of children under 14 years of age in occupations or activities prescribed by regulation is indeed the way to go, particularly when you specify door to door selling as a prescribed activity or occupation. We also believe that it is appropriate to address this situation through pursuing the establishment of a code of practice under the Occupational Health, Safety and Welfare Act 1986 covering children 14 years of age employed in door to door selling.

We have identified that. It is all very well for people to accuse us as though we are coming to this solution now—we identified it months ago and have included it in our legislation. It is a complex area. I wish it were an easy one. If everything in Government were easy, that would be fantastic. Factually it is not. I am saying to the Chamber, and particularly to people who may be inclined to vote against the way the Government is dealing with this issue, that we have taken appropriate advice about a complex issue and that advice indicates that the best way to fix this is the way we have identified to the Chamber.

People have said—and I did hear the member for Gordon saying—that if something goes wrong it will be on my head. Well, I suppose that is what ministerial responsibility is all about. I guess that by dint of my commission I am happy to accept that responsibility. However, on the best advice we can get, the best way of fixing the problem is the way the Government has identified. This is not an easy question. If it were an easy question, it would have been fixed a long time ago, but at the end of the day, in good faith, we have addressed the issue. There have been at least three Ministers and their departments working on this issue, including the Crown Solicitor, the Office of the Minister for Human Services, employer associations, employee associations, and so on; and, with the best intent, the best solution they can come up with is the one the Government is actioning.

If at the end of the day the House chooses not to accept the combined wisdom of all those people who have been acting in good faith, so be it. But the Government can do no more than identify that we, from the very first moment this matter was raised, realised that it was an important and complex issue and have been working on that issue since then. I implore the House to look at the Government's position, which is absolutely clear and which has been proposed as the solution, taking the best possible advice.

Mr MEIER secured the adjournment of the debate.

WORKERS REHABILITATION AND COMPENSATION (MENTAL INCAPACITY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 February. Page 721.)

Mrs GERAGHTY (Torrens): I wish to speak in support of this Bill, which is about a basic principle of social justice. It addresses a gaping hole for those workers experiencing mental incapacity caused by a workplace event or accident. Currently there exists no adequate structure to fully compensate mental incapacity caused by workplace injury. This Bill finally recognises a worker's right to claim a lump sum payment for mental incapacity resulting from an accident or incident suffered at the workplace.

The Labor Party has a very honourable history in developing innovative reforms regarding the protection of workers' rights, health and compensation against injury suffered in the workplace. I think it was in 1986 that the Hon. Frank Blevins first introduced the Worker's Rehabilitation and Compensation Bill. Since successive Liberal Governments have been in power in South Australia, we have seen a steady erosion of the 1986 legislation and WorkCover structure which has led to a disastrous impact upon workers undergoing rehabilitation and seeking just compensation payments.

In the 1980s we had to argue with our Conservative opponents why such protections were necessary under the Workers' Rehabilitation and Compensation Act, just as we are having to do now with the Workers' Rehabilitation and Compensation (Mental Incapacity) Amendment Bill. When this Bill was first introduced in the House of Assembly, members on the other side of the Chamber opposed allowing lump sum compensation for mental incapacity. The core of their argument seemed to be that the Bill was an unjustified extension of the lump sum provisions of the Act into the area of stress claims, that it was likely to compromise or prejudice early and effective rehabilitation of workers suffering stress claims, and would add to the cost of the scheme.

In other words, our Liberal parliamentary colleagues are not prepared to recognise mental incapacity in the workplace as a legitimate issue because of a cost factor. Instead, their position is to act like ostriches—stick their head in the sand and ignore the fact that mental incapacity exists. We have to recognise that this issue is having serious effects upon many workers and their families who all become victims to mental incapacity because of a workplace or related incident.

The issue at stake in this debate is clearly to identify that stress or stress related claims have a clearly defined distinction as compared to a medically diagnosed permanent disability for psychiatric or psychological injury. I can recall a case which related to a sex toy being placed in full view of another worker, which caused considerable emotional distress and stress to this worker in her workplace. This resulted in a stress related claim in the courts. These and other stress related matters in the workplace, while engendering a degree of discomfort and creating a temporary climate for workers' inability to perform their work duties, are unlikely to be a permanent disability in most cases.

One simply cannot compare that with a situation where a teller in a bank or a console operator at a service station has been a victim of an armed robbery where their life has been threatened. One imagines that this could leave a permanent incapacity not only to perform their work duties but also to incapacitate a worker in any work environment. It also has a severe impact on their home life.

Although the Commissioner of Police has yet to table the 1997-98 annual report, I would like to quote some statistics relating to previous years. His 1996-97 report showed that 77 offences were reported to the South Australian Police in that year involving robbery with a firearm; another 272 involved robbery with another kind of weapon, that is, syringe, baseball bat, knife, etc.; and the total number of offences involving robbery with some sort of weapon was 349 in 1996-97. In the previous year 86 offences were reported to the police involving robbery with a firearm; another 267 involved robbery with another kind of weapon, that is, a syringe, baseball bat, etc.; and the total of those offences involving robbery with some sort of weapon was therefore 353 in 1995-96. A number of these cases would also have involved innocent victims.

The most ludicrous thing is that if the worker was stabbed, shot or suffered some form of physical injury, that worker could claim for a lump sum if the incapacity was permanent, but that is not so if the injury was a permanent mental incapacity resulting from such an incident. This is clearly discriminatory and is unfair to a worker suffering a serious and genuine injury, an injury that is a measurable injury. Do these workers not have the right to be compensated and do we as a Parliament have the social, legal and economic responsibility to ensure that workers who suffer mental incapacity have legislative protection which ensures their social, economic and legal rights? I certainly argue that we do and that we must do something.

I am heartened to see that many eminent professional organisations such as the College of Psychiatrists, the South Australian branch of the AMA and the Law Society's Accident Compensation Committee fully support the Bill. Once again, this Parliament is reluctant to implement reform, and this seems to be the common thread of today, regrettably.

As I understand it, South Australia is behind other States in providing for even minimalist protection in the form of lump sum compensation for workplace induced mental incapacity and, as I recall, it was the member for Hanson who raised the issue relating to other States. In Western Australia a worker can elect to take a lump sum under schedule 2 of that State's Workers Compensation Rehabilitation Act, even though the worker will lose ongoing entitlements to income maintenance or weekly payments.

If people work for the Commonwealth and are covered under the ComCare system or work for the Department of Defence and are covered under the Defence Act 1903, there are some minimalist protections, as I understand it. For instance, if one suffers a work-related permanent mental impairment, I understand that it is covered under a guide to assessment of the degree of permanent impairment. The member for Hanson has raised these issues on numerous occasions, not just here in the House, and I know her complete dedication and support of people suffering a mental incapacity.

It is worth mentioning again what the honourable member said: even in Victoria, which has undergone savage cuts—and they have been exceptionally savage cuts to workers' rights—a compensation provision for mental disability and impairment exists. I understand that this is also the case in Queensland, the Northern Territory and Tasmania. So, in those States the inclusion of recognition of mental incapacity does exist. We must not allow workers and their families in this State to continue to be disadvantaged either economically, socially or emotionally. In some cases, this would mean the total disintegration of families or, regrettably, as has occurred in the past, the loss of a worker's life. I support this Bill and urge all members of this Chamber to do so in the interests of genuinely injured workers.

Mr MEIER secured the adjournment of the debate.

POLICE AND FIRE GAMES

The Hon. G.A. INGERSON (Bragg): I move:

That this House congratulates the officers of the South Australia Police Force and the South Australia Metropolitan Fire Service who competed in the recent World Police and Fire Games for their outstanding achievements, and records its appreciation of the contribution made by all the officers and supporters of Adelaide's recent bid for the 2005 World Police and Fire Games.

I take this opportunity to note on the public record the fantastic performance of our representatives in Stockholm at the World Police and Fire Games. Mr Speaker, as you and others in this House would know, these games are one of the biggest held in the world. The games have between 8 000 and 9 000 competitors and, as a spin-off, about 12 000 people are involved altogether. As a consequence, the games represent an event that is larger than the Commonwealth Games. For the emergency services groups of fire and police to organise these games in a world-wide sense over such a long period is a great credit to them and their organisational abilities.

The size of the games is quite staggering: as I said, it is larger than the Commonwealth Games. From this State's perspective, if we were able to bid successfully and to host these games not only would it achieve a wonderful opportunity for us in terms of numbers of participants but from a tourism and economic point of view it would be quite fantastic. In 1995, the games were held in Melbourne. At that time, I was involved as Minister for Tourism. The then Victorian Minister for Tourism's comments at that time about the value of the games to Melbourne indicated how extraordinary those games are. If we in Adelaide have an opportunity to get those games, it would be quite fantastic for our city.

These games are held every two years. Our bid team, which bid for the games in 2005, will have an opportunity, if the Government so wishes, to bid again. I understand that the presentation by the bid team was absolutely outstanding. The bid committee was made up of Commissioner Mal Hyde, Fire Chief John Derbyshire, Bill Jamieson from the firies, and Merv Kowald from the police. I understand that the amount of effort the two volunteers put in was well beyond that which we would expect in terms of trying to get these games for Adelaide. The bid committee also had fantastic support from about 70 volunteers comprising both police and fire officers, and collectively the South Australian group did an absolutely amazing job in putting together our bid. I am informed that our bid was very innovative, that it was something quite special and something of which we should be very proud. I understand that our team was made up of 19 members from the fire services and six members from the police. The fire services were the second highest ranked Australian agency at the games, coming just behind the Western Australian police, ranked at 57. It really was a fantastic effort from the competitors.

I would like to put on record some of the results, because they show how well we did in these games. They won gold in the canoe, flat water, individual 200 metres, 500 metres and 1 000 metres. They won silver in the triathlon, grand master division; in the canoe, flat water doubles 500 metres; in the triathlon, master division; and in the team triathlon. They won bronze in the canoe, flat water, individual 1 000 metres; in the tug-of-war, lightweight division; in the canoe, flat water, doubles 200 metres; in golf singles (obviously a very good golfer; I will to have to get to know him); in indoor rowing 2 000 metres; and in indoor rowing doubles 1 000 metres. Those medals are a fantastic achievement for South Australia.

On behalf of all members, I put on record our congratulations to all those officers. We hope that at some time in the future we might have an event organised by the Government to congratulate the whole team that went away. The 25 member group, consisting of police and firies, collected a total of 24 medals, including some medals that were also given for fourth and fifth placings. Overall, we were virtually one medal short of winning one medal for each member of the group that went, which is quite an outstanding achievement.

As I said, the games are the second largest sporting teams event of competitors, and it is estimated that it could inject up to $12 million into the economy. Again, it is one of these spin-offs from Australian Major Events which was set up by the Government to help replace the economic value of the Grand Prix. I take this opportunity again to congratulate all those concerned in the Major Events area, along with all the organisers here, for putting together this excellent group that went to the games and, more importantly, putting together the group to bid for the games in 2005.

On that point, we need to recognise that, whilst we lost the final decision, it was between us and Quebec. In essence, South Australia had beaten all competitors other than the final winning one, Quebec. I understand that our bid was seen as being very good, and we have been encouraged to put in a further bid, which I hope that the Government will do. Clearly, if this sort of event can be held once every 10 or 15 years, not only will it encourage young South Australians to participate in any athletic events but, just as importantly, it will create a significant economic advantage for the State.

Irrespective of that, it actually showcases South Australia, and I think that is one of the things of which I have been very proud as a member of this Parliament, not only from the point of view of the Government but also from the Parliament's perspective. First, the Grand Prix and then all other events since then have showcased South Australia and enabled us to better sell what we do.

The games is a major international event and, bearing in mind the size of our city, we again demonstrated our ability to put in a top rate submission. While a lot of work was done by the experienced bidding team of AMA, I reiterate again that the fire officers and police, who are amateurs in submitting a bid, did an absolutely fantastic job in showcasing South Australia. I encourage the Government to look at bidding again, if it has not already done so. I do not think it has been made public, but I encourage it to do so because it is a fantastic games.

The Tour Down Under started in this way, and those of us who saw the event recognised what a fantastic event it was. If we put it into perspective, compared with all other motor and golf events that we have had, Tour Down Under was the real surprise in terms of consumer interest. The support from the teams has been absolutely fantastic, and I understand that in the near future one of the big international companies will announce sponsorship for the event, so that will put Tour Down Under in Australia into the world league—and that is excellent. If we can have these ongoing events, it is very good for our State.

Clipsal 500 was also very successful but, again, that was in the motor racing area. The international horse trials in Adelaide is a world event this year. I suspect that with very good promotion it will come reasonably close to Tour Down Under. I do not expect it will get to that level, but I think a whole range of people love horses, love to be able to see a very well managed event at international level in our parklands, and I think we will be surprised how much support we get for the international world trials this year if we have good promotion. Obviously, our Festival of Arts and Tasting Australia are also fantastic events.

All this goes back to this original concept of the Major Events Group. I like to talk about it in this place as often I can because it is something of which all South Australians can be proud. It is not a Government exercise—it is an exercise that a Government of either political persuasion would run with—and I congratulate all those who have been involved in it. I hope that when we bid again in the near future we will have the opportunity to win the World Police and Fire Games for South Australia.

Mr De LAINE secured adjournment of the debate.

WORKERS, MENTALLY INCAPACITATED

Mr HANNA (Mitchell): Mr Speaker, before I commence, I raise a point of order with you. I trust I can briefly explain my question before I put it to you. On Tuesday 27 July, I gave notice that I would move this day:

> That the House of Assembly condemns the Liberal Government for precluding injured workers with mental incapacity from workers compensation while knowing that the South Australian law contravened the Commonwealth Disabilities Discrimination Act 1992.

Prior to giving notice, I allowed the Clerk of the House to read that notice and, at that stage, he did not make any comment or give any caution or make any constructive suggestion in relation to it. After that, an officer of the House significantly rearranged the wording of the motion of which I had given notice, and it is this rephrased motion that is printed in the Notice Paper in my name. I seek leave to move the motion of which I gave notice on Tuesday. I seek your ruling, Sir, that that is perfectly in order.

The SPEAKER: It has always been the practice for Notices of Motion to be edited at the table by the Clerks to ensure that they fit into the forms of the House. The principle which guides the editing is that a motion should state a proposition and not argue it. Any points that the member may wish to include in his motion he may certainly use in his speech in support of the motion. The honourable member may wish to raise this matter with his representative on the Standing Orders Committee, and I am sure that the committee can further discuss it if he so desires.

For any further information that members in the Chamber may require on this issue, I refer them to the twenty-second edition of Erskine May, pages 335 and 336, under the paragraph heading, 'Manner of dealing with irregular Notices of Motion'.

As regards the particular point of order raised by the honourable member, the Chair is compelled to be guided by the practices of the House and believes that the form of words which have printed in the Notice Paper as published should stand. I call the member to debate Notice of Motion No. 2 standing in his name.

Mr HANNA: Sir, I dissent from your ruling, with respect.

The SPEAKER: Would the honourable member bring it up in writing?

Mr HANNA: Yes, Sir. I am sure that the Clerk will help me with the wording of that.

The SPEAKER: The member for Mitchell has moved the following motion of dissent from my ruling:

> I dissent from the Speaker's ruling because the Notice of Motion printed in my name today is not in accord with the motion for which I gave notice.

It is signed by the member. I call the honourable member to speak.

Mr HANNA: I think this is an important matter of parliamentary procedure. First, I moved a motion on Tuesday and I allowed the Clerk of the House to read the wording of that motion before I actually gave notice. There may have been a misunderstanding between the Clerk and myself. I saw him read through it and I expected him to comment if it was out of order in some way, but he may have been reading it through with some other intention. I do not criticise him for that. The more fundamental point is that, as a member of the House and a representative of a certain constituency, I want to bring certain concerns to this House. I do not mind my grammar being corrected and I do not mind some arcane procedural requirement being incorporated into the motion that I might move.

However, the fundamental point here is that the meaning of my motion has been changed by an officer of the House, and that has been done without consultation with me. Again, I want to be fair to the officer of the House: he made some attempt to contact me. Nonetheless, the motion that is currently in the Notice Paper is not one into which I had any input. The motion was redrafted from my original motion without any sense of what I meant and without any sense of the history that lay behind the motion.

Those are certainly matters for debate, and I could not be expected to include them in the motion. Ironically, if I had a motion that explained a bit more, the officer who redrafted my motion might have had a bit more sense of what I was getting at and he might have left it alone. But, as it was, I was trying to keep that motion fairly succinct.

I do not want to debate the merits of the motion, because that is something that the House can come to later on. But there was a very important point in the wording which I prepared on Tuesday. It was a comment about members of the Government who dealt with legislation in another place while knowing that a certain state of the law existed. That was in the past, because the state of the law has changed and I accept that the Workers Compensation Act of South Australia is no longer in contravention with the Commonwealth Disability Discrimination Act. But it was at the time that members were debating it in another place.

In the redrafted motion—the motion which I am unhappy about and which is printed in the Notice Paper in my name—there is no suggestion that we were dealing with a South Australian law which was at that time in the past (in fact, last year) in contravention of the Commonwealth Act. So, there has been a fundamental change to the sense of my motion. It fundamentally alters the allegation, or accusation, which I was making against certain members of the Cabinet in that motion and on which I would have elaborated in the course of the debate on the substantive motion.

I think there is an important principle here, because I believe sincerely that any member of this House ought to be able to give a notice of motion and, unless the member is advised of a procedural problem and agrees to changes in the wording of the motion, that is the very motion that should be put before the House on the day when the member is called to speak.

That is the fundamental point. I will not elaborate any more. I sincerely hope that the independent members of this House will support me in this, because it is a matter of principle. I do not care whether they are going to vote for or against the substantive issue. But when a member gives notice of a motion, that is the motion he should be able to bring to this House, unless there is some procedural problem that has been pointed out to him and the honourable member agrees then for the wording to be altered. It should not be up to the Clerks of the House to substantially alter the meaning of a motion that we want to bring into this place.

The Hon. W.A. MATTHEW (Minister for Year 2000 Compliance): I can well understand the difficulty faced by the member for Mitchell, and I can well understand (particularly as there appears to be a lack of communication) why he may in some way feel aggrieved. It has been for some time—certainly during the 10 years that I have been in this place and, I have been told, many years before that—the practice of the House that the Clerks of the House will provide assistance to members with the wording of a motion where the words of those motions do not comply with the practice of the House. It has always been the practice of this House that a motion must state a proposition, not argue it. The member for Mitchell's motion argued it. The Clerks of the House followed the normal practice that has been applied in this House by amending the wording.

I understand (in the brief time that has been available to me to ascertain what has occurred) that endeavours were made to contact the member for Mitchell to explain this to him, but that that contact was unsuccessful. We could dwell all day upon whether the attempts to contact the member for Mitchell should have been a little more rigorous, but that does not achieve much and it only further serves to waste private members' time. I am a little disappointed that the member for Mitchell did not, on seeing the notice of motion, endeavour to speak with you, Sir, outside the proceedings of this Parliament, or speak with the Clerks, so that this matter could be sensibly worked out behind the scenes without wasting the time of this House.

Sir, I believe your ruling to be totally appropriate under those circumstances. You did, Sir, provide the member for Mitchell with an option of indeed amending his wording or, further, simply including it in the debate, as he should. As I see it, we have an inexperienced member who, in the heat of the moment, has taken umbrage at something that has occurred, and perhaps the endeavours to contact him were not as rigorous as they should have been. But I would hope, given the maturity of the House, that the member might even withdraw his dissenting motion so that we can get can get on and debate his motion, and he can make all the points he wants to make in his motion on the floor of the House. He has in no way been silenced.

I implore the member for Mitchell to abbreviate this whole charade and simply withdraw his motion of disagreement

with the Chair's ruling and get on with the debate of this Parliament, because I believe that that is what his constituents would wish him to do. But, unfortunately, as a next-door neighbour to the member for Mitchell's electorate, I know that he often tends to go a little off the beaten track.

The SPEAKER: Before putting the vote, I once again refer honourable members to pages 335 and 336 of the twenty-second edition of Erskine May. I will not hold up the House by laboriously reading it; it would take a considerable amount of time. But perhaps after this vote is taken, for those who have an academic interest in this area, I refer members to those two pages, because I think it gives a very clear description of what happens in the House of Commons and the House of Representatives in Canberra and what has been the practice in this Chamber for many years.

The House divided on the motion:

AYES (19)

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

NOES (23)

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

PAIR(S)

Rann, M. D.	Kotz, D. C.
Hurley, A. K.	Hamilton-Smith, M. L.

Majority of 4 for the Noes.

Motion thus negatived.

Mr HANNA (Mitchell): I move:

That this House condemns the Government for precluding mentally incapacitated workers from claiming workers compensation in contravention of the Disabilities Discrimination Act 1992.

I thought of moving this motion in an amended form but I will move it as printed and explain. The motion printed on the Notice Paper is not something that I have written, and—

The Hon. W.A. Matthew interjecting:

Mr HANNA: Sir, I am finding it difficult to speak over the Minister for the 2000 bug and I seek your protection.

Ms Rankine: The Minister for Bugs.

Mr HANNA: Yes. The motion can best be explained by going through the history of the mentally incapacitated workers' legislation (which the Opposition introduced in the Upper House) and the simultaneous attempts by the South Australian Attorney-General to seek exemption from the Commonwealth Disability Discrimination Act. I accept that an exemption has ultimately been provided to South Australia for the relevant sections of our workers' compensation legislation, thus putting beyond any doubt that the Government is able to discriminate against workers who have been mentally incapacitated on a permanent basis as a result of work injury.

The history of the matter goes back to 1992 when, in a significant watering down of our workers' compensation legislation, amendments were passed to the third schedule of the Workers' Rehabilitation and Compensation Act, removing an entitlement to lump sum compensation for those people who were permanently mentally incapacitated as a result of a work injury. That, of course, was not a Labor proposal, despite the fact that a Labor Government was in power. The fact is that, at the time, Mr Norm Peterson was in the Chair and, with the collaboration of the Liberal Opposition, that amendment was carried.

There was doubt from that time on that those people who were permanently mentally incapacitated as a result of work injury were in fact being discriminated against unlawfully. I point out that the Commonwealth Disability Discrimination Act was enacted in 1992 for the very purpose of providing justice to people who were injured. Indeed, after 1 March 1996, section 47(2) of the Disability Discrimination Act provided that exemptions for particular State laws could be prescribed by regulations on a case-by-case basis. In other words, if a particular State Government wanted to discriminate against a group of people with a particular kind of disability it could do so only if an exemption was granted by the Commonwealth Parliament.

The general rule set out by the Disability Discrimination Act is that people with disabilities could not be discriminated against, but exemptions could be sought and obtained through the Office of the Federal Attorney-General and ultimately by regulations that would have to stand in both Houses of the Commonwealth Parliament. So, that sets the scene. Because of the risk of the third schedule of our workers' compensation legislation being disputed, and possibly being struck out as a result of contravention of the Disability Discrimination Act, the State Attorney-General (and, I think, with the Minister responsible for industrial relations) from time to time had sought exemption from that Commonwealth Act.

I refer to an answer given in this place by the member for Bragg when Minister for Industrial Relations. On 30 June 1996 he said:

I advised that certain provisions of the Workers Rehabilitation and Compensation Act 1986 required exemption from the Commonwealth Act which included schedule 3 regarding non-payment of lump sums for non-economic loss arising from psychological injuries. On 11 December, Cabinet approved application to the Commonwealth Attorney-General for exemptions from the provisions of the Commonwealth Disability Act 1992 in relation to this provision. By letter of 18 December 1995, application was made to the Commonwealth Attorney-General in accordance with Cabinet's decision.

So, as far back as 1995 it is quite clear that Cabinet knew that our own State laws were in contravention of the Commonwealth Disability Discrimination Act. Of course, in response to the letter that was forwarded from the State Government to the Commonwealth Attorney-General, the Commonwealth Attorney-General replied, and in his letter of 10 October 1996 to the Hon. Trevor Griffin, the Hon. Daryl Williams QC stated in reference to our workers compensation legislation:

I also note that schedule 3 of the above Act has no provision for lump sum payments for psychiatric illness. I believe that such payments are permitted elsewhere in Australia and seek further advice on the objectives of this regime.

Part of his answer also made it quite clear that there were serious doubts about the State law contravening the Disability Discrimination Act.

Well, time moved on, but the South Australian Attorney-General took up the matter, seeking to assuage the concerns of the Commonwealth Attorney-General, and he wrote what I must say was a fairly one-sided account of our legislation and its objectives, certainly something that the Labor Party would have been quite disgusted by in terms of its one-sided nature and its emphasis on so-called stress cases as opposed to the general range of psychological illnesses which can arise in the workplace.

As a result of the State Attorney-General's further submissions, there was a further letter, dated 15 June 1998, in reply from the Commonwealth Attorney-General. In that letter, the Commonwealth Attorney-General said:

> In relation to section 30A and schedule 3 of the Workers Rehabilitation and Compensation Act 1986, I agree that both should be made prescribed laws. It is likely, however, that the prescription of schedule 3 will be strongly opposed by the disability community of South Australia. There is also a possibility that such a regulation will be rejected by the Senate. In order to avoid these problems, I suggest that you may wish to consider, as an alternative to prescription, how schedule 3 might be amended so as to comply with the DDA.

So, in June 1998, the Hon. Trevor Griffin had this advice from the Commonwealth Attorney-General, and it was fairly strong advice to think about remedying the situation for those workers who had been cut off from the possibility of lump sum compensation by those amendments in 1992. It was very opportune—very fortuitous timing—because the Labor Party, thanks to the Hon. Ron Roberts on this occasion, had moved a private member's Bill to restore lump sum payments for mental incapacity.

So, it was very open for the Attorney either to accept that Bill or amend it so that it would comply with the Disability Discrimination Act. But he chose not to do that. Instead, the tactic he chose showed that this Attorney, for whom I normally have a great deal of respect, is as capable of base politics as anyone else in this place. In fact, he passed the handling of the Bill after 15 June 1998 to the Hon. Angus Redford, who was very keen to lead the charge against this private member's Bill that had been brought in by the Labor Opposition.

But what the Attorney-General did not pass on was the Commonwealth Attorney-General's letter, so that the Hon. Angus Redford in fact was used to oppose, or duped into opposing, the Opposition's Bill without the knowledge that the status quo had been condemned by the Commonwealth Attorney-General. The Cabinet knew it, the Attorney knew it, but poor old Angus Redford did not know it, so he was used as the dupe, if you like, to confront the Labor Opposition in its attempt to find some justice for these injured workers.

Hence my motion which, in the terms that I would put it, condemns the Government—and in fact I mean particular Cabinet Ministers—for opposing the Opposition's mental incapacity Bill while they knew full well that the Commonwealth Attorney-General had suggested that the current legislation was in contravention of Commonwealth law and that the Opposition Bill would remedy that contravention. That is culpable. It is so utterly wrong for the Cabinet Ministers who knew of that situation to let it pass without passing on the relevant information from the Commonwealth Attorney-General to the Hon. Angus Redford, who spoke against the Opposition Bill back in the latter half of 1998.

I will not go into the justice of the Bill itself, because it is before this House, anyway, but my point is that the Government should be condemned for using a fairly base political tactic in allowing the Hon. Angus Redford to speak against the Bill in ignorance of the true state of affairs which was set out by the Commonwealth Attorney-General and with that information which the Commonwealth Attorney-General had imparted to the Attorney-General and through him to the Cabinet, the Ministers of this Government. I therefore urge that this motion be carried, condemning the Government for acting in that way. It is really nasty, base politics, considering the impact that all this is having on some of those injured workers.

Since the time that the South Australian Attorney-General received that last message from the Commonwealth Attorney-General, in fact schedule 3 of our workers compensation legislation has been exempted in regulations which were passed through both Houses of Parliament, and we can only thank the Democrats for that, I presume. I am not sure of their position in the Senate, but I am very sorry that our State workers compensation laws had to be exempted from a disability discrimination Act.

Mr MEIER secured the adjournment of the debate.

PORT STANVAC OIL SPILL

Adjourned debate on motion of Mr Hill:

That this House calls on the Government to establish an open and independent inquiry into the circumstances surrounding the discharge of crude oil into the marine environment at Port Stanvac in June 1999 and establish terms of reference for the inquiry to report publicly on:

(a) the actions of the Minister for the Environment and Heritage and the Minister for Transport and the agencies for which they have responsibility;
(b) the actions of Mobil and any other companies involved in the incident;
(c) the monitoring systems of both the Government and the companies involved in the movement and storage of petroleum products at Port Stanvac;
(d) recommendations regarding changes to legislation and/or procedures to prevent future oil discharges;and
(e) the equipment and procedures used in transferring and storing petroleum products from ship to shore at Port Stanvac.

(Continued from 8 July. Page 1803.)

Mr MEIER (Goyder): I oppose the motion. On Monday 5 July this year, seven days after the oil spill at the Mobil Refinery at Port Stanvac, the Minister for Transport and Urban Planning and the Minister for Environment and Heritage launched a full investigation into the circumstances surrounding the incident. The investigation is being headed by the Government Investigations Office through the Crown Solicitor's Office and includes representatives from the Environment Protection Agency and Transport SA. The investigation will determine the causes of the spill and if there have been any breaches of the Pollution of Waters by Oil and Noxious Substances Act and/or the Environment Protection Act. It will advise on any options for prosecution. Therefore, in this respect the member for Kaurna's proposal for a parliamentary inquiry is unnecessary as this comprehensive investigation is already being undertaken. Any investigation conducted by the Parliament would be a duplication of a due process that is already well under way.

More important than the duplication is the fact that any parliamentary inquiry would inevitably jeopardise the findings of the Government investigation. It is paramount that

the Government investigation is allowed to hear all evidence and have the full story in front of it so that it has the best possible chance of securing a prosecution if that is necessary. What the member for Kaurna is suggesting is tantamount to asking the police to make a criminal case open to the public so that the public and the media are able to analyse each witness's statement. Obviously, this would give any suspects in a case full warning of police suspicions and give them the chance to make up alibis and cover their tracks. That would be unacceptable and so is the member for Kaurna's motion.

Of course, it is in the public's interest to know exactly what occurred at the Mobil Refinery on the morning of 28 June and that is exactly why the Government is conducting a full and thorough investigation into the incident. That bank of public knowledge of the incident will be hindered at this time and not helped by any parliamentary inquiry. The member for Kaurna claims that he is calling for this inquiry to give the community confidence but it will do exactly the opposite. I ask members to think carefully about the outcomes that they would like to see from any investigation into the 28 June oil spill.

If members would like to see a thorough, independent investigation that takes into account all evidence, including that which informants wish to contribute confidentially, then they will reject this motion. If members would like to see an investigation which is not flavoured by the political prejudices of the Opposition seeking to capitalise on a serious environmental issue, they will reject the member for Kaurna's motion. Finally, and most importantly, if members would like to see an investigation which offers the best opportunity of finding the cause of the spill and taking the best and most appropriate action, they will most certainly reject the member for Kaurna's motion.

Mr De LAINE secured the adjournment of the debate.

[Sitting suspended from 12.1 to 2 p.m.]

NATIVE VEGETATION ACT

A petition signed by 188 residents of South Australia requesting that the House urge the Government to strengthen the Native Vegetation Act and regulations to stop the clearance of native vegetation was presented by the Hon. D.C. Kotz.

Petition received.

A petition signed by 25 residents of South Australia requesting that the House urge the Government to review and improve vegetation and tree protection laws and provide funding to ensure their enforcement was presented by Mr Hill.

Petition received.

THE GROVE WAY

A petition signed by 246 residents of South Australia requesting that the House urge the Government to install traffic signals at the intersection of The Grove Way and Bridge Road at Salisbury East was presented by Ms Rankine.

Petition received.

DRUGS EDUCATION

In reply to **Ms THOMPSON (Reynell)** (2 June).

The Hon. DEAN BROWN: In the absence of further clarification as to the $8 million mentioned by the honourable member, I can advise that information provided by the Department of Education, Training and Employment indicates that the following funding has been allocated at State and Commonwealth levels for drug education.

State Funding

- As part of the $2.6 million State Budget drugs initiative announced on 27 May 1999, a program to establish drug education coordinators will be allocated $400 000 per annum (recurrent) to target high risk areas of the State. These drug education coordinators will be employed to work with schools in collaboration with police and other agencies in the local community. This funding will be allocated through the Department of Education, Training and Employment.

Commonwealth Funding

- National School Drug Education Strategy: Under the education component of the National Illicit Drug Strategy, $7.5 million over three years has been allocated to the Commonwealth Department of Education, Training and Youth Affairs to develop and implement a national School Drug Education Strategy. Ms Trish Worth, Parliamentary Secretary to the Minister for Education, Training and Youth Affairs, launched the Strategy on 25 May 1999. The Strategy is aimed at preventing drug use through enhanced education programs and strong educational outcomes. The Commonwealth has proposed that there will be two main elements to funding the strategy: State and Territory projects (whereby only States and Territories will tender for projects); and National projects that will be made available on a selected or open tender basis. The States and Territories have not yet been advised what amounts will be made available for their projects.
- Federal Budget 1999-2000—Enhancement of the National School Drug Education Strategy: On 11 May 1999, as part of the 1999-2000 budget, the Commonwealth Government announced that it was allocating an additional $10.5 million over four years to extend activities under the National School Drug Education Strategy. Specifically, this funding will be provided for the extension of professional development and pre-service training of teachers, information and education for parents on drug matters and school and community partnership projects. It is designed to enhance and build on existing State and Territory projects. Specific plans for allocating this funding within South Australia have not yet been developed.
- Council of Australian Governments (COAG): COAG has allocated Commonwealth funding of $9.328 million over four years to develop a national schools protocol and satellite broadcast targeting principals and staff school information and education resources and local school and community drug summits. The only funding that will be made available to the States will be for local summits. The process for allocating these funds has not yet been determined.

COMMONWEALTH-STATE FINANCIAL RELATIONS

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

Leave granted.

The Hon. J.W. OLSEN: I wish today to make a statement in relation to Commonwealth-State financial relations. At the Premiers' Conference on 9 April the Prime Minister and State and Territory leaders signed an Intergovernmental Agreement on Reform of Commonwealth-State Financial Relations (IGA). Following the signing, the Commonwealth Government's tax reform proposals, which the IGA is heavily contingent upon, were thrown into doubt as a result of the decision by the Tasmanian Independent, Senator Brian Harradine, to oppose the GST legislation. The Commonwealth was then forced to negotiate amendments to the tax reform proposals with the Australian Democrats to ensure their support of the legislative passage of the relevant Bills.

On 28 May the Prime Minister announced that an agreement had been reached with the Australian Democrats which would enable the tax reform legislation to pass. The agreement reached with the Democrats, however, in effect made the IGA inoperable, the primary reason being that the exclusion of basic food items from the GST base would significantly reduce the amount of revenue able to be shared amongst the States and Territories. The exclusion of basic food, along with some other items, from the GST base has reduced the revenue generated by the GST by $3.2 billion in 2000-01, rising to $4 billion two years later. This, in effect, is a reduction in the GST revenue of around 12 per cent from that previously estimated. Naturally, this has meant that the IGA had to be renegotiated.

I am pleased to say that the IGA has been successfully amended and this has now been signed off by the Prime Minister and all State and Territory leaders. The essential features of the original agreement remain in place—

- The States and Territories will receive all of the revenue from the GST, and this revenue will be distributed according to fiscal equalisation principles;
- In return the States and Territories will no longer receive financial assistance grants from the Commonwealth; and
- The States and Territories will abolish a range of their own taxes.

In order to cover the funding gap left by the Democrats amendments to the GST, however, the following main changes have been made to the IGA:

- The States and Territories will no longer take over responsibility for funding local government—this will remain a Commonwealth responsibility;
- The timetable for abolition of some State taxes has been deferred, in some cases indefinitely; and
- Under the transitional arrangements the Commonwealth will be required to provide a greater level of top-up funding than previously envisaged to ensure that the State and Territories' budgets are kept whole up until the point at which the GST revenues start to exceed the revenue forgone from loss of existing grants and State revenues.

The abolition of State taxes will now occur along the following timetable. Abolition of FID has been deferred for six months to 1 July 2001. Abolition of debits tax has been deferred for 4½ years to 1 July 2005. Of the remaining State taxes originally earmarked for abolition, which are all stamp duties levied on businesses, only one—stamp duty on marketable securities—will still be abolished on 1 July 2001 as originally planned. The need for abolition of the remaining stamp duties will now be subject to consideration by the Ministerial Council by no later than 2005.

A further new element to the IGA relates to public housing. To deliver on a commitment given by the Commonwealth to the Democrats, there is a new clause in the IGA which obliges the States and Territories to ensure that the increases in pensions and allowances resulting from the tax reform package will not flow through to public housing rents in cases where these rents are linked to the level of the pension. The new IGA arrangements preserve the bulk of the key elements of the original reform proposals. While the deferral of the abolition of these State taxes is not the most desirable outcome, it has been the inevitable outcome of the Democrats' desire to exclude basic food from the GST base.

The amended IGA also preserves the original financial benefits for the States and Territories, subject to one important proviso. Current estimates indicate that the impact on the South Australian budget will be broadly neutral for the first four years. Based on current estimates, South Australia would expect to be more than $60 million better off by the year 2004-5. The important proviso with respect to these benefits is that it assumes that the business stamp duties which are subject to review by the Ministerial Council will be retained. If they were abolished, the point at which the States and Territories would start to accrue financial benefits would be deferred for much longer. Stamp duties remain on top of the agenda for possible future abolition if budgetary circumstances permit, but the States cannot sensibly commit now to abolition of State taxes in seven or more years' time.

As I have previously informed the House, I am a great supporter of the need for fundamental reform of our taxation system, particularly to address the inadequacies in our sales tax system which unfairly burden the manufacturing sector relative to other sectors of our economy. I am pleased that, notwithstanding some of the changes which have been required around the edges as a result of the Democrats' amendments to the GST, fundamental reforms to our present unsatisfactory system of Commonwealth-State financial relations will be delivered. Providing the States and Territories with access to the revenues from the GST will deliver a sounder, more secure and more buoyant source of funding and enhance their capacity to deliver the services demanded by the community.

PAPERS TABLED

The following papers were laid on the table:

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

Environment, Resources and Development Committee Report—Response to Report on Fish Stock of Inland Waters by the Minister for Primary Industries, Natural Resources and Regional Development

By the Minister for Human Services (Hon. Dean Brown)—

Committee Appointment to Examine and Report on Abortions Notified in South Australia—Report, 1998.

QUESTION TIME

MEDIA ENDORSEMENTS

The Hon. M.D. RANN (Leader of the Opposition): Given the recent controversy and inquiries concerning allegations that the editorial support and influence of interstate radio talkback hosts has been secretly purchased, will the Premier guarantee that his Government has not entered into similar deals involving the use of taxpayers' money to procure interviews, favourable journalistic coverage and positive editorial comment about the Government from any South Australian media outlets—newspaper, television or radio—rather than through properly identified, paid Government advertisements?

Members interjecting:

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

The Hon. J.W. OLSEN: Perhaps the Leader of the Opposition might like to give one example. The fact is that he has not.

KOSOVO REFUGEES

The Hon. G.A. INGERSON (Bragg): Will the Premier inform the House of the status of the Kosovar refugees who

have made South Australia their home over the past few weeks?

The Hon. J.W. OLSEN: One thing that makes me particularly proud to be a South Australian is the way in which we were quick to offer the hand of friendship to those in a time of need. That was clearly demonstrated with the overwhelming reaction of South Australians to offering a safe haven to the refugees from Kosovo. From my contact with those in the Hampstead safe haven, I am pleased to say that they are grateful for the warm and friendly welcome that they have received—and I acknowledge that that is a bipartisan welcome.

The United Nations High Commissioner for Refugees has declared that the Kosovars are now able to return to their homeland. That is because it is felt by the United Nations that the situation in Kosovo is safe for repatriation and that NATO forces will be present to offer protection in a peace keeping capacity.

However, I remain of the view that those Kosovars who wish to stay in South Australia by choice should be able to do so. We welcome them into our community and, in doing so, they become part of our community. I understand that some of those at Hampstead have expressed a desire to stay here, if possible. And that does not apply to all of them, because a number of them would want to go home and rebuild in their homeland. Indeed, we should facilitate that.

Tomorrow, I will meet the President of the Albanian community to discuss that possibility, and I will be repeating my representations to the Federal Minister for Immigration, Philip Ruddock, that is, to allow the Kosovars to apply for permanent residency from within Australia—not to have to return home and then lodge the documentation but to be able to do it from within Australia. Of course, any application would then be judged according to the appropriate criteria and they would be judged according to the appropriate criteria.

However, I understand that the Minister has the power to allow the Kosovars to apply for permanent residency if it is in the public interest. In this instance, it is in the public interest, for South Australians have shown throughout the years that we are on the whole a welcoming community. Migration has shaped our State, and we are who we are because of the contribution of those who have come here from many countries from around the world.

We have demonstrated a commitment to multiculturalism in the State and have, for example, a declaration of principles for a multicultural South Australia. Cabinet recently endorsed the charter of public service in a culturally diverse society. These documents outline our commitment to equitable opportunities for all South Australians, regardless of their cultural background.

The Government and I in particular are more than happy to take up with the Federal authorities the capacity for those who have lost their homeland—and to that extent I mean lost their extended family, their friends, their physical possessions in terms of a home or, in some cases, the businesses they operated. If they are going to start a new life, and they wish to do so here, given the personal traumatic experiences they have had in Kosovo, then surely in a humanitarian way we in Australia could assist them to consolidate and rebuild their lives in a new homeland—as many have done in this State over an extended time. I would hope that the Commonwealth, while initially putting down some benchmarks, would now be able to reconsider those benchmarks in a compassionate and humanitarian way to open up the opportunity for those who wish to stay and who apply (and who comply in an appropriate sense with the criteria, so that they can be judged like all others on that criteria) are able to do so from within Australia.

DIRECTIONS SA

Mr WRIGHT (Lee): My question is directed to the Premier. How much is the *Directions SA* program on TV and in print costing the South Australian taxpayers, and can the Premier give a breakdown of how much is being spent to promote South Australia interstate and overseas, as well as here in South Australia?

The Hon. J.W. OLSEN: They are quite detailed requests and I will seek the information.

GOODS AND SERVICES TAX

Mr SCALZI (Hartley): Can the Premier outline the impact of the introduction of a goods and services tax on South Australian industry?

The Hon. J.W. OLSEN: Tax reform, as the ministerial statement indicated, is an important issue. Tax reform is clearly one of the single most important issues facing State and Commonwealth Governments. The reform program that has been put in place at a Federal level is to be welcomed, particularly in South Australia's case as a manufacturing State. We had an unfair burden when one recognises that mining (Western Australia), tourism (Queensland) or financial services (New South Wales) did not have a wholesale sales tax, yet South Australia and Victoria as a manufacturing based State did. For that reason, the changes that have been achieved for fundamental taxation reform and the reduction in personal income tax commitment by all Australians is to be welcomed.

We are already seeing some benefits of that. Today, for example, in the whitegoods industries, retailers are passing on the benefits of an interim 10 per cent cut in wholesale sales tax which equates to about a 7 per cent retail price reduction in those goods. That is good news for the industry, for job creation and, of course, for consumers. However, there is concern for some industry sectors. I acknowledge that this is a short-term issue and problem, but it is about how the changes will impact on an industry during the transition from a wholesale sales tax to GST.

The automotive industry, for example, has expressed concern on a number of occasions publicly about the impact on car sales as buyers, perhaps, consider delaying purchases to wait for lower prices. In the past, with both the Prime Minister and the Federal Treasurer we have raised the need for transitional arrangements for the motor vehicle industry to ensure that there is a pattern of purchasing that does not have peaks and troughs. One thing the automotive industry needs is sustained base production numbers to maintain a work force, effort, and amortising costs for those industries, for example, General Motors' using the domestic market to amortise the cost of production through economies of scale to get into the export markets. If you have a disproportionate effect in the domestic market it can impact on international market opportunities.

The replacement of a 22 per cent wholesale sales tax with a 10 per cent GST will reduce prices of motor vehicles by about 8 per cent and boost demand, but it is the period in between which is of some concern to manufacturers. As I mentioned, I have taken up this matter with the Prime

Minister and Treasurer previously, but will again take up the matter with the Federal Treasurer. The South Australian Government has been a strong supporter of the automotive industry in this State for many years.

The industry is a major employer. Some 17 000 South Australians directly or indirectly are employed in the automotive industry; therefore, it is a significant contributor to our economy. It is in our interests, in terms of both employment and export market maintenance, that in production terms that industry should have equilibrium. The concern that buyers may be considering delaying purchases of a vehicle would interrupt demand—that is, causing peaks and troughs—thereby affecting numbers of units and economies of scale and putting at risk perhaps employment opportunities in the short term and not maintaining continuity as it relates to export market opportunity and potential.

The Commonwealth has agreed to transitional tax proposals for business vehicle purchases in 2000-1 and 2001-2. But that does not apply to private purchases, and it is in that context that I think there are some risks related to the industry. Therefore, we will again be taking up this matter with the Commonwealth Government, requesting it to review the transitional arrangements to ensure that the industry in South Australia is given a degree of protection through continuity of sales during those two financial years. The importance of that is export market potential and opportunity. If there is one thing that the Commonwealth Government has a focus on, it is ensuring that we are international global market players. For that to be possible, we have to have the right policy settings in Australia to enable our industry to access those markets.

GOVERNMENT ADVERTISING

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Premier. What has the Government done in response to the recommendations by the Auditor-General in his 1997 report that appropriate protocols and principles be prepared to safeguard the spending of millions of dollars of taxpayers' money for Government advertising and promotion, and will the Premier table a copy of these protocols? The Auditor-General's Report of 1997 stated, in a special section devoted to Government advertising:

> It would be appropriate and constructive for Parliament to adopt conventions or principles which can provide guidance to Government agencies on these matters.

The Auditor noted in his report that when public funds are used to finance promotions relating to measures that implement Party-political platforms, questions of propriety are appropriately raised. The *Advertiser* and the former Economic Development Authority entered into editorial arrangements in 1997 in the months leading up to the last State election. It was only under questioning in Estimates in June 1997 that it was revealed by the then Chief Executive Officer of the EDA, Mr John Cambridge, that $75 000 was paid to the *Advertiser* by the EDA for a series of feature articles about South Australia's success stories. The Opposition was never approached for comments on these articles, even though they were written by journalists and quoted Government Ministers and departmental Chief Executive Officers, who on at least one occasion dismissed Opposition attacks on the Government. There was no indication that the articles were sponsored by the EDA or that they were, in fact, not stories, not journalism, but 'advertorials'.

The Hon. J.W. OLSEN: The Leader of the Opposition has a pretty short memory. I can remember (and I am not quite sure whether it was when the Leader of the Opposition was working for former Premier Don Dunstan) regular monthly television reports to the State by former Premier Dunstan, and I have no doubt that the Leader of the Opposition wrote most of that material, when he was employed, and that was about focusing on benefits, opportunities and new initiatives in South Australia. I was even on one of those television programs—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: —because it was talking about Government programs and expenditure of funds to build infrastructure facilities for South Australians—in other words, the good news stories about where South Australia was going and the achievements of individuals in this State. If the Leader of the Opposition has a hang-up about businesses or individuals being successful in the international and national marketplace and in employing South Australians, let it stay with him. This is the Leader of the Opposition who, for example, in terms of multiculturalism, generally has a bipartisan approach. Today's newspaper report, just for example, relating to a member of the Leader's staff being patronising because they did not want to come into work for a week and used a 10 year old speech because no-one would remember it, quotes the Leader as saying, 'This is a non-issue.'

I just cannot believe that the Leader would have said that it was a non-issue. Most people do refer to past speeches principally to make sure that they do not repeat themselves, but they do not repeat the speech, and that is the subtle difference. I want to come back to the Leader's question—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I warn the Leader.

The Hon. J.W. OLSEN: —in his searching around for an issue.

The Hon. M.D. Rann interjecting:

The Hon. J.W. OLSEN: I can understand your sensitivity. One of your members is taking you to the Supreme Court and effectively 2 000 members cannot let you go ahead with your State Council meetings. The Labor Party has stalled. It cannot have a convention and it cannot have a State Council meeting because it has been told that it cannot. Why? Because there is something somewhat untoward, we are led to believe, in relation to membership of the ALP in South Australia.

Mr HANNA: I rise on a point of order, Mr Speaker.

The SPEAKER: There is a point of order. The Member for Mitchell.

Mr HANNA: First of all—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! There is a point of order; the Leader will remain silent.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I warn the Leader for the third time. I point out that the Leader has already been—

The Hon. M.D. Rann interjecting:

The SPEAKER: I caution the Leader; he is skating on very thin ice. The member for Mitchell.

Mr HANNA: There are two issues, the first of which is Standing Order 98—and this is not relevant to the substance of the question; and, secondly, I believe that the Premier is skating on *sub judice* material.

The SPEAKER: I uphold the point of order. The Premier in his speech is getting perilously close to getting out of order. I ask him to return to the subject of the question.

The Hon. J.W. OLSEN: I have been very good this week. The temptation has been there in every Question Time. In due deference, we have steered away from it by and large but, having had the bait from the Leader of the Opposition, I could not help but join him—

The SPEAKER: The Premier will move on to the substance of the reply.

The Hon. J.W. OLSEN: —in the debate. The simple fact is that if we have outstanding success stories in the State, if we have individuals who are achieving and if we are breaking ahead of every other State in Australia in terms of percentage increase into export markets, we will tell South Australians about it. We will pat on the back those companies that can benchmark this nation against international standards. That is what it is about: being proud of this State, being proud of achievements and recognising the innovation, creativity and capacity of South Australian business to do it as well as any business in the world. The Leader of the Opposition might not be proud of it but this Government is.

TRADE OPPORTUNITIES

Mr CONDOUS (Colton): Will the Minister for Industry and Trade advise the House what measures the Government has implemented in promoting the development of trade and business opportunities through the use of South Australia's innate and celebrated cultural and linguistic diversity?

The Hon. I.F. EVANS: Certainly, when the Liberal Party came into government in 1993 it was keenly aware of the benefits of developing a closer partnership with the natural skill base of the various multicultural communities that contribute to the richness of South Australia. To that end, the Government formed the Council for International Trade and Commerce (CITCSA) in 1994. The primary role of that body is to provide a focal point for South Australian and overseas businesses that are interested in bilateral trade development. CITCSA is really a grouping of associations of country and regional specific chambers of commerce and business councils.

The success of that program is that 39 groups are now involved in that body, and this certainly demonstrates not only a strong growth but also the success of the program. The objects of the various chambers vary, but some have standard clauses and objectives for what they are trying to achieve. Essentially, you could wrap it up by saying they are trying to develop economic and trade relations between the country of origin and Australia, or the protection of parties interested in the exchange of goods between the country of origin and Australia. There is no doubt that things like the hosting of trade delegations from various countries, the organisation of seminars, trade, marketing and small business management, etc. are of great benefit. Of late there have been some trade missions, including the Australia Japan Association which took a mission in May. Also, the Latvian Chamber of Commerce had a mission in July. I am pleased to say that the German Austrian Business Council also received an establishment grant recently.

In general terms, CITCSA is really an incubator of new chambers of commerce. It can provide and support advice to communities which do not have a chamber so they can actually develop up over a time a formal chamber of commerce or business council. The Government commitment is strong. Apart from providing a dedicated officer to the program, we also contribute approximately $500 000 a year to the program, $150 000 by way of secretariat support and $350 000 by way of grant support.

Through CITCSA we also have a strong working relationship with Austrade and work with those communities that do not yet have a formal chamber of commerce, an example being the Lithuanian community. South Australia's language base and multicultural base is also important for other economic reasons. An example is the call centre area, which has been a very strong growth area for the State, with approximately 6 000 jobs created in that industry. With call centres that deal with countries from the Asian region, it is important that we have a wide cross-section of language skills. One of the selling points to investors in South Australia is the fact that we have such a strong multicultural base and such strong language skills.

Another example is the 'Prepared to Win' program in bringing Olympic teams here to train. We have worked in partnership with members of the multicultural community to help design things such as diet, food requirements, and cultural requirements for athletes from other countries when they come here so they feel as comfortable as they possibly can while visiting South Australia. That can only be a positive thing for the State. There are certainly strong benefits for South Australia, not only a social bonus for having a strong multicultural base, but through partnership with Governments, some very strong economic results as well.

TAB TURNOVER

Mr WRIGHT (Lee): Can the Minister for Government Enterprises confirm that, despite a significant increase in turnover, the TAB has made a smaller profit for the year 1998-99, and say why has this occurred? The Opposition has been made aware that, despite recording a $27 million increase in turnover last financial year, the TAB's profit has fallen by $1.5 million compared to the previous year.

The Hon. M.H. ARMITAGE: I will get the exact detail in relation to that so that the figures are clear, because there are a number of variations and nuances in this which I know the member will want to look at and carefully study before he makes the allegations. My understanding is that the figures do not support that claim, but I am happy to provide him with the figures.

STUDENTS, OVERSEAS

The Hon. R.B. SUCH (Fisher): Can the Minister for Education and Children's Services outline the benefits that international students bring to South Australia?

The Hon. M.R. BUCKBY: I thank the member for Fisher for his question and I know his continued interest in international students here in South Australia. South Australia is now home to some 1 000 students studying at secondary schools, colleges, TAFEs and universities. It represents a considerable increase over previous years and in fact that increase is approximately 200 student enrolments from the commencement of this year.

Certainly we are attracting some real success in getting overseas students from communities to come into our educational sites. Education Adelaide, which was formed by this Government nearly 12 months ago with the aim of attracting more international students, is certainly working very well at this stage, and it will be interesting to see what

the figures are at this time next year when a really concerted effort has been made into the international market during this time, because now is the time overseas students are making decisions about whether to come to study in South Australia.

China and Japan still represent nearly half the number of students enrolled in secondary schools and, just to give the figures, the largest percentage of students in our secondary schools is 24 per cent who come from China; 23 per cent come from Japan; 19 per cent from Hong Kong; 6.3 per cent from Brazil; 6 per cent from Thailand; and some other 15 countries are represented in our secondary schools. So, there is quite a spread in terms of the number of countries represented. We believe we can significantly trend that upwards even further and the Premier was out at Glenunga International High School only a couple of days ago for the release of the drugs booklet. That high school is a significant location in South Australia for international students. May I say it is an excellent school in all respects, but particularly as a location for our international students.

We have 104 students currently enrolled in special programs at the Regency Institute of TAFE, which includes the *Le Cordon Bleu* course and also the International College of Hotel Management.

The Hon. M.D. Rann: Brilliantly negotiated by the former Labor Government.

The Hon. M.R. BUCKBY: I accept the Leader of the Opposition's comment that the International College of Hotel Management was one of the successes of the previous Labor Government, and it certainly is working well. Its students are recognised world wide.

Members interjecting:

The SPEAKER: Order! The Minister has the call.

The Hon. M.R. BUCKBY: Thank you, Mr Speaker. You can find graduates from the International College of Hotel Management in international hotels around the world, because it is an internationally recognised course. Similarly, the restaurant management course at Regency is now the only one to be offered anywhere in the world by *Le Cordon Bleu*, and 21 students are currently undertaking that course. We will see that number increase over time. It was interesting to note when I talked to a Regency person yesterday about Pierre Cointreau, the Manager of the *Le Cordon Bleu* course internationally, he said that three members of the Cointreau family are coming out for Tasting Australia, and their visiting South Australia will further enhance our association with them and they will go home and speak about the excellent education opportunities here in South Australia. They can spread that news world wide.

The diversity brings a number of other benefits, not only financial ones. It brings extensive social and cultural benefits to our community where our students are able to mix with students from around the world. They can study and mix with them and learn their culture and form contacts with those students, contacts that can be made and kept for the rest of their lives. It is now commonplace for that to occur and I need only look back to when I was lecturing in Economics 1 at the university when about half my tutorial was made up of international students and there were profound benefits for our students in mixing with those people. It is recognised that each student brings in about $25 000 a year in terms of income to the State. There is a multiplier effect of three from that when we see that most parents of international students come and visit South Australia while the students study here, and we are certainly looking to build on that $25 million of annual investment.

International students recognise the excellent lifestyle here in South Australia. In fact, the Spanish Ambassador commented to me some nine months ago that we must sell South Australia better because he said, 'What a wonderful city you have here. I feel totally safe. The climate, the ease of moving about, the availability of the vineyards to both the north and the south of the city and the educational institutions here make it an excellent venue.' Certainly, this Government is working towards increasing the number of international students who study in South Australia. We are certainly concentrating on countries to the north—

Mr Foley: What countries are there to the south?

The Hon. M.R. BUCKBY: Well, there are a couple, but they are not in our hands.

An honourable member interjecting:

The Hon. M.R. BUCKBY: Exactly. I think the experience of Education Adelaide in getting all our universities, TAFE institutes and the department to work together to sell education in South Australia will reap significant benefits for this State in the future.

TAB TURNOVER

Mr WRIGHT (Lee): My question is directed to the Minister for Recreation, Sport and Racing. What impact will reduced funds from the TAB have on South Australia's racing codes and on stake money? Will the Racing Industry Development Authority (RIDA) make up the shortfall and, if so, how? For the financial year 1998-99, the racing codes received $830 000 less from the TAB than they did in the previous financial year. Will RIDA make up the shortfall?

The Hon. I.F. EVANS: I understand that, in relation to the member for Lee's question to the Minister for Government Enterprises about the profit results of the TAB, the Minister for Government Enterprises suggested that the member for Lee might not have been correct and that he would table an answer.

An honourable member interjecting:

The Hon. I.F. EVANS: Well, the question is hypothetical until the Minister brings back his answer. At the end of the day, if there is a reduction in stake money, obviously the Racing Industry Development Authority will need to sit down with the various other authorities to discuss how they will handle a drop in stake money; and, no doubt, they will give me advice when the time is due.

ABORIGINES

The Hon. G.M. GUNN (Stuart): Will the Minister for Environment and Heritage outline ways in which the Government has worked to advance the opportunities for self improvement of South Australia's Aboriginal community?

The Hon. D.C. KOTZ: I thank the honourable member for his very important question. Each year, this Government supports some four Young Achievement Australia programs for up to some 80 young Aboriginal people all over the State. Young Achievement Australia is a program that is designed to teach high school students business skills. They learn how to form a company, how to sell shares, do marketing and, finally, to create and sell a product.

One group involved in this program is the Port Lincoln High School Band, Minya Mob, which recorded and marketed a compact disc for its assignment that it undertook within this course. The group's CD is now proving to be so popular that it is in fact being manufactured and marketed commer-

cially. Minya Mob were finalists in the State Young Achievers award and received a special mention in the national awards. From those achievements, Minya Mob was invited to represent Australia at the Junior Achievers International Conference in Los Angeles.

It is my great pleasure to inform the House that, last week, Minya Mob won the International Production Innovation Award as the best example of a product produced by a young company. Minya Mob competed against some 157 entries from 55 countries. So, its award is certainly a true credit to the whole group. I take this opportunity to congratulate this young group on its very hard work and creativity. I am proud to be part of a Government that has supported such inspirational young people through the Young Achievement Award and through this particular program which is having continuing successes.

This Government's support is certainly in contradiction to what appears to be the utter disdain of those opposite who recently demonstrated their disdain for all South Australians, but particularly for Aboriginal Australians. So convinced and arrogant are members opposite that apparently—as we have heard—they have signed up hundreds of South Australians to the Labor Party without bothering to let their new Party members know. This also included signing up, without their knowledge, some 20 Aboriginal people from Coober Pedy.

Mr HANNA: I rise on a point of order, Mr Speaker. I take the same point of order as I took in relation to the Premier's answer, namely, I refer to Standing Order 98 and the fact that this involves *sub judice* material.

The SPEAKER: Order! I uphold the point of order to the extent that the last part of the Minister's reply has been straying away from the text of the question and I bring her back to a reply.

The Hon. D.C. KOTZ: In terms of what this Government has set out to achieve on behalf of Aboriginal people, at no time has it been out to exploit them. Any exploitation rather than support of Aboriginal people is something that needs to continue to be addressed and it is absolutely disdainful and disgusting that this situation occurred. The names of the people—and I understand the *sub judice* arrangements, so I will make sure that I do not touch on that matter—(and these are according to media reports) were obtained from a community development employment scheme.

Mr HANNA: I rise on a further point of order, Mr Speaker. From my knowledge of the case, and of the circumstances concerned—

The Hon. G.M. Gunn interjecting:

The SPEAKER: Order! The member for Stuart will remain silent and stop interjecting.

Mr HANNA: —not that I have any intimate knowledge—

Members interjecting:

The SPEAKER: Order! The House will remain silent so that the Chair can at least hear this point of order. I ask the honourable member to commence it again.

Mr HANNA: On the face of it, that is *sub judice* because there is a matter in the courts that relates to about 2 000 memberships of the Labor Party and, while that is not resolved, it is totally improper for the Minister to be making allegations against specific individuals in relation to those memberships.

The SPEAKER: Order! The Chair goes back to its initial response to the previous point of order. I caution the House against encroaching anywhere into this area at all that is before the courts at present.

The Hon. D.C. KOTZ: Thank you, Sir. I appreciate—

Members interjecting:

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

The Hon. D.C. KOTZ: This goes much further than the issues we have discussed. It relates to the very democracy that this Government and all South Australians believe is their given right, that is, freedom of association, which I have always believed was given—

Mr Foley interjecting:

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

The Hon. M.K. Brindal: Good on you!

The SPEAKER: Order! And the Minister for Local Government.

The Hon. D.C. KOTZ: This side of the House will continue to support the quest of Aboriginal South Australians for self-improvement, economic development and for social justice. We will not just mouth platitudes, as the Opposition often does.

Mr Foley interjecting:

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

The Hon. D.C. KOTZ: We will continue to work as we have since gaining office at truly ensuring the Aboriginal people are equally respected members of this community. My only disappointment is that I never realised before that we also had to convince members of the Opposition of that absolute position.

PARTNERSHIPS 21

Ms WHITE (Taylor): My question is directed to the Minister for Education, Children's Services and Training. Given that Partnerships 21 will require individual schools to be responsible for the financial consequences of poor management decisions and the exposure to financial risks that this places on schools and parents, can the Minister explain who will determine what constitutes a poor decision after the event, on what basis will such a determination be made, and will schools have any formal avenue of appeal? The Partnerships 21 executive summary on global budgeting and risk management states that, if a school has abnormal expenditures as a result of poor management, these expenditures will be recovered from the school and repaid in future periods by the school and its parents.

The Hon. M.R. BUCKBY: Partnerships 21 is a significant change in the direction of education for our children, our kindergartens, and our primary and secondary schools.

Mr Wright interjecting:

The Hon. M.R. BUCKBY: As the member for Lee is saying, it is totally voluntary. There is no compulsion—

The SPEAKER: Order! The member for Lee knows better than to interrupt when the Minister is on his feet.

The Hon. M.R. BUCKBY: —on schools to enter. I will remind members opposite of the procedure. On 20 August any school interested in becoming involved as from January 2000 makes that indication to the department. They have to provide an educational plan to the department outlining how they will achieve better educational outcomes. Once that has been done and has been accepted by the department, there are training sessions for principals, teachers and school councillors in relation to the responsibilities of the principal and the school council and the sort of budgets they will be controlling.

On, I think, 15 or 19 October those schools wishing to join will sign a three year contract with the department. They will know prior to that what their budget is for the year 2000 and

what an indicative budget is for the following two years. They will be able to see what finances are coming into their school for the next three years. If those schools go ahead and say that they want to be involved in this, there will be departmental support for them. There are then three sessions of training for school councils and for staff in terms of how the system will operate, so by the first term of year 2000 (because two of those training events occur in the first term of next year) they will be fully up to speed as their responsibilities, the sort of accountability required and the sort of access they will have to support from the department, so that when making decisions they are not left on their own, so to speak. The honourable member has asked what happens if a school makes a bad decision.

Ms White interjecting:

The Hon. M.R. BUCKBY: If they run into financial trouble because of decisions that have been made—

Ms White: And recovery of the money.

The Hon. M.R. BUCKBY: It may involve recovery of the money, as the honourable member indicates. I am a little surprised by the union's attitude to this and also by the attitude of members opposite. Something like $90 million is currently sitting in school accounts (the SASIF accounts). School councillors are very responsible, conservative people, otherwise there would not be that level of money sitting there.

Ms White interjecting:

The Hon. M.R. BUCKBY: I believe that they are very responsible people in determining and controlling their budgets. That is obvious; otherwise, we would be having significant problems now. If over-spending occurs, let me assure members of this House that the department, through the Office of Review, will be working hand in hand with schools and school councils to ensure adequate access in terms of training and advice to school councils regarding any such problems. School councils are not shut off from the department; they are not cast away. There is ready access back to the department at all times in terms of advice on policy or whatever they may wish to implement.

From my understanding, if a school council has spent money in an irresponsible way, I would imagine—and I hope the member for Taylor would agree—that that is not the responsibility of the department: it is the responsibility of the school council. After all, that is what local management is all about: it is about schools and communities accepting responsibility for the management of their schools and working hand in hand with the department, but ensuring that they take the decisions within their local community. Let me say that there is plenty of enthusiasm so far for this measure. I do not know how many schools will sign up, because each school must look at it on an individual basis and decide whether or not this is the plan for it to adopt. And that is fine. As we have said, it is voluntary: no school will be forced to join. Any school that does not join will receive the same funding, the same back to school grants and the same School Card grants that it has received over past years. So, there is no disadvantage to any school that does not join up.

However, certainly from what I have seen of schools in New Zealand and Victoria, and from readings I have had regarding other places, the benefits of this scheme of empowering the community to take over their schools and to make local decisions results in better educational outcomes for schools. They save money in their budget and, under Partnerships 21, we are allowing all schools to keep 100 per cent of any savings that they make in their budget to spend as they wish on their own school. I am sure that we will achieve better educational outcomes in our schools because of this measure.

In terms of the responsibility of the school councils, they have already shown that they are very responsible people. I do not believe that they will suddenly become turncoats and end up spending their money willy-nilly.

COMMONWEALTH-STATE HOUSING AGREEMENT

Mr HAMILTON-SMITH (Waite): Can the Minister for Human Services advise the House of the benefits that can be expected to flow to South Australia from the new Commonwealth-State Housing Agreement?

The Hon. DEAN BROWN: Last night, on behalf of the South Australian Government, I signed the Commonwealth-State Housing Agreement for the next four year period. Under that agreement, about $300 million will flow for housing here in South Australia over the next four year period. The base funding grant is about $233 million, and there are additional funds for Aboriginal housing, community housing and crisis accommodation worth about $66.3 million, which brings us to a total of about $300 million. There also will be additional money as compensation for the GST.

Members will recall that earlier this year I argued very forcibly that all the States should receive some compensation, because the capital funds which come through from the Federal Government and which are spent by the Housing Trust and other housing organisations here will now have a GST subjected to it for the last three years of this agreement. Therefore, I argued, together with the other State and Territory Ministers, for a significant adjustment for the GST.

I am pleased to say that, as a result of the power of the argument that we put, the Federal Government has allocated an extra $269 million. I appreciate the support from the Premiers in backing up that claim by the State Ministers—$269 million for the three year period to be shared amongst the Territory and State Governments.

The other good news is that, after it was found that the Federal Government had negotiated with the Democrats over the additional 4 per cent which will be allocated to pensions, the Democrats asked that that not be subject to a Housing Trust component in terms of rent on an ongoing basis. So, I am able to say that the additional 4 per cent will be free from any Housing Trust rent component.

An honourable member interjecting:

The Hon. DEAN BROWN: In response to that, because that would have again left the State short, the Housing Ministers argued that there should be further compensation from the Federal Government. As a result of that, a certain tax in terms of stamp duty on unlisted shares in fact will now be able to stay with the State Governments for a longer period. That has allowed a bulk of money that more than compensates the States for that revenue that we would have lost through the Housing Trust rents.

Therefore, pensioners can be very pleased indeed that they will not be paying any additional rent in terms of the extra adjustment for their pensions for the GST. In fact, the Housing Trust and the other housing authorities here in South Australia equally will not miss out, because there is potential now for that additional revenue to flow through.

However, I am still critical that, since the beginning of the 1990s, both Labor and Liberal Federal Governments in Canberra have failed to adjust the Commonwealth-State housing agreements for inflation. I pointed out to this House

earlier that that has meant a 42 per cent reduction in housing grants since 1989. I am still critical of that fact. I am also critical of the fact that there is a 1 per cent efficiency dividend taken out by the Federal Government and no adjustment has been made for that. However, looking at the broad scope of the housing agreement with the Federal Government, there is now this $300 million injection over the next four years with more to come to adjust the GST. This will be a great boost for the South Australian Housing Trust, community housing in South Australia, the Aboriginal Housing Authority and crisis accommodation.

POKER MACHINES

Ms BEDFORD (Florey): Will the Premier implement the findings of the Social Development Committee into gambling handed down over 11 months ago to cap the number of poker machines and roll back the total number of machines to 10 000? The finding of the Productivity Commission's gambling inquiry reveals that there are nationally 230 000 Australians with significant gambling problems. The form of gambling responsible for 70 per cent of that total is poker machines, and the addiction of each of those problem gamblers affects the life of five others. In South Australia there are close to 20 000 poker machine addicts. Given these facts and the Premier's remarks that 'enough is enough' on poker machines and that their introduction was a mistake, my constituents are asking me when they will see legislation which reflects the Premier's obvious concern.

The Hon. J.W. OLSEN: My obvious concern was reflected in legislation introduced last year to stop poker machines being put into a shopping centre and that legislation was not successful in the other place. The honourable member might well ask about the legislation, but she should look back through the parliamentary record. The fact is that, in a legislative sense, I have pursued the issue; however, the matter was thwarted by the Legislative Council. The honourable member might have forgotten but she ought to get up to speed. I have said 'enough is enough', and I have said that I would support consideration of a cap on poker machines.

I repeat that I did introduce legislation to halt poker machines being installed into what I believed was a totally inappropriate environment—a major new shopping centre. However, that legislation was thwarted through the processes of the Upper House. There is talk about hypocrisy in relation to this matter. Some times the Opposition is not too bad at misleading the electorate generally. Recently, in another place—

Members interjecting:

The Hon. J.W. OLSEN: No, the member for Florey ought to be aware of this because recently in another place the Hon. Terry Cameron, a former ALP member and State Secretary no less, stated that, during the last State election campaign, the Labor Party shadow Cabinet unanimously agreed to the ceiling on the number of poker machines—that is called a cap. However, the honourable member went on to report that, after a $500 a head fund raising dinner organised by the AHA, the ALP dropped the policy during the election campaign. So, the member for Florey need not come in here with absolute hypocrisy on a subject as important as this. My track record and my public statements have been absolutely consistent and my actions in this House are consistent with them.

Members interjecting:

The SPEAKER: Order!

AMBASSADORS' NETWORK

Mr LEWIS (Hammond): My question is directed to the Premier. Is the business ambassadors' network a unique South Australian innovation? Is it working and how does it promote our State?

The Hon. J.W. OLSEN: I thank the honourable member for Hammond for the question because the business ambassadors' program, which is part of the business network 2010, is about profiling South Australian success stories, and some reference was made to that earlier today in Question Time. The program is also about enlisting former South Australians—people of influence, people who are mixing with business people, board members, investors and financial institutions—to champion the cause for South Australia, to market South Australia and what it has to offer and for South Australia to be seen in a new light—a light that reflects the modern South Australia, not a light that reflects the South Australia of 20 years ago.

More particularly, some Eastern State journalists are intent on continuing to perpetuate the myth of an economy that has not modernised, an economy that is not international and an economy that is not therefore global in outlook.

The ambassadors' program, I would argue, has been successful. The number of people who have been prepared to join with the Government and market, sell and champion the cause of South Australia has been outstanding. Just to give an example, the South Australian icon, Coopers Brewery, has achieved a—

Mr Lewis: A good drop!

The Hon. J.W. OLSEN: It isn't a bad drop if you can get time off to have it occasionally. Coopers Brewery achieved a 43.5 per cent growth in their pale ale sales, with a little help from another successful South Australian company in Killey Withy Punshon. KWP's innovative marketing went to billboards, selected tastings and buses. That is, they took a different marketing approach. To pick up their sales by 43 per cent was an outstanding achievement. As Glen Cooper has said, he loves selling beer to Victoria and bringing the money back here to South Australia for jobs in this State.

That is but just one example of a South Australian company icon, Coopers Brewery, matching up with a very innovative South Australian advertising marketing company, being innovative and creative in the things they do, and really achieving—selling. That means more jobs and more economic activity in South Australia. That is why we have seen a very significant increase of about 26 700 more people with a pay packet this month than was the case a year ago, and 26 700 more people spending regularly in the economy with small businesses, whether it be the deli, newsagent, local supermarket—whatever the case might be: it is generating economic activity.

Even the Labor Party would have to concede that business activity in South Australia is the best it has been for over a decade. The trend lines are looking good. That brings about optimism and opportunity for South Australians as more are employed, fewer unemployed and more economic activity is occurring, and underpinning that is the population growth in South Australia. We have experienced a 35 per cent increase in migration to this State in the course of the last year. If there was one matter where we had to have a turn-around, it was population growth in South Australia.

That is why we are getting some activity in the real estate market, with an increase in real estate values in South Australia, and that means that every South Australian is the

beneficiary, because their asset value increases over the liabilities or mortgage on the home, putting them in a safer, more comfortable position. That brings consumer confidence; it brings retail spending and that brings more jobs. That is the cycle some good policy settings have put in place for South Australia. It will be a cycle we will see continue in the course of this year and into next year.

TAFE PROGRAMS

Mr HANNA (Mitchell): My question is directed to the Minister for Education, Children's Services and Training. Why have the eight participants in the advanced certificate in refrigeration and airconditioning at Onkaparinga TAFE been told by staff that due to funding cuts their course will cease at the end of the year, or possibly sooner, despite there being only two vacancies at that time available in the alternative course offered at Regency TAFE? If what these TAFE students have been told is true, a number of these people will be forced to postpone or discontinue their vocational training as a result of Government funding cuts.

The Hon. M.R. BUCKBY: I will seek the details of that matter and supply the honourable member with an answer.

DENTISTS

The Hon. DEAN BROWN (Minister for Human Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. DEAN BROWN: I refer to allegations of inappropriate practices by dentists employed by the South Australian Dental Service. As members would be aware, the allegations that, because of problems with dental waiting lists, dentists are extracting teeth that could be saved were first raised by the member for Peake in May and June this year. At the time I asked the member for Peake to supply me with evidence that such practices were occurring but he failed to deliver any such evidence.

Mr Koutsantonis interjecting:

The SPEAKER: Order! I warn the member for Peake. The Minister has been given leave by the House to make a statement.

The Hon. DEAN BROWN: Again I asked the honourable member to produce evidence to help me investigate the matter when he raised the issue in parliamentary Estimates on 29 June and, again, I have received no such evidence. On 6 July, the *Advertiser* quoted from a document supplied by the member for Peake which alleged that this practice of extracting teeth was occurring. I immediately ordered an investigation, and today I am tabling a report of the inquiry into public dental services conducted by Dr Arthur van Deth from the Department of Human Services and by independent experts, Dr Peter Noblet, the Chair of the Dental Board of South Australia, and Dr Kay Roberts-Thompson, Senior Research Fellow at the University of Adelaide's Dental School. I seek leave to table that report.

Leave granted.

The Hon. DEAN BROWN: The report states that Drs Noblet and Roberts-Thompson interviewed dentists working in the Adelaide Dental Hospital and in community dental practices operated by the South Australian Dental Service. I quote directly from the report, as follows:

> All dentists interviewed have categorically denied that at any stage they have extracted teeth in order to reduce the public dental waiting list. They confirm that each case is assessed individually and fully discussed with the patient, and that ultimately the decision lies with the patient whether or not to extract a tooth. In all dental extractions, informed consent is obtained from the patient.

The report emphasises that these findings are consistent with SADS policies and written instructions issued to dentists working for SADS.

Another interesting fact from the report is that, prior to the introduction of the Commonwealth Dental Health Program, extraction rates for emergency patients were reported to average 35 per cent, ranging from 24 per cent to 42 per cent for any two month period between January 1992 and December 1993. While the CDHP was in place between January 1994 and December 1996, the average extraction rate was 29 per cent, varying from 24 per cent to 35 per cent for any two month period. Since the cessation of the CDHP, and using the same method of reporting, the average extraction rate has been 33 per cent, ranging from 31 per cent to 36 per cent. During 1999 the average extraction rate was 35 per cent. The report, however, advises caution in interpreting these figures as data collection methods have changed over this period. There has also been variation in the information supplied by SADS. I highlight to the honourable member that the peak extraction rate was higher under a Labor Government than it is under this Liberal Government.

Members interjecting:

The Hon. DEAN BROWN: The extraction rate was higher under a Labor Government.

Members interjecting:

The Hon. DEAN BROWN: The extraction rate was higher under a Labor Government. As a consequence—

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: —I have asked the inquiry into SADS to recommend procedures to produce more reliable information on both extraction rates and waiting lists.

Members interjecting:

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

The Hon. DEAN BROWN: The briefing supplied to the *Advertiser* by the member for Peake also made reference to the fact that people could wait up to 65 years for treatment. The inquiry report says that this is based on theoretical and mathematical projections based on worst case scenarios for particular clinics, assuming, for instance, that no management action will be taken to reduce waiting lists.

These figures have been quoted out of context and have failed to mention that the briefing note also states that it is not expected that these waiting times will be realised. Why the member for Peake did not bother to mention or highlight that to the journalist is another matter.

The report also states that despite the length of current waiting lists, which I have acknowledged are unacceptably high since the withdrawal of Commonwealth funding, emergency dental care is normally provided within 24 hours. The conclusions of the inquiry are as follows:

> 1. The inquiry found no evidence that teeth are being extracted in public dental services in order to reduce the waiting list.
> 2. Patients make a fully informed choice [between] treatment options and no teeth [were] extracted without obtaining informed consent from the patient.
> 3. Using the data from the SADS two monthly reports, it can be [drawn] that there was a moderate reduction in. . . emergency extraction rates whilst the Commonwealth Dental Health Program was in place and that there has been an upward trend in the extraction rate since the cessation of the CDHP.
> 4. The inquiry is satisfied that dentists employed by the South Australian Dental Service operate at a high standard of professional

care and that SADS meets its primary emergency service [obligation] of providing timely relief of pain and suffering.

ADOPTION

The Hon. DEAN BROWN (Minister for Human Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. DEAN BROWN: Yesterday, an adoption case was raised where the department had made a mistake. I have received the following response from Christine Charles, Chief Executive of the Department of Human Services, and I quote from her report:

> The department offers its deep regret for the events leading to the contact made between Ann Thompson, Barry Rogers and other family members who believed that they were related to each other and separated by adoption many years ago. The department acknowledges the distress of the people involved and understands that, when people set out to find their birth family, they begin a very brave journey and deserve every support. I assure Ms Thompson that we will do everything we can to support Barry and the people involved in this matter to resolve the issues. We will be looking at the processes by which old adoption records are researched to ensure that a recurrence of such a situation does not occur.
>
> The department researches and releases about 600 of these adoption information applications each year and is acutely aware of the need for accuracy of the information. The research relies on records that the department has kept on adoptions. Some of these records are many years old.
>
> These old departmental records on adoption were not kept with the intention of being used for people to trace each other or for reunification. This was not the approach to adoption at that time. Very many people go on to successfully mend the separations of the past, by meeting their birth families, and the children (now adults) whom they relinquished for adoption in the past.
>
> The extremely unusual coincidence of the names, circumstances and the recording practices over 50 years. . . in this case has led to a very unfortunate situation for these people. The adoptions in question occurred in South Australia in the 1940s. The files contained only a few documents. The birth mother's date of birth was not recorded and there was only one signature, not allowing any comparison to be made between the two adoptions. Nothing indicated that there were two different women involved with exactly the same names—

that is, the same first names, the same middle names and the same surnames and the same spelling of all of those names—

> Each woman had relinquished male babies for adoption. The files were matched as if the two birth mothers were one person. In this case the departmental records did not allow the department to identify that there were indeed two people of exactly the same name involved, leading to this [very] regrettable situation for Ms Ann Thompson and others.

I have written to the adopted person involved in this case, offering my support and understanding. The department is very sorry for what has happened to the people involved in this situation. I also extend my sincere apologies to Barry Rogers, Ann Thompson and the other family members.

PIGGERIES

The Hon. D.C. KOTZ (Minister for Environment and Heritage): I seek leave to make a ministerial statement.

Leave granted.

The Hon. D.C. KOTZ: As members of this House would be aware, the pork industry suffered a very severe downturn and substantial financial losses during 1998. In recognition of that situation I authorised the Environment Protection Authority to waive all licence fees for piggeries for the period from 1 July 1998 to 30 June 1999. It is pleasing to note that pork prices have improved somewhat since that time and that hopes for the industry are improving. Nevertheless, it is my understanding that approximately 50 per cent of pork producers are still estimated to be making a loss, a statistic which particularly includes smaller producers.

Therefore, in recognition of the severe difficulties that the pork industry has faced in the past 12 months, I have authorised the Environment Protection Authority to again waive licence fees for piggeries for the period 1 July 1999 to 30 June 2000. This waiver will only apply for up to $600 for each licence, so that where farmers have a licence fee of over $600 they will be required to pay any difference between the two amounts. Of the 31 piggeries currently licensed under the Environment Protection Act 1993, this measure will particularly assist those 18 piggeries which would pay fees of less than $600.

I must stress to the House that this is not a measure I intend to take in perpetuity. It is a measure to assist the industry through a transitional and difficult period, but pork producers should be aware that full licence fees will be expected next financial year. I, along with all members of the Government, will continue to support our important pork industry and hope that this measure will assist farmers in this transitional period.

TOURISM COMMISSION

The Hon. J. HALL (Minister for Tourism): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J. HALL: I rise to address a number of tourism related issues raised by the member for Lee in this House yesterday. At the outset, let me make very clear that I have previously appreciated the member for Lee's generally positive approach to tourism in South Australia. Many of his comments in this place acknowledge that the South Australian Tourism Commission and its executive team have the confidence and support of the tourism industry and are doing a great job in promoting our fantastic State and its many tourism assets to Australia and, indeed, to the world. It is on this count, of course, that he is right, because tourism in South Australia, as we all know, is at an all time high.

As the House has heard me say, we have more international visitors than ever before, greater investment in infrastructure, a strategic and long-term marketing plan and greater industry confidence and optimism than many can remember. And so, with all of this, what does the member for Lee choose to do right now? He played a couple of games in the House yesterday, asking the most trivial and irrelevant questions.

Let me deal first, however, with his question about Maggie Tabberer and her position on the South Australian Tourism Commission Board two years ago. Maggie Tabberer is a great Australian and someone who is very proud of being born and bred in South Australia. She is truly an outstanding ambassador for our State. From a childhood in Adelaide, Maggie has gone on to be a much admired individual in both fashion and media. Maggie was recognised and honoured as a member of the Order of Australia last year. It is unfortunate that Maggie could not fulfil her term as a board member. However, I believe this House should appreciate her initial efforts and desire to serve on the board and her honesty in realising shortly after accepting the appointment that she could not dedicate the necessary time. Maggie served on the South Australian Tourism Commission Board from 27 July

1997 through to 20 October 1997, and missed all three board meetings during this period.

Legally, Maggie Tabberer was entitled to payment for her board membership, despite not attending the meetings. However, to her great credit, she would not accept any. If the member for Lee had bothered to read on for a further 10 pages into the annual report he was referring to, he would have seen that in point 20, titled 'Board Remuneration of the Notes to and Forming Part of the Financial Statements' it lists the board members who received payment during the 1997-98 financial year. Maggie Tabberer is not listed as one of those members. This was little more in my view than an attempted smear by the Opposition on a high profile Australian—a question that could have been answered privately—and an act that does the member for Lee no credit.

Now let me address the member for Lee's trivial question about Ms Carole Hancock's status on the SATC's web site. The SATC web site offers two options for visitors: a bells and whistles path full of stunning visuals, spectacular scenery and enticing attractions; or a text only path. Clearly, most visitors to the web site would choose the bells and whistles path. However, most visitors would also not be terribly interested in staff profiles, but clearly the member for Lee is not like most visitors because he chose the text only path and went into the staff profiles and, yes, he was correct: up until this morning Ms Hancock was listed as the chief executive in this section. It was sloppy, and it has since been fixed. I emphasise that if he had chosen the bells and whistles option the member for Lee would have found Bill Spurr listed as the chief executive, which was updated following organisational changes earlier this year.

I hope the member for Lee found this little piece of trivia a useful way to fill up Question Time, because it is always worth remembering that two can play the Internet game. I happened to look at the South Australian Labor Party's web page this morning and thought that, given the member for Lee rarely makes a statement related to tourism policy matters, I would click on to the policy section. To my surprise, the Labor Party actually has some policies listed, but guess what? There is no tourism policy! This is the largest growing industry in the world, an industry that is riding a high in Australia at present, and yet there is no policy. I suppose the member for Lee will tell us that he is still listening because Labor listens. If he really is listening, I suspect he would hear that our tourism industry is approaching the future with great optimism and confidence and is firmly focused on the big issues and real challenges for the future. Perhaps the member for Lee should follow this approach. I would sincerely welcome his constructive input.

POLICE OPERATIONS

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. R.L. BROKENSHIRE: Section 8 of the Police Act 1998 provides that any direction given to the Commissioner of Police concerning the control and management of South Australian Police (SAPOL) must be tabled in Parliament. On 1 July 1999, the Minister for Justice, with my concurrence as the Minister for Police, Correctional Services and Emergency Services, gave directions to the Commissioner concerning the structure of the Operations Intelligence Division and the establishment and structure of the Anti-Corruption Branch of SAPOL.

On 29 July 1999, again with my concurrence as the Minister for Police, Correctional Services and Emergency Services, further directions were given to the Commissioner concerning the Anti-Corruption Branch. These directions revoked and replaced the directions given in relation to that branch on 1 July 1999. I table these directions. Under the 1952 Act the Governor was empowered to give the Commissioner directions relating to the control and management of SAPOL. The Governor gave such directions to the Commissioner in relation to the Operations Intelligence Division and the Anti-Corruption Branch. On 1 July 1999 the Police Act 1952 was repealed by and replaced with the Police Act 1998.

The Government was advised that, due to uncertainty as to whether directions given by the Governor under the 1952 Act would continue once that Act was repealed, any directions given by the Governor under the old Act should be re-given under the 1998 Act. Under section 6 of the 1998 Act, directions concerning the control and management of SAPOL are now given by the Minister, not the Governor. Consequently, the Minister for Justice, with my concurrence as the Minister for Police, Correctional Services and Emergency Services, gave directions to the Commissioner in the form tabled on 1 July 1999 upon commencement of the new Act. The first set of directions tabled concerned the Operations Intelligence Division. These directions replace, in nearly identical terms, directions given by the Governor under the now repealed Police Act of 1952.

The Operations Intelligence Division was created on 22 December 1993 by the Commissioner of Police. The division replaced the Operations Planning and Intelligence Unit which, on 25 July 1984, succeeded the Special Branch as the Operations and Intelligence Branch of the Police Force. The directions given by the Governor establish clear guidelines as to the functions of the OID and how those functions were to be carried out. The directions also placed restrictions on the treatment of information collected and disseminated by the division, and required that an independent auditor oversee and report on the operations of the division both to the Government and to the Minister.

Due to the concerns about the continued effect of directions given by the Governor under the 1952 Act referred to, directions relating to the Operations Intelligence Division were given to the Commissioner in the form now tabled on 1 July this year. Subject to a few minor amendments to reflect changes in terminology between the 1952 and 1998 Acts, the directions now tabled in relation to the Operations Intelligence Division are identical with those last given by the Governor under the 1952 Act.

Also tabled today are two sets of directions given to the Commissioner concerning the Anti-Corruption Branch. The first of these directions was given to the Commissioner on 1 July 1999 for the same reason as those given on the same day in relation to the Operations Intelligence Division, that being doubts as to whether the Governor's directions under the 1952 Act would remain in force once that Act was repealed and to maintain the *status quo*. As I will explain in a moment, a review of the structure of the Anti-Corruption Branch has led to a recommendation that the branch be restructured. The second set of directions given to the Commissioner on 29 July 1999 relate to this restructure.

While the directions given on 29 July revoke and replace the directions given on 1 July, the Police Act requires that all directions given to the Commissioner be tabled. On this basis,

directions given to the Commissioner on 1 July 1999, which have now been revoked, are tabled as a matter of formality only. The Anti-Corruption Branch was established in 1989 following the recommendations of the July 1988 report of the National Crime Authority. The National Crime Authority report recommended the establishment of a branch within SAPOL to identify and investigate corruption.

In order to ensure the independence of the branch, on 23 February 1989 the Governor, on advice from Executive Council, gave directions to the then Commissioner requiring that a separate branch within SAPOL be established to investigate police corruption and misconduct, the corruption of public officials, to audit police procedures and investigations, and to assist Government agencies to develop procedures designed to prevent or detect corruption. Of particular significance was the requirement that an independent auditor, appointed by the Governor, scrutinise the operations of the branch.

In July 1992, the branch was given a corruption prevention role. In 1998 a review of the Internal Investigation Branch, the Office of Disciplinary Review and Anti-Corruption Branch of SAPOL recommended the establishment of the Ethical and Professional Standards Service and the amalgamation of the Internal Investigation and Anti-Corruption Branches to provide the investigative functions of this new service. This new service would be charged with the prevention, detection and investigation of corrupt, unethical and unprofessional conduct within SAPOL.

While the Government and Commissioner accept it and are acting upon the recommendations concerning the establishment of the Ethical and Professional Standards Service, there were concerns, within both our Government and SAPOL, that the amalgamation of the Internal Investigation and Anti-Corruption Branches may compromise the independence of the Anti-Corruption Branch's investigation function. Consequently, a supplementary review of the role and structure of the Anti-Corruption Branch and its interrelationship with the Ethical and Professional Standards Service was commissioned. The object of this review was to develop a further model for the new service which retained the independence of the Anti-Corruption Branch as an investigation body but which would still provide a modern, proactive and coordinated structure to deal with the issues of ethical and professional police misconduct.

A further model has now been proposed. This model incorporates the key recommendations of the review, in that the Ethical and Professional Standards Service is to be established. However, the Anti-Corruption Branch is retained as an independent investigation body, reporting directly to the Commissioner of Police. Under the new structure, the Ethical and Professional Standards Service will perform the following functions:

- training and education of SAPOL members in ethical and professional conduct, and corruption prevention;
- policy advice and development;
- auditing of SAPOL performance to ensure high ethical and professional standards in all divisions; and
- investigation of police misconduct and criminality.

The Anti-Corruption Branch will retain its present investigative function into police and public sector corruption. This new structure will result in the Corruption Prevention and Audit Units of the Anti-Corruption Branch being relocated to the Ethical and Professional Standards Service. As the present structure of the Anti-Corruption Branch is set down in the directions to the Commissioner given on 1 July 1999, those directions must be amended. This has now occurred. The revised structure of the branch is set down in the directions to the Commissioner, given on 29 July 1999 and also tabled today.

The branch is now only required to comprise an investigation unit and any task force established by the Commissioner to assist in the investigation of corruption. The officer in charge must now be of the minimum rank of superintendent and report directly to the Commissioner. Importantly, the revised directions retain the requirement that an independent auditor, appointed by the Governor, investigate the activities of the branch to ensure that its investigations into police and public sector corruption have been conducted properly.

GRIEVANCE DEBATE

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

Mr WRIGHT (Lee): The TAB is the lifeline of the racing industry. The TAB is the racing industry's major source of income. We have just had two successive quarters where the TAB has provided less money to the racing codes than for the same quarter in the previous year. In the first quarter of this calendar year, from January to March, the figures were well down, and also in the most recent quarter, the moneys from which have only just been distributed to the racing codes, once again we find that the figures are well down. Let us not forget that the TAB is in operation to serve the interests of the racing industry and to provide Government revenue and, of course, in doing so, its prime function is to provide a service to consumers, to the punters of this State.

After the first quarter of this year, racing codes were assured by the TAB that the distribution of money they would receive from the TAB would be no less than what it had been for the previous financial years. However, that simply has not occurred. I point out—and I know that you, Mr Speaker, would have a particular interest in this area, being a former Racing Minister—that in 1997-98 the turnover for the TAB was $593 million. For this financial year, 1998-99, the turnover was $620 million. We have had an increase, financial year on financial year, of $27 million. However, the profit has decreased by $1.5 million. I am somewhat astounded that the Minister for Government Enterprises could not or would not confirm those figures here today. If I know, he should know as well. This is a problem that we must get our head around quickly indeed.

The major emphasis in respect of this is, obviously, a loss of revenue to the racing codes and also a loss of revenue for State Government coffers. What we have with respect to the racing code is a reduction of $830 000 in the money that is distributed for the past financial year compared with the previous financial year. There is a capacity, I hasten to add, for a slight adjustment to that figure, because when the TAB distributes to the racing codes it distributes 95 per cent of the money and the other 5 per cent is distributed later. My figures include that 5 per cent; that has been calculated into my figures in respect of their receiving less than $830 000, but there is a possible variation.

There is a capacity for a slight adjustment. So, I make that point quite deliberately because the figure of $830 000 may be slightly adjusted in the future—and I hope it is. I hope the

TAB does adjust it upward, so that more money goes to the racing codes and so that the $830 000 comes back a little. Notwithstanding that, a large amount of money is not coming through to the racing codes as a result of the fall in the profit, despite the huge increase in turnover, and one must beg the questions: what is going on here? What is happening? As members know, the effect of this will be concerns and problems with how the racing codes will be able to put together money to keep the stake levels at least at their current levels. The reduced sum of money that is going to the racing codes will have a direct effect upon what stake money is made available.

Unfortunately, this is a major concern which we must get our heads around. I do not know what has caused this problem. I do not know whether the costs at the TAB have got out of control; I do not know whether it is because of the negative settlement fee; and I do not know whether it is the costs the Fortune 8. However, the TAB must get together with the racing industry to try to address this problem. I do not raise these figures because it gives me any joy: it is quite the opposite. These figures must be addressed and rectified. We must put this in the area of racing so that the TAB and the key people in the racing industry actually get together to work through this problem. But, of course, we are getting no leadership from the Government on the TAB.

Mr VENNING (Schubert): I speak about yet another success story in my electorate of Schubert. Baiada Poultry has its operational headquarters in northern New South Wales, but over the past decade it has made significant investments in the lower and mid-northern areas of our State. It has established several large hatcheries near Robertstown (in the electorate of Stuart), Eudunda and Kapunda, and Gawler (in the electorate of Light). It has had a real and positive impact on the economy of the townships in these regions.

The company has identified the lower and mid-north regions of our State as ideal environments for its breeder farms which supply products to this State and to the larger markets in the Eastern States. As a result of this, the company has provided real employment opportunities in the regions, particularly in my electorate. In excess of 50 jobs have been provided to the local communities in my electorate, and I believe that further expansion is planned for the operation at Eudunda—which augurs well for the future. This company has outlaid more than $7.8 million on new developments in this State since March last year—just over 12 months ago. It is estimated that its total investment in the region is in excess of $10 million—and that has been without any assistance from the Government.

Together with the Hon. John Dawkins, the Hon. Jamie Irwin and the Hon. Caroline Schaefer, I had the pleasure of visiting some of Baiada's hatchery sites a couple of weeks ago. The visit proved to be a very worthwhile exercise. The scale of the operation is most impressive. The new Gawler hatchery, opened recently by the Hon. John Dawkins MLC, cost approximately $4.5 million to construct; it employs 235 people and has the capacity to handle 500 000 day old chicks per week every week—a large operation by anyone's standards.

Baiada Poultry's commitment to this State is an example of the benefits that this State has to offer: no pollution; clean water supplies; excellent locally produced feed sources; and a totally clean and green environment, as well as being close to capital city infrastructure. Certainly, the company has been most impressed. The chicken industry has bad diseases such as Newcastle's disease which can close down the whole industry. The company has chosen our area because it is clean and green. It is working for them, and I am very pleased about that.

This operation adds value to our primary products and, therefore, boosts our economy. This is the sort of business that we should all want to attract to this State. I congratulate the Hon. John Dawkins for the assistance he has given to Baiada when dealing with Government departments, and I also congratulate Mr Jan Meldrum (the company's local representative) and Mr John Camilleri (the company's Managing Director) for showing faith in our State, and I wish the company well for its continued success.

I heard only yesterday that the company is considering further expansion in South Australia. That is good news indeed, particularly for these country regions. It is building great facilities and providing opportunities for people to get work. All members know how difficult it is to provide jobs in country towns, particularly in areas such as Eudunda and Robertstown. Job opportunities in those towns in the past have been virtually non-existent, and our younger people have had to leave the communities to go to the city to get jobs. This is the greatest positive, and I give the company the greatest accolade in coming to these regional centres, building up its facilities and providing people with employment. This is another success story for this State, and Baiada has helped South Australia to the top—above any other State at the moment—with its success and the improvement in our economy.

I also want to flag yet another positive that I will share with the member for Light. During the break, on 31 August, the new Barossa Resort will be opened by the Premier. I have visited the facility, which is truly magnificent and which will be an icon for the Valley. I hope that many members are able to visit the resort in the next few weeks. It is magnificent, and I wish the consortium and the organisation involved all the best in the future.

Ms BEDFORD (Florey): The ministerial statement delivered yesterday by the Minister of Education referred to Partnerships 21 and the South Australian Association of State School Organisations (SAASSO). I am told that SAASSO is funded by the Government and that parents across the State question the lack of independence of this organisation from the Government. I say this because the ministerial statement leads us to believe that there is absolutely no dissent from the SAASSO position that the Minister gave us yesterday.

I am in the process of searching out a copy of SAASSO's communication with school councils so that I may better understand and appreciate its position on how Partnerships 21 will make South Australia a 'world leader'. The Minister went on to acknowledge that principals are looking at the fine detail of Partnerships 21. That is true. I understand that principal associations have all stated that there is not enough detail for them to make a decision, and that they are concerned about workload and have received mixed messages from Victoria.

I was at a high school council meeting recently where, unlike the Minister suggests, the concern was not about the union stand in this matter, rather, that the information had come to hand only that day, leaving them very little time to make the necessary scrutiny of the fine detail to allow them to make a far-reaching decision on behalf of the school community. As I listened to the Minister yesterday and read

Hansard today to confirm, I wondered about the ferocity of his assertions. I cannot accept that the education union exists without support from its members. It is, in fact, one of the strongest unions in this State. Anyone who has observed its activities cannot fail to be impressed by the solidarity of its membership and, indeed, the activity generated within the school communities with parents and students who have been at many of the functions I have attended.

The Minister quoted figures which he says the union has 'screamed' and which suggest that 3 000 teachers would be sacked. I have looked into this matter, and I am told that the cut in the number of teachers was 2000. The Minister said yesterday that 185 was the figure mentioned with respect to schools to be closed. I understand that 45 schools were eventually closed. It could be said that to say these figures were over estimated is a minor point when one considers the magnitude of the staff cuts and closures that eventually took place. I am told that education budgets have been cut in successive years by $29 million, $40 million and $69 million respectively, all in a climate where teachers and ancillary staff have produced the goods, taken flexibility to new heights and embraced the concept of doing much more with much less.

The question of equity was raised, for this is a major concern of both the Labor Party and the union movement. The Minister says that the New Zealand experience is a complete success, based on the visits he made to schools there. I have been told that in New Zealand there is well documented evidence of reductions in funding resulting in bigger differences between rich and poor schools and resulting in increased parent fundraising.

The Minister said that the Government will respect current industrial awards, salary and allowances for teachers. I am told that this is because it has been made to. Schools are concerned about funding levels, and rightly so, for how can they be guaranteed that their budgets will not decrease? They do not have an umpire to appeal to.

Far from living in the past, the Australian Education Union is firmly focused on the future, for history has shown it that what it is told is often not what comes to pass. If Partnerships 21 is such a good deal, explaining the package must be the problem. The short time given to accept the package is questionable. Speedy implementation of major shifts of policy can lead to problems—and the Modbury Public Hospital is a continuing and glaring reminder.

A quick phone around in my electorate today by my staff reveals that no decisions have yet been taken with respect to Partnerships 21. I know that in one case the council has declined to come on line next year, and it took this decision because it felt unable to, without more time to absorb the detail. If people on school committees had had greater access to information and training prior to coming on line, there may well be more schools considering what this voluntary decision would mean for them. A point about the voluntary nature of this scheme that continues to be raised with me time and again is that it is indeed voluntary only in relation to the timing of your commitment. So, all in all, Partnerships 21 may be a good thing but we need to see the detail.

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

Mrs PENFOLD (Flinders): Sir, as you would be well aware, I take every available opportunity to promote the electorate of Flinders on the Eyre Peninsula. On this occasion I would like to praise the dedicated efforts of our SA Ambulance Service, both paid workers and volunteers. Eyre Peninsula encompasses an area of approximately 45 000 square kilometres, and many areas are sparsely populated. This means that, in a very small community, the burden of volunteering falls on very few people who have the health, skills and desire to volunteer. Despite the difficulties of lack of population and vast distances, volunteer ambulance stations are located at Ceduna, Cummins, Coffin Bay, Elliston, Streaky Bay, Tumby Bay, Lock, Wudinna and Yalata, and it is a credit to these communities that this is the case.

Approximately 100 volunteer ambulance officers provide essential community service on the Eyre Peninsula, supported by full-time officers stationed at Whyalla, Port Lincoln and Ceduna. Clinical team leaders who are paramedics very ably provide training and support to the volunteer teams. South Australian Ambulance Service has progressively upgraded the ambulance fleet in volunteer stations with diesel ambulances, which have proved to be more reliable in remote areas of Eyre Peninsula, where many roads are unsealed, badly corrugated and provide very dusty and trying working conditions.

All volunteer stations on the Eyre Peninsula and West Coast are now linked and tasked by the Regional Communications Centre located in Port Pirie. The fact that tasks are distributed from a location away from the region means that good communications become even more vital to the service. Maintaining effective communications has been a challenge for SA Ambulance Service in the area, as reliance on HF and VHF radio systems has not always been satisfactory. Volunteers are very supportive of the State Government initiative to introduce a Government radio network. However, they are also aware of the extended time frame involved in such a major project.

Satellite telephone systems were trialled in remote areas of the State and found to be extremely reliable and beneficial to ambulance operations. Not only do satellite telephones afford a mantle of safety for volunteer officers but they also provide an essential link to communication centres, local hospitals and, if required, specialist medical advice from major metropolitan hospitals. A number of communities recognised the advantage of satellite telephones and the ensuing patient care benefits and commenced fundraising to purchase satellite phones for their volunteer ambulances. SA Ambulance Service management also recognised the advantages of satellite telephones and funded the purchase and installation of the phones in all new vehicles allocated to volunteer ambulance stations in the districts that had not already provided phones for themselves. Given that digital and analogue phones work only in isolated pockets on the Eyre Peninsula and not in remote areas where volunteer services are often operating, a joint community—SA Ambulance Service initiative has now resulted in every volunteer ambulance operating in the district being equipped with satellite telephones. The 11 satellite phones now in operation will ensure effective communication until the Government radio network roll out is completed in this part of the State, which is estimated, I believe, to be in the year 2001 or 2002.

A full-time ambulance officer, Mr Leon Cutting, was appointed in Ceduna in January 1999, following successful lobbying by community groups. This initiative has been extremely well received by volunteers and the community in general. Port Lincoln has recently appointed a paramedic team leader, Mr Steven Casey, to the local service. This

appointment not only provides the community with paramedic skills in the pre-hospital environment but also assists volunteer services in the surrounding towns by way of training, support and back-up response to significant incidents.

Maintaining a volunteer ambulance service in the district is both difficult and challenging at a time when rural communities are experiencing declining populations and volunteerism is in decline. Communities in this district acknowledge that the very existence of an ambulance service in every town is reliant entirely on community involvement and, as such, invariably respond to the call for help. It is heartening to note that 30 new volunteers have been recruited into the volunteer ambulance service over the past 12 months. I feel that the new appointments in Ceduna and Port Lincoln have been instrumental in bringing about this result. No doubt the new volunteers will serve their communities diligently, and I commend them for their efforts and commitment. Recently Mr John Stevens, Mrs Lynette Clyde and Mrs Margaret Foster from Lock were awarded service awards in recognition of their years of service to SA Ambulance Service and St John.

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

Mrs GERAGHTY (Torrens): Many constituents in my electorate have raised their concerns about genetically modified foods being sold to consumers without their knowledge—and I am aware that the identification of such food produce on supermarket shelves by way of accurate labelling is not compulsory. I feel very strongly, as do my constituents, that accurate labelling of all such consumer products should be undertaken and made compulsory.

The giant leaps being made in biotechnological science and, in particular, genetically modified foods, make it all the more imperative that adequate safeguards be put in place sooner rather than later. In today's environment, technology has gone ahead in leaps and bounds, sometimes far outstripping the ability of Governments or society to place necessary safeguards to protect our health and that of our wider biological environment. In the past, we have seen reckless agricultural policies and methods using chemical fertilisers and weed and insect repellents which have exploited our soils and wreaked havoc on our waterways, where desertification, high salinity levels and water pollutants have become nearly impossible to manage. The Murray River is a good example of this, with unmanageable salinity levels and other pollutants being present.

The very same companies that have taken an active part in assisting the destruction of our environment expect the general public to blindly accept genetic engineering of our food supplies. The proponents of genetic food engineering argue that there will be many benefits for humankind, such as increased yields; not being dependent upon chemical farming through the spraying of crops; food will be much more durable regarding transportation and storage; and food will be enhanced with anti-cancer agents, proteins, vitamins, flavours and anything else that they can put to us.

However, the proponents of genetic food engineering are not telling us what the long-term effects of genetic food engineering will be—they do not explain those problems. New technologies and great movements forward in the sciences and high-tech industries have been and can be of major assistance to mankind. However, we should not blindly accept such technological change without assessing the risks scientifically through independent test analysis; neither should such new biotechnological food products be allowed to be retailed without adequate testing or accurate labelling of the content over time.

What we actually refer to in the term 'genetic food engineering' is the splitting and splicing of DNA. We are talking about the dissection of genes and joining them with the species or organisms of another. For example, chicken genes into potatoes, human genes in mice, fish, sheep, pigs and the list goes on. How can we tell what effects this will have upon humans or plant and animal life without adequate testing over time? It has been reported that genetically modified foods have had the effect of increasing resistance in humans to antibiotics, assisted in the growth of 'super bugs', as well as creating other problems.

Many agricultural scientists are seriously worried about the effects of growing genetically engineered crops adjacent to crops grown conventionally and the likelihood of cross-fertilisation. There is an indecent rush by major corporations to have these types of products sold to Australian consumers. It is a rush for profit placed before social responsibility and commonsense. In effect, we are talking about playing Russian roulette with the building blocks of biological life. At present, consumers are being denied their rights in that they do not know whether they are eating genetically engineered food, because there are no laws which allow for the labelling and which, therefore, protect consumer rights.

I have often heard members on the other side of this House assert the rights of the individual in the marketplace. I am hoping that they will be as supportive in supporting the future individual rights of consumers to have access to accurate labelling of genetically altered foods. I also hope that the Government and all members in this House will demonstrate their social responsibility by supporting compulsory and accurate labelling of all genetically altered foods marketed and sold in South Australia and Australia. On behalf of my constituents, and they are a growing number, I certainly support their concerns.

Mr LEWIS (Hammond): It is undeniable that Colonel William Light, South Australia's founding planner, recognised when he chose the site for our capital city that it satisfied one of the fundamental imperatives for any capital city in this newly settled land, that is, that a port could be established close by with an outer and inner harbor and that a shipping industry could be satisfactorily established there. Ports are for ships, loading and unloading their cargoes in a safe haven and building, repairing and refurbishing them as well as recycling their component parts. It is the same the world over.

The outer and inner harbor of Port Adelaide on the Port River has for ever been for this purpose since day one: well planned, and that no-one can deny. It has been planned and developed over 160-odd years of our State's existence. Birkenhead has seen the ebb and flow of activity over history. Shipbuilding, repairing and recycling work has always been part of what we do on the LeFevre Peninsula. The peninsula has changed over time (as everything else changes), affected by many things. In this instance the factors have included new materials when we shifted from wooden hulls to steel, new power and energy sources, new designs, new techniques, new machinery components, new types of cargo handling and commerce arrangements. But, fundamentally, good planning requires that we recognise that ports are for ships and shipping industries first and foremost.

Mr Foley: Nonsense!

Mr LEWIS: What do you want them for?

Mr Foley: Not for ship-breaking.

Mr LEWIS: Not for ships? I think the honourable member is really a contradiction in terms. He says that he represents the most important port in the State, yet he is unwilling to see the truth of why ports exist—the reasons why we need them, and the purpose for which we have them. The proposed high-tech Australian Steel Corporation's shipping industry complex on LeFevre Peninsula, north of the Submarine Corporation, needs to be seen for what it is, and it is not what some half-witted nimby is trying to portray it as being. It is a shipping industry, and it is for the repair, refurbishment and recycling of all ships, including the component machines and equipment of which they are constructed.

It is high-tech. It is zero pollution. It is an environmentally friendly industry which will show the world, yet again, that South Australia is in the forefront of industry technology that is smart and recycling technology that is not only smart but sensible on the international stage in that we will win carbon credits by recycling all that material—the plastics, steel, the aluminium and its alloys and the copper and carbon based components in those ship structures, as well as their equipment, components and motors. We know that if we were to take the decision today to put some industries where they were originally established, had they not been established there it is unlikely that the locals would have accepted it.

A classic illustration of that is Coopers Brewery. How many members in this place would imagine it appropriate to have a new brewery complex established right next to prime residential land somewhere within their electorate? The likely response to that would be horrendous. However, no-one in Leabrook or Erindale considers Coopers Brewery to be out of place: it has been there since day one. I cannot understand why the member for Hart and those other people living on LeFevre Peninsula oppose the utilisation of the greenfield site there for an extension of the shipping industry that would bring an investment of $1 billion to South Australia and an annual income of that same order ($1 billion)—it is surprising to me.

We need to understand that if the feasibility study process (which could take up to three years) does not come out with a green thumbs up the proposal ought not to proceed, but that elsewhere in the world such projects are proceeding. At Rotterdam, less than a few minutes out of the city, exactly the same equipment is doing exactly the same job with no ill effects on either that sensitive marine environment or the surroundings. So, lets get real.

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

TOBACCO PRODUCTS REGULATION (SALE OF PRODUCTS DESIGNED FOR SMOKING) AMENDMENT BILL

Returned from the Legislative Council without amendment.

SUPERANNUATION (VOLUNTARY SEPARATION PACKAGES) 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 amendments to the *Superannuation Act 1988*, to deal with the superannuation benefits payable to members who cease employment as a consequence of accepting a Voluntary Separation Package.

Special superannuation benefit options for persons taking a Voluntary Separation Package were first introduced into the *Superannuation Act 1988* in May 1993. The special options are available to persons under the age of 55 years who accept a Voluntary Separation Package (VSP) offered by the employer. The options are available in addition to the general right to preserve the accrued benefit until age 55.

For persons considering taking a VSP, the special superannuation options are an integral component of the overall financial package available to employees. Whilst the special superannuation benefits continue to be attractive to some individuals, the general attractiveness of the benefits has declined and will continue to decline unless there is a change in the current basis used to calculate the lump sum benefits.

The amendments contained in this Bill seek to address the declining attractiveness of the superannuation component of a VSP package.

Specifically the amendments proposed in the Bill seek to enhance the lump sums available. Furthermore, the Bill introduces a new option for members of the pension scheme, to elect to take an immediately payable pension. The early pension option will only be available for persons who have attained the age of 45 at the date of ceasing service under the VSP arrangements. The rates of pension proposed are based on the actuarially equivalent value of the accrued pension that, if preserved on ceasing government employment, would not normally be payable until age 55. The maximum pension payable at age 45 years, will be approximately 22 per cent of annual salary, for a person who has already been a member of the scheme for at least 15 years. As a guide the maximum pension payable for a person leaving at age 50 will be approximately 34 per cent of salary.

The increase in the lump sum benefits proposed in the Bill result from extending the period of the higher levels of employer subsidy beyond 30 June 1992, which is the date before the Superannuation Guarantee commenced, to the actual date of ceasing employment. The higher levels of employer subsidy on which the new formulas are based are also more in line with the underlying levels of employer subsidy in the two defined benefit schemes. The Bill also proposes that a component of the lump sum entitlement, equal to the amount necessary to satisfy the Superannuation Guarantee, be preserved until age 55.

A member of the pension scheme who elects to receive an immediately payable pension will have a right to commute some or all of the pension to a lump sum under existing provisions of the principal Act.

The South Australian Superannuation Board and the unions have been consulted in relation to the Bill, and have indicated their support for the Bill

Explanation of Clauses

Clauses 1. and 2.

These clauses are formal.

Clauses 3. and 4.

These clauses make the changes to the benefits payable on termination of employment pursuant to a voluntary separation package under the lump sum and pension schemes already described.

Mr ATKINSON secured the adjournment of the debate.

POLICE SUPERANNUATION (INCREMENTS IN SALARY) 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 minor technical amendment to the *Police Superannuation Act 1990*.

The need for this amendment has arisen as a consequence of the new incremental salary structure introduced under the 1998 Enterprise Agreement for police officers.

The amendment proposed in the Bill relates to the salary applicable for determining benefits and contributions where an officer is appointed to a lower rank. The new incremental salary structure has resulted in the wording of the current provisions being open to possible interpretation and therefore some uncertainty. The proposed amendment will ensure that the benefits and contributions are based on the salary applicable to the highest rank and incremental level actually attained by the police officer. The amendment does not affect the existing entitlements of police officers under the schemes established under the Act. The amendment will ensure that the current understanding of how the schemes operate is maintained.

The Commissioner of Police, the Police Superannuation Board and the Police Association have been fully consulted in relation to this amendment. All these bodies have indicated their support for the amendment.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 4—Interpretation

This clause inserts a new subsection (3aaa) into section 4 of the principal Act. Where a contributor has been on a higher level of salary but has subsequently reverted to a lower level subsection (3)*(a)* and *(b)* are designed to base his or her contributions and benefits on the salary that he or she would have been receiving if the reversion had not occurred. The intention is that the value of the higher level of salary last received by the contributor should be kept up to date in the future even though the contributor is no longer receiving it. It was not intended that automatic increments in salary that occur with the passage of time during a period when the contributor was not receiving the higher level of salary should be included. New subsection (3aaa) achieves this.

Mr ATKINSON secured the adjournment of the debate.

GEOGRAPHICAL NAMES (ASSIGNMENT OF NAMES) AMENDMENT 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.

The *Geographical Names Act 1991* regulates the practice of naming and recording geographical places in South Australia.

Geographical names are relied upon by all sections of the community and are important for:

- identifying and recording elements of culture and heritage;
- providing a reference framework for transport, communication and emergency services;
- providing unambiguous identification of populated places and physical features;
- providing data essential for reliable maps, charts, etc.

One of the more significant and often contentious activities under the Act relates to the determination of suburb names and boundaries. Suburb boundaries are important administrative boundaries and are used extensively by the Electoral Districts Boundary Commission for State Electoral Boundaries, by the Bureau of Statistics for census collector districts and numerous Commonwealth, State and Local Government agencies.

The *Geographical Names Act* prescribes the process that must be followed when it is considered necessary to alter suburb names or boundaries. Amongst other matters, the legislation requires proposals to be advertised within the local community, and prescribes a period of one month for interested parties to make representation on the proposal.

These representations are investigated by the Surveyor-General and the Geographical Names Advisory Committee, and a recommendation is forwarded to the Minister for consideration. The investigation includes extensive consultation with appropriate local and State Government authorities to ensure the views of the community and other stakeholders are well canvassed. If a change in name, or boundaries, is accepted, a notice advising of the alteration is published in the Government Gazette.

As a result of changes in road alignments and property subdivision, it is often necessary to make amendments to suburb boundaries to ensure they continue to follow relevant and identifiable boundaries. A recent example of this is the alteration to the boundary of the Adelaide Airport suburb following the realignment of Tapleys Hill Road.

Unfortunately, the current legislation makes no distinction between the process to make a minor change from one that impacts on a large section of the community.

During the course of updating the State's property maps, a number of areas have been found where, as a result of changes in road alignments and land subdivision, suburb boundaries no longer follow recognisable property boundaries. These anomalies are generally of a minor nature and involve only a small number of properties.

This amendment provides a streamlined approach to resolve such anomalies.

Instead of advertising proposals that, on the face of it, are minor and non-contentious, direct contact will be made with the local council, emergency service organisations and the property holders impacted upon by the change. The results of the consultation will then be reviewed by the Surveyor-General and Geographical Names Advisory Committee and a recommendation forwarded to the Minister for consideration. If the change is approved, it will be published in the Gazette in the normal manner.

If, in the course of this consultation, it is determined that the issues being investigated impact on the wider community, the proposal will be advertised and processed in the normal manner.

Adopting this procedure will improve the efficiency and reduce the time and cost of making minor alterations to suburb boundaries without compromising the current level of community consultation.

The amending Bill also makes some structural changes to the legislation by repealing the existing section 8 and inserting new Part 2A. The majority of the provisions of section 8 are incorporated in Part 2A with the rest being added to other provisions within the Act.

I commend the Bill to honourable members.

Explanation of Clauses

A number of the amendments propose to reorganise the setting out of the Act by grouping the provisions dealing with the administration of the Act separately from the provisions dealing with the assignment or approval of geographical names.

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 3—Interpretation

It is proposed to insert a definition of dual geographical name (which is substantially the same as current section 8(5)). The new definition of geographical name proposed includes a dual geographical name. Thus, through this drafting device, it becomes apparent that any procedure required in relation to a geographical name under the Act applies also in relation to a dual geographical name.

Clause 3: Amendment of s. 6—Functions of Minister

The proposed amendment to section 6 provides that the Minister must, in carrying out the functions of assigning or approving geographical names, take into account the advice of the Surveyor-General and the Geographical Names Advisory Committee. This is substantially the same as what is provided for in current section 8(7).

Clause 4: Repeal of s. 8

It is proposed to repeal current section 8 as part of the reorganisation of the Act. The majority of the matters provided for in current section 8 are provided for in new Part 2A, with the rest being provided for elsewhere by the amendments.

Clause 5: Insertion of Part 2A

PART 2A—GEOGRAPHICAL NAMES

11A. Approval of common name of place as geographical name

New section 11A is substantially the same as current section 8(1) and provides that the Minister may declare that from a date specified in a notice in the *Gazette* a recorded name of a place is approved as the geographical name of the place.

11B. Assignment of geographical name

New section 11B provides that the Minister may, by notice in the *Gazette*—

- assign a geographical name to a place described in the notice; or
- alter the boundaries of a place in respect of which a geographical name has been assigned or approved under the Act,

to have effect from the date specified in the notice.

If the Minister proposes—

- to assign a geographical name to a place; or
- to alter the boundaries of a place that has a geographical name,

the Minister—

- must give written notice of the details of the proposal to each local council likely to be interested in the proposal, inviting them to make written submissions to the Minister in relation to the proposal within one month of receipt of the notice; and
- must cause to be published in the *Gazette* and in a newspaper circulating in the neighbourhood of that place a notice that gives details of the proposal and invites interested persons to make written submissions to the Minister in relation to the proposal within one month of the publication of the notice.

The Minister must take into account any submissions received.

However, the Minister need not comply with proposed subsection (2) in the case of a proposed boundary alteration if satisfied—

- that the alteration is minor and non-contentious; and
- that the views of interested persons have been adequately canvassed by some other means.

11C. Discontinuance of use of geographical name

The Minister may, by notice in the *Gazette*, declare that from the date specified in the notice the use of the geographical name of a place is discontinued (*cf* current section 8(6)).

Clause 6: Repeal of heading

As part of the reorganisation of the Act, the 'Miscellaneous' heading is to be moved from its current place (before section 12) to immediately before section 14 of the principal Act. The better position for sections 12 and 13 of the principal Act would be as part of new Part 2A. This clause provides for the repeal of the heading of Part 3.

Clause 7: Amendment of s. 13—Offences

Two of the amendments proposed to section 13 are consequential on the insertion of new Part 2A in the Act. The third amendment is to bring up-to-date the penalty provision in the section.

Clause 8: Insertion of heading

This clause achieves the insertion of the 'Part 3 Miscellaneous' heading before section 14 of the principal Act (*see clause 6*).

Clause 9: Amendment of s. 14—Proceedings for offences

This clause proposes to strike out subsection (1) which provides that offences against the Act are summary offences. This subsection is otiose as such matters are now provided for in the *Summary Procedure Act 1921*.

Clause 10: Amendment of s. 15—Power of Surveyor-General to recover costs

This amendment is consequential on what is proposed in new section 11B.

Clause 11: Amendment of s. 17—Regulations

This amendment provides that the regulations may prescribe for a penalty not exceeding $2 500 for contravention of the regulations. The penalty as expressed in a monetary amount as opposed to the current divisional penalty.

Mr ATKINSON secured the adjournment of the debate.

STATUTES AMENDMENT (TRUSTS) BILL

Received from the Legislative Council and read a first time.

The Hon. I.F. EVANS (Minister for Industry and Trade): I move:

That this Bill be now read a second time.

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

Leave granted.

The aim of this Bill is to introduce greater accountability for trustees, in managing funds held on trust. The Bill will be of interest to, and have the potential to affect, trustees (companies and individuals) and beneficiaries (including charities and fundraisers).

The Bill seeks to hold more accountable the trustees of charitable trusts, so as to ensure that the charitable intentions of settlors and testators are effectively carried out. It does this by broadening the class of persons who may apply to the Supreme Court for orders and directions in respect of charitable trusts and for orders to remove, replace and appoint trustees. It also makes clear that the Court has power to remove or replace trustees for any reason in the interests of beneficiaries and properly interested persons, but it places reasonable constraints on applications to minimise the risk of frivolous or vexatious applications. Further, it widens the class of persons who may apply to a trustee company for information about a charitable trust, and makes special provision in relation to the investment of trust monies in common funds.

A person who desires to benefit a charitable purpose may choose to do so by setting up a trust, either during his or her lifetime, or, more commonly, in his or her will. For example, the will or trust deed may provide that a fixed sum is set aside for investment, so as to produce income in perpetuity, to be applied to the desired charitable purpose, such as to provide housing for aged and infirm persons, to offer academic scholarships to deserving candidates, to conduct medical research into the cure for a certain disease, or suchlike purposes.

The settlor or testator will appoint a person, company or Public Trustee to be the trustee. The trustee's role is to see that the money or asset is well managed and is applied as intended. In some cases, the settlor or testator appoints a private individual to this role, but very commonly in the case of a charitable trust, a trustee company or the Public Trustee is chosen, both for money-management skills, and because that company or the Public Trustee will have perpetual succession, so there will be no need to provide for the appointment of new trustees in future as a trustee dies or becomes incapable of performing the function of trustee.

One difficulty which has been observed from time to time, however, is that once the settlor or testator has died, there may be no independent person other than the trustee who is in a position to see that the trust is indeed well managed and its purposes carried into effect. In the case of trusts for the benefit of particular individuals (which are not charitable trusts), the beneficiaries themselves have an interest in the management of the trust assets, but in the case of charitable trusts, there may be no individual or body directly entitled to the funds generated, and thus no-one to scrutinise the management of the trust. The Ontario Law Reform Commission, reporting on the topic of Charities in 1996, noted the problem thus created:

> 'The form's chief advantage is that it permits wealth to be endowed to a charitable purpose, in perpetuity if desired. Its chief deficiency is the lack of any reliable mechanism of accountability: who is there to ensure that the trustees diligently devote the endowed capital to the charitable purpose?'.

Historically, in South Australia, it has long been the case that in relation to charitable trusts, this role has devolved upon the Attorney-General. By s.60 of the Trustee Act, the Attorney-General may petition the Supreme Court for orders or directions in respect of a charitable trust. However, in practice, it is rare that the details of the management of such trusts are brought to the attention of the Attorney. In many cases, there may be no person except the trustee who knows how the trust is being administered and whether its purposes are being achieved or not. Even if the matter is brought to the Attorney's attention, he or she must then assess whether to commit public resources to the litigation of the matter. There may be cases in which the Attorney is, for proper reasons, not persuaded to commit public funds, although interested parties, if endowed with

standing, would choose to commit their own funds. While those persons for whose benefit the trust was created may also petition the Court, by definition they are unlikely either to be aware of the existence of the trust, or to be in a position to take legal action. In practice, therefore, there is very often no sufficient means of scrutiny of the administration of such trusts.

In some jurisdictions, such as the United Kingdom, the problem has been addressed by the appointment of public officers (Charity Commissioners) specifically to act as a watchdog in respect of charitable trusts. However, such a system is only cost-effective where there is a large number of such trusts, justifying the permanent dedication of resources. In South Australia, the number of charitable trusts is not thought sufficient to justify this solution.

As a matter of policy, however, it is desirable that there be an effective mechanism of scrutiny and review of the administration of charitable trusts. Otherwise, the intentions of the settlor or testator may not come to fruition. The trust may be neglected. There may be no incentive for the trustee to see that the money earns an appropriate rate of return, and that it is applied to the intended purposes. There may be a tendency simply to allow the money to accumulate, rather than to prudently maximise the amount actually devoted to the charitable purposes. There may be a temptation to charge unjustified fees. Or there may be an overly conservative investment strategy, such that although no money is lost, no great good is done with it either. The result may be very different from what the settlor or testator had hoped.

One important aim of the Bill in respect of charitable trusts is to give charitable bodies or other persons with a proper and genuine interest in a particular charitable trust, a measure of influence over the administration of the trust estate. This is achieved by adding a new provision to the Trustee Act 1936. Proposed section 9A provides that a trustee of a charitable trust must have regard to relevant information, representation or advice which may be tendered to the trustee in writing, by certain classes of persons. This means that where a properly interested person wishes to draw information or advice to the attention of the trustee in relation to the administration of the trust, he or she may do so. Of course, the trustee is free to decide whether to take action in response to the advice or information.

In order that trustees may be accountable, it is necessary that there is, where possible, some properly interested person, who may inquire as to the state of the trust, make submissions to the trustee about the use of the money, bring matters before the Court, and even seek the addition or substitution of a trustee, where necessary.

At present, standing to apply to the Supreme Court for the appointment of a new trustee is conferred by section 36 of the Trustee Act, and standing to petition the Court for orders or directions in respect of a charitable trust by section 60. The way in which those sections are framed tends to limit the persons who may make applications to the Court, and may be thought to suggest that trustees may only be removed in case of wrongdoing or incapacity. It is proposed to broaden the scope of these sections, firstly, to negate any suggestion in section 36 that the Court's power is limited to cases of wrongdoing by a trustee, and secondly, in the case of a charitable trust, to widen the class of persons who may apply under either section.

By amending the present section 36, the Bill makes clear that the Court may, on application, make orders removing, replacing or appointing trustees, whether or not there is any evidence of wrongdoing or incapacity. The criterion will not be whether the trustee has done anything wrong, but only whether the order sought is desirable in the interests of the beneficiaries, or, in the case of a charitable trust, will advance the intended purposes. A properly interested person will be able, for example, to apply to the Court for the removal and replacement of a trustee in whose hands the assets of the trust are not generating a reasonable rate of return. This should provide an incentive to all trustees to be vigilant in the management of trust assets, and competitive in the fees charged to them. It will also encourage trustees to address the complaints of properly interested persons effectively, such that matters which can at present only be addressed by litigation can be solved by negotiations instead.

The Bill also provides that an application to appoint new trustees, or a petition for any order concerning a charitable trust, may be made by any of several classes of persons, who under this Bill will have a recognised legitimate interest in the affairs of the trust. Another important aim of the Bill in respect of charitable trusts is to give standing to those persons who have some proper and genuine connection with the charitable purposes to be advanced, such that they ought to be heard by the Court as to the administration of the trust.

These include persons named in the trust deed as persons who may receive distributions of money or property for the purposes of the trust. For example, if trust money is required to be paid to a particular charitable institution, to be applied for charitable purposes, then that person or body would have standing to apply to the Court. They also include persons named in the trust deed as persons appropriate to be consulted by the trustees as to the distribution of the monies. For example, a trust deed may provide that the trustee should disburse trust funds in accordance with the advice of a particular person or body, and in that case that person or body would have standing. They also include any person who has in the past received a distribution from the fund. Clearly, such a person has a sufficient connection with the charitable purpose as to be an appropriate applicant to the Court. They further include any other person who satisfies the Court that he or she has a proper interest in the matter.

It is possible that some of these persons may have standing under the existing provisions of the Act, but this amendment puts this beyond doubt. It is not desirable that charitable bodies, or the objects of charity themselves, should have to engage in expensive litigation merely to discover whether they have standing to make an application to the Court.

As an ancillary to these provisions, the Bill also seeks to amend the Trustee Companies Act to make clear that such persons are also properly interested persons for the purposes of requiring copies of trust accounts, auditor's reports and like documents. This will increase transparency and accountability, and provide a basis for any disputes to be resolved by negotiation, rather than litigation.

Particular provision is made in respect of the investment of trust funds in common funds. The purpose of common funds, generally speaking, is to aggregate the funds of small investors, which individually would not earn high rates of return, so that collectively, a better rate can be achieved. However, where the individual trust fund is already very substantial, there may be no real benefit in investing it in a common fund except, perhaps, for the purpose of spreading risk. If it causes the fund to earn a lesser rate than would have been otherwise available, it may be detrimental.

Accordingly, the Bill requires that a trustee company must limit its investment of the whole or part of an estate in its own common fund to an amount that a prudent trustee of the estate would invest in the fund. The aim of the Bill in this regard is that the trustee should in each case compare common fund investment and spread of risk with other investment strategies so as to determine whether, in the circumstances of each case the investment decided upon would pass the prudent investor test.

In the case where the trustee company has chosen to invest the trust funds in a common fund, a properly interested person can also require an explanation from the company as to its reasoning and also other information relating to the investment. This will permit the properly interested person to evaluate and, perhaps, seek independent advice on, the trustee's financial management strategy. This could form the basis for an application to the Court, or alternatively may satisfy the inquirer as to the effective management of the trust. However, so that such requests shall not be a burden on trustee companies, the same person may only make a request in respect of a particular investment once a year.

The Bill also closes a loophole in the present Trustee Companies Act, in respect of the fees which may be charged by a trustee company. At present, the company may charge both an administration fee under section 10 and, where the fund or a portion of it is invested in a common fund, a management fee under section 15(11). However, in the case of charitable trusts in perpetuity, it is not uncommon that the whole, or some portion, of the fund is simply invested in the trustee company's common fund. In that case, no additional work is entailed in administering it, additional to what is involved in managing it. However, at present, each fee may nevertheless lawfully be charged. The effect of this Bill is to preclude (except in limited circumstances) the charging of an administration fee in addition to the management fee, in respect of that portion of the fund which is simply placed in the common fund. The company must elect. If it charges a section 15 fee, then it is not entitled to charge a section 10 fee in respect of the same monies, unless the work undertaken by the company in administering the trust is not related to the investment or management of the trust in the common fund. In addition the Trustee must be able to demonstrate that the administrative work was reasonably required.

A further feature of this Bill is that it will permit a trustee company to vary the classes of investment of a common fund. At

present, while the Public Trustee is permitted by the Public Trustee Act to vary the classes of investment of its common funds from time to time, trustee companies are precluded from doing so by section 15(2) of the Trustee Companies Act. This section currently provides that the company must determine in advance in what classes of investment the fund will be invested. It is proposed that private trustee companies should be placed in the same position as the Public Trustee in this respect.

However, it is important not to disadvantage any investor who may have invested in a common fund in reliance on representations as to the classes of investment open to the fund. For this reason, the Bill provides that while a company may in future vary the classes of investment, before commencing to do so, it must notify existing investors in the fund and they must have the opportunity to withdraw from the fund without penalty. This does not apply, of course, in the case of every variation, but only at the time the fund converts from one, the classes of investment of which are fixed in advance, to one in which the classes may vary from time to time.

In keeping with Government policy in relation to penalties, also, the Bill converts the present divisional penalties to monetary amounts. There is no change in the severity of penalties.

In summary, the Bill does not detract from either the general fiduciary duty of trustees, or the broad inherent jurisdiction of the Supreme Court to supervise trusts, nor does it reduce the role of the Attorney-General as parens patriae in respect of charitable trusts. Rather, it increases the accountability of trustees in respect of the beneficiaries, or benevolent purposes, for which the trust was established. It gives standing, in the case of charitable trusts, to several classes of properly interested persons. It requires the provision of relevant information about charitable trusts, on request, to such persons. This increases the likelihood that matters of concern will be resolved directly with the trustee, or if not, will be brought before the Court, rather than ignored.

In particular, the Bill seeks to encourage the trustees of charitable trusts to have regard to the views and concerns of relevant charitable bodies which may have proper interests in the management of the trust concerned, and to provide properly interested inquirers with information. It encourages diligent attention to the advancement of the charitable purpose, as originally intended by the creator of the trust.

And in respect of all trusts, it makes clear that the Court has a very broad power to make orders appointing, removing and replacing trustees as the interests of the beneficiaries, or the advancement of the trust purposes, may require.

Whether any and what order is made in a given case will remain a matter for the Court to consider, having regard to the interests of the beneficiaries, or to the advancement of the charitable purposes, in every individual case. Needless to say, the Court will still need to be satisfied by the evidence before making any order. It is not to be thought that the Court will remove trustees capriciously or to no purpose. Nor is it likely, given the cost risks of litigation that parties will make such applications lightly or unadvisedly. However, the Bill provides a mechanism whereby beneficiaries, and in the case of charitable trusts, properly interested persons, may bring matters to the Court's attention. The Court's discretion is not cut down, but the scope of its scrutiny is potentially increased.

I commend this Bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

Clause 3: Interpretation

These clauses are formal.

PART 2

AMENDMENT OF TRUSTEE ACT 1936

Clause 4: Amendment of s. 4—Interpretation

Clause 4 inserts new subsection (3) in section 4 of the principal Act. Subsection (3) provides that where an unincorporated body is named in a trust instrument, the persons for the time being comprising the body will be taken to have been individually named in the instrument. This provision gives definition to an unincorporated body named in a trust instrument, in the context of sections 9A, 36 and 60 as inserted or amended by this Bill.

Clause 5: Insertion of s. 9A

Clause 5 inserts new section 9A in the principal Act. Subsection (1) of section 9A requires the trustee of a charitable trust, in the administration of the trust estate, to take into account written information, representations or advice relevant to the administration of the estate and furnished to the trustees by persons listed in subsection (2). The persons listed in subsection (2) are:

(a) a person who is named in the instrument establishing the trust as a person who is entitled to, or may, receive money or other property for the purposes of the trust; or

(b) a person who is named in the instrument establishing the trust as a person who must, or may, be consulted by the trustees before distributing or applying money or other property for the purposes of the trust; or

(c) a person who in the past has received money or other property from the trustees for the purposes of the trust; or

(d) a person of a class that the trust is intended to benefit.

The new section has the effect of giving charitable bodies and persons with an interest in a particular charitable trust a say in how the trust estate is administered.

Clause 6: Amendment of s. 36—Power of the Court to appoint new trustee

Clause 6 amends section 36 of the principal Act by substituting the current subsection (1) with subsections (1), (1a), (1b) and (1c). The new subsections provide that the Supreme Court may, on application of persons who have standing (that is, persons referred to in subsection (1c)), make orders for the removal, replacement or appointment of trustees or any other order that is, in the opinion of the Court, necessary or desirable, if it is in the interests of the trust. Subsection (1b) provides that there is no need for the Court to find any fault or inadequacy on the part of the existing trustees before it makes such an order. Subsection (1c) provides that the categories of persons who may apply for an order under section 36 are:

(a) the Attorney-General; or

(b) a trustee of the trust; or

(c) a beneficiary of the trust; or

(d) in the case of a trust established wholly or partly for charitable purposes—

(i) a person who is named in the instrument establishing the trust as a person who is entitled to, or may, receive money or other property for the purposes of the trust; or

(ii) a person who is named in the instrument establishing the trust as a person who must, or may, be consulted by the trustees before distributing or applying money or other property for the purposes of the trust; or

(iii) a person who in the past has received money or other property from the trustees for the purposes of the trust; or

(iv) a person of a class that the trust is intended to benefit; or

(v) any other person who satisfies the Court that he or she has a proper interest in the trust.

The amendment effectively clarifies, and in the case of charitable trusts, broadens, the categories of persons who have standing to seek an order under section 36.

Clause 7: Amendment of s. 60—Petitions to the Supreme Court

Clause 7 amends section 60 of the principal Act by extending the list of persons who may seek a remedial order or direction from the Supreme Court in cases of actual or suspected breach of trust, or actual or suspected deficiency in the management of the trust. The section deals only with charitable trusts. The amended section provides that those persons are:

(a) the Attorney-General; or

(b) a trustee of the trust; or

(c) a person who is named in the instrument establishing the trust as a person who is entitled to, or may, receive money or other property for the purposes of the trust; or

(d) a person who is named in the instrument establishing the trust as a person who must, or may, be consulted by the trustees before distributing or applying money or other property for the purposes of the trust; or

(e) a person who has in the past received money or other property from the trustees for the purposes of the trust; or

(f) a person of a class that the trust is intended to benefit; or

(g) any other person who satisfies the Court that he or she has a proper interest in the trust.

The amended section has the effect of affording a degree of control over the running of a charitable trust to a broader category of people than is currently the case.

PART 3

AMENDMENT OF TRUSTEE COMPANIES ACT 1988

Clause 8: Amendment of s. 3—Interpretation

Clause 8 adds two new subsections to section 3 and adds the definition of 'person who has a proper interest' or 'person with a

proper interest' to newly formed subsection (1) (which also contains the current definitions). Under the proposed definition, persons that have a proper interest in relation to charitable trusts are:

(a) the Attorney-General;

(b) a person who is named in the instrument establishing the trust as a person who is entitled to, or may, receive money or other property for the purposes of the trust;

(c) a person who is named in the instrument establishing the trust as a person who must, or may, be consulted by the trustees before distributing or applying money or other property for the purposes of the trust;

(d) a person who in the past has received money or other property from the trustees for the purposes of the trust;

(e) a person of a class that the trust is intended to benefit.

The effect of this amendment is that trustee companies managing charitable trusts will be open to a greater degree of scrutiny than before in that a larger pool of persons will have rights of access to information relating to the management of the trust.

New subsection (2) further defines a 'person who has a proper interest' or a 'person with a proper interest' where the person is an unincorporated body named in the trust instrument. New subsection (2) provides that, where an unincorporated body is named in the trust instrument, the persons for the time being comprising the body will be taken to have been individually named in the instrument. The effect of this subsection is that where an unincorporated body is the 'person named in the instrument establishing the trust' (under proposed section 3(1)(c) or (d)) it will be the individual persons making up the unincorporated body who will have a proper interest in relation to a charitable trust.

Clause 9: Amendment of s. 10—Fee for administering perpetual trust

Clause 9 amends section 10 of the principal Act by replacing subsection (2)*(b)* with a new paragraph containing two limbs, with the effect that the administration fee may be charged only against income received by the company on account of the trust, and/or (unless otherwise specified in the trust instrument) the component of capital assets of the trust representing the capital growth of those assets during the period in respect of which the administration fee is charged. Clause 9 also inserts new subsection (2a) which allows for accountability of a company's decision to take the administration fee out of both income and capital growth under subsection (2)*(b)*.

Clause 9 further inserts new subsections (4), (5) and (6). The effect of these new subsections will be to prevent a company from charging both an administration fee under section 10 and, where that fund or a portion of it is invested in a common fund, a management fee under section 15(11) except in certain circumstances. Under subsection (5), the fee may be charged under section 10 as well as under section 15(11) where the company undertakes administrative action over and above that required for the investment and management of the trust in the common fund. The effect of subsection (6) will be to allow for accountability of a company's decision to charge fees under both sections 10 and 15(1).

Clause 10: Amendment of s. 15—Common funds

Clause 10 substitutes subsection (2) of section 15 of the principal Act with a subsection that provides that trustees may vary the classes of investment of a common fund from time to time.

Clause 10 further inserts new subsection (3a) in section 15 of the principal Act, with the effect of requiring trustee companies who intend investing trust funds in a common fund established or managed by it to consider whether that amount would be so invested by a prudent trustee of that estate. The amendment will require trustee companies to pay close regard to the optimum manner of investing trust funds.

Clause 11: Insertion of ss. 15A and 15B

Clause 11 inserts new sections 15A and 15B in the principal Act. These new sections relate, respectively, to proposed subsections 15(2) and (3a) (discussed above).

New section 15A, headed '*Notice to be given on initial change in investment of common fund*', requires a trustee company, before varying a class of investments of a common fund for the first time, to notify all persons who have invested money in that fund of the company's intention to vary the class and of the investor's right to withdraw without penalty, the money invested within 6 months. Subsection (5) of the new section provides that the method of service of the notice may be personally or by post addressed to the investor at his or her last address known to the trustee company.

New section 15B, headed '*Provision of reasons for certain investments*', requires the trustee company which holds money in trust and invests the money in a common fund, to furnish the company's reasons for so investing the money and such other information relating to the investment as is required by regulation if a request for reasons is made in writing by a person with a proper interest in the matter. Subsection (2) requires the reasons to be furnished in writing, as soon as practicable and without charge. Subsection (3) provides that the company need not provide reasons in respect of the same investment more often than once per year. The effect of this new section is to make accountable certain investment-related decisions made by the trustee company.

Clause 12: Amendment of s. 19—Accounts, audits and information for investor etc. in common funds

Clause 12 inserts new subsection (2a) in section 19 of the principal Act. Subsection (2a) sets out the types of documents and information that a person with a proper interest may seek from a trustee company. This provision will allow a measure of accountability for persons with a proper interest in an estate that is invested in a company's own common funds.

Clause 12A: Amendment of Schedule 1—Trustee Companies

Clause 12A makes minor amendments to Schedule 1 of the principal Act, reflecting the name change of the trustee company 'Austrust Ltd', to 'Tower Trust Ltd'.

Clause 13: Further amendments of principal Act

Clause 13 up-dates the penalty provisions in the principal Act.

Mr ATKINSON secured the adjournment of the debate.

FEDERAL COURTS (STATE JURISDICTION) BILL

Received from the Legislative Council and read a first time.

The Hon. I.F. EVANS (Minister for Industry and Trade): 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 is introduced in response to the recent decision of the High Court in relation to cross vesting. The Bill provides that certain decisions of the Federal Court of Australia and the Family Court of Australia have effect as decisions of the Supreme Court of South Australia. It also provides for the transfer of current proceedings in the Federal Court in relation to State matters to the Supreme Court and it enables State courts to deal with matters that arise under applied law schemes that would otherwise be dealt with by a federal court.

On 17 June 1999, the High Court handed down its decision in the cases of *Ex parte Amman & Gould, Ex parte Mc Nally, Ex parte Darvall*, and *Spinks v Prentice.* These cases considered the validity of the cross vesting provisions of the Corporations Law and the general cross vesting legislation. The majority of the High Court held that the States are not able to confer State jurisdiction on federal courts and that the Commonwealth is not able to confer or consent to the conferral of State jurisdiction on federal courts. This decision is consistent with the majority's view that the conferral of such jurisdiction is not permitted by Chapter III of the Commonwealth *Constitution*.

The cross vesting scheme was enacted in 1987. The *Jurisdiction of Courts (Cross vesting) Act 1987* established a system of cross vesting of jurisdiction between federal, State and Territory Courts. The essence of the scheme was that State and Territory Supreme Courts were vested with civil jurisdiction of the federal courts and that federal courts were vested with the full jurisdiction of the State and Territory Supreme Courts.

The reasons for the scheme were that litigants were being put to expense as a result of uncertainties as to the jurisdiction limits of federal, State and Territory courts and because of the lack of power in the courts to ensure that proceedings, that were instituted in different courts but which ought to have been tried together, were being tried in one court.

In addition to the general cross vesting legislation, a number of national schemes have been developed where a State Act purports to confer jurisdiction on a federal court. The jurisdiction of the Federal Court under the Corporations Law is reliant on cross vesting arrangements. Some other Commonwealth-State cooperative schemes apply certain federal laws as State law and also confer jurisdiction on the Federal Court. These schemes include the

agriculture and veterinary scheme, the competition policy scheme, the gas pipeline scheme and the National Crime Authority scheme.

The High Court decision has significant implications for the cross vesting schemes and for the applied law schemes. The effect of the decision is to invalidate decisions previously made by the Federal Court and the Family Court relying on the cross vesting arrangements and to prevent the further exercise of such jurisdiction by those courts. The decision will not affect judgments made by State and Territory Supreme Courts exercising jurisdiction conferred by Commonwealth laws or the laws of other States and Territories.

This Bill has been developed to protect the decisions made by the Federal Court under those schemes and to deal with cases currently before the Courts. The Bill has been prepared through the Standing Committee of Attorneys General, in conjunction with the Special Committee of Solicitors-General and the Parliamentary Counsel's Committee, as a model which all States will follow. The Bill will validate ineffective decisions, allow for matters which involve State law to be transferred from the Federal Court and the Family Court to the State's Supreme Court and ensure the State Courts can deal with certain matters previously dealt with by the Federal Court.

Clause 6 of the Bill declares that the rights and liabilities of persons under an ineffective judgment of the Federal Court or Family Court are the same as if the judgment had been a valid judgment given by the Supreme Court. Clause 4 defines an ineffective judgement to be a judgment of a federal court in a State matter already given or recorded in the purported exercise of jurisdiction conferred by a State act. The definition applies to judgments of a federal court affirmed, reversed or varied following an appeal in the federal court concerned.

Clause 7 of the Bill specifically provides that rights and liabilities conferred, imposed or affected by Clause 6 are exercisable and enforceable as if they were rights and liabilities under a judgment of the Supreme Court. Similarly, Clause 8 provides that any acts or omission in relation to such rights and liabilities are taken to have the same effect and consequence as if occurring under a judgement of the Supreme Court. By virtue of Clause 10, the Supreme Court is also given power to vary or otherwise deal with any such rights and liabilities.

Clause 11 provides a mechanism for the transfer to the Supreme Court of current proceedings in Federal Courts relating to State matters where a federal court determines that it has no jurisdiction to hear the State matters. A person who is a party to such a matter may apply to the Supreme Court for an order that the proceeding be treated a proceeding in the Supreme Court and the Supreme Court can make such an order. If such an order is made, the proceeding becomes a proceeding in the Supreme Court.

In addition, the Schedule to the Bill amends the *Competition Policy Reform (South Australia) Act 1996* by removing section 22. Section 22 provides that State Courts do not have jurisdiction in relation to matters under the Competition Code. The removal of this restriction will allow for State courts to deal with matters that arise under the code that would otherwise have to be dealt with by the Federal Court.

The High Court's decision could have significant consequences for State courts in terms of costs and resources. There will be a redirection of work to State courts as State Courts will have to deal with cases that previously could have been heard in the Federal or Family Courts under the cross vesting schemes. For example, matters under the Corporations Law will need to be commenced in, or transferred to the Supreme Court.

In addition to the development of this model legislation, the Standing Committee of Attorneys-General is also considering the implications of the High Court's decision with a view to finding a long term alternative to the arrangements affected by the decision.

I commend this Bill to honourable members.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This clause defines certain words and expressions used in the measure.

Clause 4: Meaning of ineffective judgment

In short, the expression 'ineffective judgment' is defined as a judgment of a federal court in a State matter already given in the purported exercise of jurisdiction conferred by a State Act. The definition will apply to judgments of a federal court as affirmed, reversed or varied following an appeal in the federal court concerned. The definition will extend to judgments substituted by the High Court on appeal, as these judgments are made in lieu of judgments of the federal court concerned.

Clause 5: Act to bind Crown

This clause provides that the measure binds the Crown in all its capacities.

PART 2

RIGHTS AND LIABILITIES

Clause 6: Rights and liabilities declared in certain cases

This clause declares that all rights and liabilities are to be the same as if each ineffective judgment had been given by the Supreme Court, either as constituted by a single Judge or as the Full Court, as appropriate.

Clause 7: Effect of declared rights and liabilities

This clause specifically provides that such rights and liabilities are exercisable and enforceable as if they were rights and liabilities under judgments of the Supreme Court.

Clause 8: Effect of things done or omitted to be done under or in relation to rights and liabilities

This clause specifically provides that any act or omission done under or in relation to such rights and liabilities have the same effect and consequences as if they were done under or in relation to rights and liabilities under judgments of the Supreme Court.

Clause 9: Section 6 regarded as having ceased to have effect in certain cases

This clause provides that clause 6 does not apply to a judgment that was replaced by a later judgment of a federal court.

Clause 10: Powers of Supreme Court in relation to declared rights and liabilities

This clause specifically empowers the Supreme Court to vary or otherwise deal with any such rights and liabilities.

Clause 11: Certain proceedings may be treated as proceedings in Supreme Court

This clause provides a mechanism for current proceedings before a federal court in relation to State matters to be transferred to the Supreme Court.

Clause 12: Proceedings for contempt

This clause specifically provides that interference with any such rights and liabilities can be dealt with as contempt of an order of the Supreme Court.

Clause 13: Evidentiary

This clause enables federal court records to be produced to show the existence, nature and extent of any such rights and liabilities.

Clause 14: Act not to apply to certain judgments

This clause provides that the measure does not apply to judgments already declared invalid. quashed or overruled by a federal court, otherwise than on the ground that the court had no jurisdiction.

PART 3

GENERAL

Clause 15: Regulations

This clause provides a general regulation making power.

SCHEDULE

Consequential Amendment

The Schedule repeals section 22 of the *Competition Policy Reform (South Australia) Act 1996*. That section provides that State courts do not have jurisdiction with respect to matters arising under the Competition Code. That section is repealed because it is intended that the State courts will be able to exercise that jurisdiction in the future, following the High Court's decision that State jurisdiction cannot be conferred on federal courts.

Mr ATKINSON secured the adjournment of the debate.

AUSTRALASIA RAILWAY (THIRD PARTY ACCESS) BILL

Adjourned debate on second reading.

(Continued from 7 July. Page 1782.)

Mr ATKINSON (Spence): The parliamentary Labor Party is very keen on the Alice Springs to Darwin railway being built so we will have an Adelaide to Darwin railway. We do not agree with the gainsayers, like former economics journalist Max Walsh, who used to claim that the only cargo carried north from Alice Springs to Darwin would be empty

beer bottles. We therefore greet with some enthusiasm this Bill to regulate the completed railway between Tarcoola and Darwin.

The point of this Bill is to ensure that, if the operators of the railway cannot agree with third parties on third party access to the infrastructure, there will be a mechanism to obtain access on certain terms. It is important with Australia's national competition policy that owners of major infrastructure now make it available to third parties in order to prevent monopolistic practices. Mind you, with the Alice Springs to Darwin railway being no certainty so far as profit making is concerned, there have to be special arrangements for those consortia which will have the concession to try to make sure that they get some kind of a return.

The third party access code, as it is called, forms a schedule to the South Australian Bill and the mirror Northern Territory Bill. The Government found that the South Australian Railways (Operation and Access) Act 1997 was not suitable for the purpose of regulating third party access to the Tarcoola to Darwin railway line. The pricing policy will be based on a system known as the competitive imputation pricing rule, which is designed for assuring some return to investors in greenfield projects, such as the Alice Springs to Darwin line.

The competition preventing the costs on the Tarcoola to Darwin line becoming too large is of course road transport up the Stuart Highway, and they will be the two competing corridors which I suppose the Government hopes will keep one another honest. With those remarks, the Opposition supports the Bill.

Mr LEWIS (Hammond): This is an important piece of legislation because it attempts to embody in law the means by which prices will be fixed for access to an asset created under law by one party and made available to other parties. In so doing, it attempts to outline the mechanism that will be used, as the member for Spence and the Minister in the second reading explanation have suggested, in determining disputes and deciding how to ensure that third parties can get access at reasonable prices without denying the owner a recovery of costs and profit on the capital that has been invested in the process of doing so. I do not have any problem with that.

I am unable to satisfy myself in the time that I have taken to try to understand it that this will work. It looks as though it will. I have not been able to determine from any information or literature that is available to me whether or not the assumptions are valid. I accept in good faith that they are.

The important point I wanted to make, however, was that once this railway comes into existence it will function like other railways in Australia, and at present they pay a tax—indeed, several taxes—on the fuel they use. The fact is that the excise presently paid on diesel will be rearranged when the GST is introduced, but the Commonwealth Government has not given the operators of the various freight services that will function on that line or any line a clean shot at it, because they will still end up paying this stupid bloody tax on fuel on which the Democrats have insisted, even though the costs of maintaining the line will not be met from that tax.

The original purpose of that tax that has now been substituted by the GST and the other bits that hang in there, when it was first introduced, was to provide funds for the construction and maintenance of the roads of this nation—whether bitumen or rail roads, it did not say. Everyone at the time intended that it would be just those roads used by motor vehicles on rubber tyres, I guess.

In any event, it is hardly fair to the operators of the rail freight service when they are competing with the operators of sea freight services to get a composite quote on freight from source of production and dispatch to the market to have to pay a tax which the sea freight, the shippers, do not have to pay on their bunkering fuel, yet the contribution to greenhouse gases is no different. If the Democrats were fair dinkum, they would have addressed that. What they have done is hobble the railways of this country in future by loading them up with a tax that does not really belong to them. I make this point particularly because, across the desert in the main between Port Augusta and Katherine, there is absolutely no evidence that there will be a greater incidence of cancer to human beings in consequence of burning the diesel fuel in hauling the load behind the trains that go that way.

Yet the tax is going to be applied to the fuel they use. Is that not stupid? I believe it is, because it means that, on the one hand, we encourage private investors and then subsidise those private investors to come in and build a railway across the continent to enable us to get rapid and inexpensive access to East Asian markets by that means for perishable and semi-perishable goods. This would not be possible without using surface freight. But, on the other hand, we say, 'No, we are going to hobble you now and collect revenue from the use of fuel.' In my judgment there is not any justification anywhere for that oversight. I am participating in this debate to draw attention to the idiocy of the underlying argument.

We ought not be taxing the railways of this country where there is long haul freight with those same penalty rates that the Democrats and the Government in Canberra have agreed to because the emissions that occur out there will certainly not contribute, even though they do in the urban areas, to any increase in the cancer rate of Australian citizens. Clearly, the overall benefit that will be derived if we can keep those freight costs down will be an expansion of the production of export goods that we can get into the East Asian markets and, because we can expand the production by virtue of the fact that we will be able to compete at lower prices, we will get greater numbers of people employed. In doing so, we will reduce the number of suicides that will otherwise occur if people cannot have those jobs.

What is the point? Where is the morality of the argument? My quarrel is not with the Opposition; my quarrel is not with anyone in this House; my quarrel is with the Federal Government in the crook arrangements, an oversight, probably, that it has made with the Democrats to get the GST in place. I thank members for their attention to my concerns about the matter. I trust that what I have got to say does not fall on deaf ears and that, before the railway begins to operate, we will wake up and rearrange the tax that locos have to pay on the fuel that they use.

Mr VENNING (Schubert): Certainly, no railway Bill comes into the House without my trying to have some input.

Mr Atkinson interjecting:

Mr VENNING: Several. I want to support what the member for Hammond just said. It has struck me for years that Governments right back to the old SAR days have put impediments in the way of our rail authorities, but at last we are turning the corner and our rail industry is getting a chance to compete on an even footing, particularly now that we are seeing privatised rail services. Also, I welcome the intention

of relieving fuel excises from diesel used by locomotives. True, we have a way to go. Members might think that this change will be a big advantage for the rail industry with the excise going off but I believe it advantages the truck industry even more than the rail industry because trucks use more diesel in relation to their payloads than do trains. Certainly, this change helps trains but it probably helps the trucking industry even more. As the member for Hammond just said, we are all striving very keenly to try wherever possible to create a level playing field. Certainly, this Bill does just that by allowing other parties access to operate on the rail network, particularly in this instance, on the Tarcoola to Darwin rail line. This is quite justifiable in light of the competition principles agreement. I have always said that competition in general is healthy, particularly when it comes to industry, with the economic benefits to the State and the country.

This legislation obviously revolves around the Adelaide to Darwin railway line and I understand that negotiations between the Government and the proponents are moving forward at an encouraging pace. Hopefully, by the time the Parliament comes back after the recess we will be well along the track (pardon the pun). I have spoken to leaders in the rail industry on this and other matters and they strongly believe that, to add to the overall viability of the Adelaide to Darwin project, we must—and I emphasise this—have the interstate links working efficiently and effectively. Over the past decade consecutive Federal and State Governments provided minimal funding for the upgrading of rail infrastructure which has obviously suffered. Notwithstanding that point, it is encouraging to note that the Federal Government has allocated $250 million for these upgrades over the next four years.

This includes the Adelaide to Melbourne line. The upgrading work includes the installation of 70 000 concrete sleepers; the rerailing of track and crossing loop extensions; and a further three loops will be extended between Adelaide and the Victorian border, with the construction of a new loop planned at Mount Barker. Further to this there will be projects that involve rail straightening, removing dips and peaks created by bad welds, tramping and rail grinding. This rail grinding process will be the most visible with the giant LORAM RG7 rail grinder which will be roaming the State over the next few years. This LORAM RG7 is an awesome machine. I have seen it working and to see the sparks showering off the rails is spectacular: it is a continual fireworks display.

This process obviously restores a much smoother rail surface which, when combined with well profiled wheels, will allow rail operators to benefit from less wear and tear on their rolling stock, thereby providing reduced maintenance costs and greater fuel efficiencies. You can feel and hear the difference when you travel on the train because it is smoother and quieter with no squealing around the corners, etc. when the rails have been ground.

In other developments, train operators will be provided with an incentive to operate more trains over the Broken Hill to Crystal Brook section of the national rail network which is under utilised at the moment. To encourage additional business onto rail the ARTC is offering concessions to train operators to attract more use onto that line. In addition, there is also considerable work being done on the Kalgoorlie to Adelaide line, with up to 21 crossing loops extended, self-restoring switches upgraded and turnouts replaced at a number of locations. Most crossing loops will be extended to 1 850 metres and rail operators will be capable of running trains of up to 1.8 kilometres in length with fewer restrictions.

From our farm I see these trains go past. It would warm the blood of any person to see these huge trains come past. To see a train from one end to the other with the double-stacked low flat bed bogies is a magnificent sight. I do not know how many thousand tonnes is on these trains but, as they come up the hill with a big power on the front, it is an awesome sight and, in terms of efficiency, this is the only way to move heavy freight. As a Government, we should be doing all we can to encourage freight to be carried on rail and keep it off our roads where possible, particularly on long hauls.

So, these new container flats that are now lower, allowing them to stack double—one on top of the other—are a fantastic and huge improvement. The only problem we have and will always have is that these double stackers will not be able to go to Melbourne because of problems associated with tunnels in the Adelaide Hills and the Footscray Bridge in Melbourne. However, there are two sides to that problem: either we keep employing the people in Adelaide who re-stack these trains or otherwise it makes for an inefficient link in the chain where we have to stop the trains, stack them up and so on. But it is employment for people in Adelaide, so there are two ways of looking at it.

Mr Speaker, you may not be aware that one of the ERD Committee's current references relates to the rail programs, particularly the infrastructure between Adelaide and Melbourne. The evidence the committee has heard is very interesting indeed, and I am sure that it will be valuable reading for members. In the next couple of weeks I look forward to working on those recommendations and informing the House about what is happening in the rail industry. As Presiding Member, I have been very encouraged by and thankful to those who have come forward to give evidence to the committee, because they have represented a very good cross-section of the rail industry.

However, there are some concerns, one of which I shall mention. Whereas some of our rail operators are very short of rolling stock, others have a stockpile; in fact, a lot of the stock ends up at Browns in the melting pot. I am concerned about that, because we must encourage as much traffic as possible. I believe that if people are not using rolling stock they should be able to put it on to the spare rail and others should be able to hire or rent it from the owner. But I do not believe that taking it out of the system so that their opposition cannot use it does our rail infrastructure any good at all.

The Minister for Local Government asked me whether I have bought any flat tops yet. No, I have not, but I know of plenty of farmers who have—because they make excellent bridges. I was considering making a telephone call in this respect, because they have ended up as scrap when they could be glorious bridges across streams. Mr Deputy Speaker, as you know, the Rocky River traverses our property, and I did consider buying a flat top, but in line with this legislation and on principle I do not think I ought to.

This all points to the need for these interstate links to be running strongly to feed more traffic into the Adelaide-Darwin corridor. I note that the industry wants to extend the line at Port Adelaide to assist with freight into the port and also looks forward to construction of the proposed bridge. Certainly, a new bridge necessarily involves a rail component, and it will alleviate this bottleneck frequently occurring at the port, which is a very restricted and congested area. That bridge now is a very high priority, and rail has to be con-

sidered. I have always pushed for a loop line down there so that trains could go in, turn around and come out without having to back out, particularly with the inner harbor and the grain silos.

We are now building rapid loading wagons of six or seven trains at a time that can be rapidly unloaded; but turning the train around has been the problem. This has been going on for years—not just for the last couple. If we are unable to get a loop line, I would welcome the extension of that line so that there is flexibility to move a train when it is being unloaded. This problem has been there for a long time. As I said, the best solution was a loop line—and I still hope for that—but if it does not happen this would be the second best option. I hope to inspect that site very shortly. If any other member wishes to come and also have a look, I am sure that they would be welcome and that they would have permission to be there. I understand that the site is in the electorate of the member for Hart, who I hope will join us on that day, and I will report our findings to the House. I also look forward to the ERD Committee's final recommendation. I support the Bill.

The Hon. DEAN BROWN (Minister for Human Services): I thank members for their contribution to this debate. Clearly, all members of the House support the legislation, and I urge them therefore to support the legislation through the remaining stages.

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

MOTOR VEHICLES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 July. Page 1835.)

Mr ATKINSON (Spence): There are a few changes in this Bill worthy of comment. Uniformity will help reduce compliance costs, especially for those who operate heavy vehicles or interstate fleets. The Government calculates this on an annual basis as being $14 million. The Registrar will now have his or her decisions subject to internal review before dissatisfied customers take their grievances to the District Court. The longstanding concept of 'registered owner of a vehicle' is now supplemented by that of 'registered operator', to whom many of the same obligations will apply. Also, a distinction will be made between major and minor vehicle defect notices, depending on the risk.

Another change about which we might be optimistic is trying to minimise frauds by multiple licence holders and change of identity of stolen vehicles by requiring more information from those registering motor vehicles or applying for a driver's licence. I do not drive a motor vehicle and never have, so the House will not be surprised that I regard registration and a licence as a privilege rather than a right. The States are justified in making applications for those things a little tougher than they are; indeed, the public interest in minimising fraud requires this.

The Bill moves the list of offences that attract demerit points from the Act to the regulations. The Registrar must now notify interstate registrars of demerit points that interstate drivers have scored in South Australia. Nearly all MPs have been approached by constituents whose number of demerit points have led to their licences being suspended. These drivers then appeal, with the MP's support, for the suspension to be lifted on the ground that it would fall oppressively or unduly harshly on them, usually owing to their employment or their dwelling requiring a car.

The Minister says that 6 000 appeals were heard, of which 87.6 per cent were upheld. This will now be replaced by what I would call a devil's bargain—the driver can either cop the suspension or keep driving on a 12 month good behaviour bond that would be breached by gaining more than one demerit point and lead to the suspension for twice the period they would have received if they had copped it sweet. South Australia and the Northern Territory stand alone in not imposing demerits for speeding detected by speed cameras or running red light cameras.

The Hon. M.K. Brindal interjecting:

Mr ATKINSON: Thank you very much, member for Unley. With my thanks to the member for Schubert, I conclude my remarks.

The Hon. DEAN BROWN (Minister for Human Services): I thank the honourable member for his very significant input to this debate. I appreciate his support.

Mr Atkinson: Unequivocally!

The Hon. DEAN BROWN: Yes, and he has had what you would call a broad ranging debate in this. It touched on the Bill for some of it, and it touched outside the Bill for the rest of it. I now urge all members of the House to support this Bill so that it can move quickly through all its stages.

Bill read a second time.

In Committee.

Clauses 1 to 91 passed.

Clause 92.

The Hon. DEAN BROWN: I move:

Page 44 —
Line 21—After '(whether registered or unregistered)' insert: or any specified vehicle part
Line 23—After '(whether registered or unregistered)' insert: or any specified vehicle part
Line 26—After'vehicles' insert: or specified vehicle parts

Amendments carried; clause as amended passed.

Remaining clauses (93 to 97) and title passed.

Bill read a third time and passed.

ADJOURNMENT DEBATE

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

That the House do now adjourn.

Ms BREUER (Giles): I was interested to hear comments about Partnerships 21 made yesterday by the Minister and earlier today by my colleague the member for Florey. Yesterday, the Minister said:

> Teachers and principals are now saddened and frustrated to see the teachers' own union's outrageous attempts to sabotage the thing they had built together.

He also talked about the union thriving not on the support of its members but on peddling half truths by spreading this information. I take a great exception to these comments about the AEU, because it is not a rat-bag union. I know many of the members of the AEU, having worked in the past and having been a member of the AEU myself. It is a responsible union which cares a lot about the future of our State schools and about the education of our young people. After all, that

is what their futures are about. If we get to a stage where our schools are not functioning properly, certainly no teachers will be working in those schools. To make such comments is wrong, because it is not what the AEU is about.

I want to talk about a meeting that was held in Port Lincoln quite recently. I was contacted by a number of people who attended that public meeting, which was, I believe, hijacked by the Education Department. The meeting was about Partnerships 21 and the local school management plan.

The Hon. M.K. Brindal: Are you the member for Port Lincoln?

Ms BREUER: No, I'm not, but it's right next door, and I have concerns about that area also. My push is for country schools for country South Australia. I do not know whether the school is in the north, south, east or west of the State: my concern is about country schools particularly.

The Hon. M.K. Brindal interjecting:

The DEPUTY SPEAKER: Order!

Ms BREUER: I believe that the meeting was attended by several departmental officers. That in itself is not a problem; I was pleased to see that those people were there. However, I am concerned that they attempted to hijack the agenda of that meeting. There is no problem with anyone attending what was a genuine public open meeting, but these officers denied members of the public the opportunity to hear the AEU's concerns about the Partnerships 21 plan.

The officers did all they could to confuse the situation, and people felt that they were prevented from hearing an alternative view on Partnerships 21. Members of the Education Department may have a message. They can hold their own meetings, but it is not fair to parents and school communities if they disrupt these meetings and deny people the chance to hear alternative views.

Many people who actually attended the meeting expressed severe disappointment at what happened and the officer's actions at those meetings, and included the Mayor, Peter Davis, who at the end of the meeting criticised the bureaucrats who attended the meeting. Many parents and school councillors approached the AEU afterwards for private briefings about Partnerships 21.

I believe that the Chair of the meeting, when he tried to conduct quiet discussions, was shouted over by a senior departmental officer. This is not the way in which the Education Department should be holding meetings. It indicates that the department has shown the depths to which it will descend to control the Partnerships 21 agenda. It does not want people to question it and it does not want any criticism, so it will do what it can to prevent this happening at public meetings. This is not good enough for people in Port Lincoln, and it is certainly not good enough for the rest the country areas of our State—and, indeed, the metropolitan areas should it happen there.

The AEU was disappointed with the department's meetings, but it will do all it can to address the concerns of parents and school communities. It will not allow its meetings to be intimidated by these people. The meeting also indicated to the people in Port Lincoln that people can talk at length for a long time about issues but not really say anything—and they felt frustrated at the end of their meeting.

One of the issues that came out at that meeting was in relation to page 26 of the Partnerships 21 take up document which states:

> That active participation, openness, honesty, trust, mutual respect, clear communication and agreed roles are characteristics of effective partnerships.

This public meeting did not indicate to the people of Port Lincoln that this was a possibility with Partnerships 21. The parents and teachers in Port Lincoln felt that they were not receiving information in a climate of openness and honesty. They also felt that alternative views to DETE's plan were not being distributed throughout schools. They had major concerns about senior bureaucrats flying into a community, disrupting a community meeting and clouding debate about the issue. They felt that, if highly paid senior public servants could actively stop those people with alternative views from having a say, then they have concerns about how any community debate can continue.

The DETE meetings, I believe, are for information only. In places such as Cowell and some of the small country areas, school communities have had to actually argue for AEU representatives to attend the meetings. A parent at Kirton Point Primary School is having problems getting views sent to parents. She was one of the organisers of the meeting in Port Lincoln, but she was unable to get a lot of information for that meeting.

The Hon. M.K. Brindal interjecting:

Ms BREUER: Why not? What is wrong with unions? It gives an alternative view.

The DEPUTY SPEAKER: Order!

Ms BREUER: We are supposed to be there to educate our young people to think. The problem that the AEU has with Partnerships 21 is not that it will rule it out completely: the problem is that it does not believe there has been time for adequate consultation. If this is what consultation means—a public meeting where people are not allowed to speak or are spoken over—then it is not adequate consultation. People are not able to make informed choices about Partnerships 21. It is not what is being said at these meetings: the problem is what is not being said at the meetings. The parents and the schools are having trouble getting adequate information. Major questions are being glossed over, and they believe that the answers and the information they are being given is shallow.

Another issue which is causing a problem is the fact that schools are being asked and being given freedom of choice to enter into the Partnerships 21 program. But, they are being given a 'Yes' or 'No' choice, not a 'May be'. They say, 'Yes, we will go further' or 'No' and that is it. When they say 'Yes', they can opt in. They are given training and development and then they have the chance of opting out—but, initially, they say either 'Yes' or 'No'. Of course, any school with inadequate information will say 'Yes' until they find out further information.

I have concerns that the Minister will come back to us very shortly and say, 'There has been a 95 per cent take up rate by schools. They all love Partnerships 21.' I do not believe that schools should be entering into that sort of agreement at this stage. They should be given a 'May be' option so they can find out more information. I think Partnerships 21 could probably be a good program, and I think there are many things within the program that are worthy of support. But I do object to schools not being given the opportunity to adequately research what is going on, what it is all about, and not being given the information they require. I also have an objection to senior public servants going into country towns and schools, talking over people and disrupting meetings. I hope that we can do something about this. I hope that Partnerships 21 works out for the betterment of all schools, but I have grave doubts at this stage until we can access that information.

Mr MEIER (Goyder): Members may have read in the *Advertiser* of 9 July that the marina at Port Vincent has received the 'go ahead' and I want to thank Cabinet and the Government for their support of this project. It is wonderful to see that this project now has provisional planning approval. It will be a huge boost for southern and, I would suggest, central Yorke Peninsula, and certainly it has been in the planning stages for a long time. Members may also recall that some months ago I expressed concern about what was happening in relation to some projects, including the Port Vincent marina. I believe that the Native Vegetation Authority when reviewing the EIS found three species of vegetation which were considered to be endangered species but which, apparently, had not existed five years earlier. I am pleased that that problem and some others have been overcome. I trust that it will be a big success.

Without doubt, it provides something which that part of Yorke Peninsula has never had—in fact, the whole of Yorke Peninsula has never had it. We will see facilities for yacht and boat moorings and for a passenger ferry terminal mooring—and let us hope that comes to fruition in due course. There are quite a few residential allotments. There is a separate commercial site, and I would hope that may provide the opportunity for a developer to build sufficient accommodation to house up to a bus load of people. I have mentioned in this House before that one of the big problems Yorke Peninsula has is that it does not have accommodation that can readily house a bus load of people and, therefore, Yorke Peninsula—very different from the Barossa Valley—has very few tourist buses operating on its roads. The only way we will change that is to get appropriate accommodation around various parts of the peninsula and Port Vincent is ideally situated in the southern part in this respect.

The breakwaters of the marina extend into the sea, both the north breakwater and the south breakwater, and the existing cliffs, by and large, are retained so that the residential allotments also will come out onto reclaimed land. It is an exciting project in every way and one that I—

The Hon. M.K. Brindal: You haven't mentioned your own involvement in it. You fought for it for years. You should—

Mr MEIER: I seek not to interfere when I do not have to, but I must admit I have had to—I do not want to use the word 'interfere'—do whatever I can—

The DEPUTY SPEAKER: Order! I wish the Minister would cease from interfering.

Mr MEIER: Thank you, Mr Deputy Speaker, I appreciate your protection. I am pleased that much of the pushing has come to fruition now, and I hope no more obstacles are put in its place. The Port Vincent marina is called the Vincent Landing Marina and I am sure it is a title we will hear more of in future months and years.

While I am talking about marinas, Copper Cove Marina at Wallaroo is also developing according to schedule and has made very good progress. In fact, the breakwaters extend out into the sea now. It has been cut off and, whilst Parliament has been sitting this week, I hope that the first of the excavation out of the actual breakwater area has occurred. I will be looking forward to seeing the extent to which that has progressed when I return to the electorate later tonight—not that I will be seeing it tonight; I will be seeing it in the morning, I hope. I wish the developers all the very best with that project as well.

Another development which is progressing in my electorate is the new Kadina College of TAFE situated at Kadina. It took a lot of pushing to get that to fruition. I have previously thanked several Ministers and it goes back to a former Minister, Hon. Bob Such, who started it. Subsequent Ministers and Premiers have also been very supportive and given full assistance to the project.

Not only is the project now taking shape but it is getting much closer to completion. One should not for a moment think that it is a Kadina-based TAFE: it is a TAFE centre that is to serve the whole of Yorke Peninsula, and the information technology that will be associated with it will be very exciting. In fact, students from southern Yorke and central Yorke will also be able to benefit in this respect, and I hope that there will be a hook-up with the Narungga College of TAFE at Point Pearce.

I mentioned the importance of information technology. Recently, a major Federal Government grant was given to Yorketown and it will be setting up an information technology centre that, again, will be a leader certainly in the regional areas and I hope from a State point of view also. It will certainly be a great asset to the people of southern Yorke Peninsula.

Another new development that is taking shape at a rather rapid rate is the new Harvest Christian School that is being established at Kadina. That school has been some years in the planning stages. It is very interesting to note that in my electorate now there will be some five Christian schools, or private schools. They are St Columbus School at Yorketown, which, if my memory serves me correctly, has some 77 students at present; Maitland Lutheran School, which has close to 100 students; and Kalori School at Wallaroo, which currently has 95 students enrolled. I have mentioned Harvest Christian School at Kadina, which will be operational by the beginning of the year 2000 (which is not far away) and which is taking enrolments now. There is also Horizon Christian School at Balaklava. I am not certain of the figures there, but to the best of my knowledge it is in the vicinity of 100 or more.

All those schools offer people in my electorate a choice as to where they would like to send their children for their primary education. This is a wonderful thing, and it has certainly helped all the Government schools at the same time. In fact, it is great to see the competition between schools and to see that parents have a choice as to where they want to send their children for their education. I would like to thank all those people who have been involved behind the scenes in supporting the schools concerned, whether they be private schools or Government schools. Parental help and support is very important and absolutely essential.

In relation to the agricultural area, I refer to another development that is occurring north of Paskeville, at the Golden Plains Fodder site. Golden Plains Fodder is a company that compresses hay and exports it to Japan, in particular. It also sends a lot of palletised hay to Darwin and

other cattle lots, and I believe that it also exports that hay elsewhere. It is building one of the biggest sheds that we will see in country areas. In fact, the shed will measure 104 metres by 65.5 metres and, when finished, it will house 15 500 big square bales of hay. To put that into some sort of perspective, the cladding (and that is still to go on) will be some 27.2 kilometres in length—that is 27.2 kilometres of corrugated iron—and there will be some 35 000 tech screws putting the shed together.

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

Motion carried.

At 5.5 p.m. the House adjourned until Tuesday 3 August at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 27 July 1999

QUESTIONS ON NOTICE

HINDMARSH ISLAND BRIDGE

125. **Mr KOUTSANTONIS:** When will construction on the Hindmarsh Island Bridge commence, when was it due to commence and when will it be completed?

The Hon. DEAN BROWN: The Minister for Transport and Urban Planning has been advised by the Attorney-General that construction on the Hindmarsh Island Bridge will commence once negotiations between the Government and other involved parties have been satisfactorily resolved. As with any negotiation it is not possible to estimate when this will be; however, all involved hope that it will be as soon as possible. As for when the construction of the bridge was due to commence, construction commenced in 1993. As for when the construction of the bridge will be completed, this is obviously unknown at this point in time and it would be unhelpful to speculate about this.

ASBESTOS

126. **Ms KEY:**

1. Is there a register of State Government owned or leased buildings that contain asbestos and, if so, is it complete and will the Minister provide a copy?

2. What are the asbestos removal estimates for 1999-2000 and 2000-01, and which buildings will be affected?

The Hon. M.H. ARMITAGE:

1. Under the Occupational Health Safety and Welfare Regulations 1995, 'a person must take reasonable steps to identify any asbestos that is installed in a building of which he or she is the owner, or contained in or located on, any plant in his or her possession'.

A person to whom this applies must maintain an asbestos register identifying the type, condition and location of the asbestos.

The Asbestos Management Unit of the Department for Administrative and Information Services (DAIS), on behalf of client agencies, has progressively surveyed agency buildings for asbestos materials and has developed asbestos registers for each individual asset in compliance with the regulations. These agencies hold copies of the registers for each of their assets.

The current regulations do not require the Government to maintain a whole of government register of state owned or leased buildings that contain asbestos.

The Asbestos Management Unit of DAIS also holds copies of some registers and maintains a database of client assets with information and program dates for the annual asbestos inspections.

Agencies not using the services of the Asbestos Management Unit of DAIS are nonetheless responsible to ensure they comply with the regulations.

2. The Occupational Health Safety and Welfare Regulations 1995 requires the owner of a building where asbestos has been installed, to have the asbestos regularly (at least annually) inspected by a competent person.

Where asbestos is assessed as being in an unstable condition or otherwise imposing a significant risk to health it must be removed as soon as it is reasonably practicable to do so.

It is the responsibility of each Government agency to budget for the annual inspection of installed asbestos materials and for any asbestos removal projects resulting from the inspection where the asbestos has been identified as a risk to health.

The Government, through an annual Treasury appropriation to DAIS, assists government agencies with funding for asbestos removals where it has been assessed as being a risk to health.

The appropriation for 1998-99 was $750,000, with a further $750,000 being provided in the 1999-2000 budget.

SIMPSON, Mr J.

132. **Mr ATKINSON:** Will John Simpson, whose rape conviction was set aside by the Court of Criminal Appeal in 1998, be retried and, if so, when?

The Hon. I.F. EVANS: In March 1998, John Gordon Simpson stood trial in the Supreme Court on two counts of rape. He was found guilty by majority verdict of the jury on the two counts of rape. He was subsequently sentenced to 5 years imprisonment with a non-parole period of 2 years and 6 months.

Simpson then appealed this conviction to the court of Criminal Appeal. On 28 August 1998 the court upheld the appeal and ordered a retrial.

Simpson was originally granted leave to appeal on 10 separate grounds. At the hearing of the appeal, two of those were abandoned. After argument, Her Honour Justice Nyland delivered the courts' decision, with which their Honours Justices Perry and Millhouse agreed. In her judgment, Nyland J ruled that the learned trial judge failed to properly direct the jury as to the use that they may make of the effects of alcohol upon the accused's state of mind at the time of the offence. At page 6 of the court's judgment, Her Honour comments:

> 'the possibility of the appellant being so intoxicated as to be incapable of forming the requisite intention to be guilty of the crime was clearly raised on the evidence of P. It was therefore incumbent upon the judge to give an appropriate direction to the jury as to the relevance of intoxication as to the mental element of the offence'.

Since the trial judge had failed to give any such direction, the appeal had to succeed. The court also held that certain evidence given by an expert witness transgressed the grounds of admissibility, as did the use made of it by the prosecutor. A failure by the learned trial judge to adequately direct the jury in relation to the impugned evidence also amounted to an appealable error.

Finally, the court held that the Learned Trial Judge was in error in relation to directions given to the jury regarding the use to be made of evidence of several threatening phone calls allegedly made by the accused after the rape was committed. Failure to properly direct on these issues was also held to be an appealable error necessitating a re-trial.

On 22 March 1999, Simpson was re-tried in the Supreme Court on the 2 counts of rape. He was again convicted. He was sentenced to 4 years 6 months imprisonment with a non-parole period of 2 years. The reduction in sentence reflected time already spent in custody.

Simpson has been given leave to appeal against this decision. The appeal may be heard next month. I am informed by the Director of Public Prosecutions that this appeal has nothing to do with any supposed intoxication.

It can readily be seen that this case is not, as has been represented by the Opposition, an instance of the 'drunk's defence'. In fact, the evidence of intoxication was slight and was not relied upon by the accused at trial. The matter was raised on appeal, and the Government's intoxication legislation, which came into force this year, will prevent that kind of situation re-occurring. The extent to which this decision has been misrepresented by the Opposition and wrongly used as an example with which to stir up people in the community can be seen in the fact that two separate juries have convicted the accused. Perhaps the Opposition will now admit its mistake and stop misusing this prosecution for political posturing.

DRUGS, SALISBURY AND PLAYFORD COUNCIL AREAS

143. **Ms WHITE:**

1. What proportion of South Australian convictions for sale or use of illicit drugs is attributable to residents of the Salisbury and Playford Council areas?

2. What proportion of all State Government funding aimed at educating against drugs is spent in the Salisbury and Playford Council areas, what are the details of this funding and how does it benefit these areas?

3. What proportion of State drug rehabilitation funding is spent in the Salisbury and Playford Council areas?

The Hon. DEAN BROWN:

1. Below are tables showing the number and proportion of residents in the Salisbury and Playford Council areas respectively convicted for the sale or use of illicit drugs in 1997 and 1998.

Table 1: Salisbury

	1997		1998	
Offence	Number[1,2]	% of SA total	Number	% of SA total
Possess and/or use drugs	205	9.4[3]	51	11.4
Import/export drugs or possess drugs for import/export	-	-	-	-
Sell/trade drugs or possess drugs for sale/trade	26	10.0	28	11.5
Produce or manufacture drugs	90	10.2	36	14.5
Total	321	9.6	115	12.2

[1] Post codes have been used to calculate the number of drug offences by residents of the Council area. Some perimeter postcodes overlap adjoining Councils. Therefore offence totals will be slightly inflated.
[2] Offence counts are based on current residential location of offenders.
[3] This figure indicates that in 1997 9.4% of the convictions in South Australia for the offence of possess and/or use drugs were committed by Salisbury residents.

Table 2: Playford

	1997		1998	
Offence	Number[1,2]	% of SA total	Number	% of SA total
Possess and/or use drugs	176	8.1[3]	21	4.7
Import/export drugs or possess drugs for import/export	1	50.0	1	16.7
Sell/trade drugs or possess drugs for sale/trade	13	5.0	20	8.2
Produce or manufacture drugs	88	9.9	17	6.9
Total	278	8.4	59	6.3

[1] Post codes have been used to calculate the number of drug offences by residents of the Council area. Some perimeter postcodes overlap adjoining Councils. Therefore offence totals will be slightly inflated.
[2] Offence counts are based on current residential location of offenders.
[3] This figure indicates that in 1997 8.1% of the convictions in South Australia for the offence of possess and/or use drugs were committed by Playford residents.

2. The Drug and Alcohol Services Council (DASC) is a statewide government agency which provides a range of alcohol and other drug services to the South Australian community, including education programs. Being a statewide service, it is not possible to isolate the proportion of State funding spent on drug education in the Salisbury and Playford Council areas. However, the broad range of drug education initiatives provided by DASC, in collaboration with the Department of Education, Training and Employment, benefit schools throughout the State, including those located in the Salisbury and Playford Council areas. Examples of these initiatives include:

- a plan, developed by DASC, SA Police and the Department of Education, Training and Employment, to reduce alcohol and other drug related harm in the Salisbury Council area. Based on the outcomes of this plan, DASC will provide additional training to primary school staff within the Salisbury area.
- funding, in the form of annual grants, to Life Education SA Inc, a non-government organisation providing health and drug education programs to primary school students throughout the State, including schools in the Salisbury and Playford Council areas.
- training to teachers and school counsellors, consistent with the philosophy of the Department of Education, Training and Employment's Health Education Interagency Advisory Committee (HEIAC), to ensure they are well equipped to educate and respond to alcohol and other related drug problems in young people. The target audience for the provision of this training are teachers and school counsellors. Many staff from schools in the Salisbury and Playford Council areas have received this training.
- ongoing support to the Department of Education, Training and Employment, Catholic Education and the Independent Schools Board in developing and implementing alcohol and other drug programs within the context of the nationally developed Health and Physical Education Statement and profile curriculum structure, which are consistent with the local context and meet the needs and requirements of the local community. Schools in the Salisbury and Playford Council benefit from this consistent approach to drug education.

3. It is not possible to isolate how much State funding is spent on drug rehabilitation in the Salisbury and Playford Council areas. DASC is a statewide agency and does not plan or deliver services on a council area basis. Residents of these Council areas may access any of the DASC services located throughout Metropolitan Adelaide. In addition, many people who utilise DASC services are polydrug users and may therefore be seeking treatment for a range of drug problems, both licit and illicit.

DRUGS, WEST TORRENS AND CHARLES STURT COUNCILS AREAS

166. **Mr KOUTSANTONIS:** What proportion of South Australian convictions for the sale or use of illicit drugs is attributable to residents in the City of West Torrens and City of Charles Sturt, respectively?

The Hon. DEAN BROWN: Below are tables showing the number and proportion of residents in the City of West Torrens and the City of Charles Sturt respectively convicted for the sale or use of illicit drugs in 1997 and 1998:

Table 1: City of West Torrens

	1997		1998	
Offence	Number[1,2]	% of SA total	Number	% of SA total
Possess and/or use drugs	147	6.8[3]	24	5.4
Import/export drugs or possess drugs for import/export	-	-	-	-
Sell/trade drugs or possess drugs for sale/trade	13	5.0	15	6.2
Produce or manufacture drugs	40	4.5	14	5.7
Total	200	6.0	53	5.6

[1] Post codes have been used to calculate the number of drug offences by residents of the Council area. Some perimeter postcodes overlap adjoining Councils. Therefore offence totals will be slightly inflated.
[2] Offence counts are based on offenders' current residential location.
[3] This figure indicates that in 1997 6.8% of the convictions in South Australia for the offence of possess and/or use drugs were committed by City of West Torrens residents.

Table 2: City of Charles Sturt

	1997		1998	
Offence	Number[1,2]	% of SA total	Number	% of SA total
Possess and/or use drugs	241	11.1[3]	44	9.8
Import/export drugs or possess drugs for import/export	-	-	-	-
Sell/trade drugs or possess drugs for sale/trade	35	13.5	25	10.3
Produce or manufacture drugs	83	9.4	24	9.7
Total	359	10.8	93	9.9

[1] Post codes have been used to calculate the number of drug offences by residents of the Council area. Some perimeter postcodes overlap adjoining Councils. Therefore offence totals will be slightly inflated.
[2] Offence counts are based on offenders' current residential location.
[3] This figure indicates that in 1997 11.1% of the convictions in South Australia for the offence of possess and/or use drugs were committed by City of Charles Sturt residents.

RESTAURANTS, DRINKING WATER

181. **Mr ATKINSON:** Are publicans, restaurateurs and other public providers of meals obliged to provide drinking water gratis to paying customers and, if not, why not?

The Hon. I.F. EVANS: While there is no general obligation in South Australia for public providers of meals to provide drinking water gratis to paying customers, the position is altered somewhat with respect to licensed premises.

The Mandatory Code of Practice under section 42 of the Liquor Licensing Act 1997, which is a condition on all licensed premises in South Australia refers under Practices promoting responsible attitude to consumption of liquor on licensed premises to the provision of water free of charge to customers as an example of practices that might be established and maintained by a licensee for the purposes of this clause.

However, it would not constitute an offence in itself if a licensee did not comply only with this provision. It would only be used as an indicator of whether the licensee had appropriate harm minimisation and responsible service practices in place.

The Government does not believe that commercial matters such as this should be regulated. It should not be intruding into ordinary business activity.

STUDENTS, EXPULSION

183. **Ms WHITE:** For each calendar year since 1993, how many students have been expelled from South Australian public schools and, in each case, what follow-up has the Department of Education, Training and Employment made with the student?

The Hon. M.R. BUCKBY: There have been two students expelled from all Department of Education, Training and Employment facilities and sites since 1993. The students were expelled in 1995 and 1996.

In the first instance the student was expelled for a violent incident, which required restraining by the police at gunpoint. The student had a long history of mental problems and had been supported extensively by mental health services and education personnel. At the time, the student and his parents were offered the opportunity to discuss future educational pathways both for the immediate and long-term future. The offer was not accepted and regrettably the student died in 1997.

The second expulsion was also for a violent incident and similar opportunities were offered to the student and his family. The ex-student is currently serving a term of imprisonment for an unrelated incident. Any person expelled from the Department of Education, Training and Employment facilities may apply to enroll when a period of expulsion has been completed.

In 1996, the regulations regarding school discipline were amended to give principals the right to expel students from a single site. Since this time, there has been one expulsion from a single site in March 1998. The student and parents have consistently refused to contact the school to discuss the situation. This type of expulsion does not preclude the student from enrolment at another school, however, without the cooperation of the parents or student the issue cannot be resolved.

YOUTH ALLOWANCE

186. **Ms WHITE:** How many 16 and 17 year olds school leavers are there in South Australia who are not in work or training and do not qualify for the new common youth allowance, how is this figure derived and how many were in this grouping before the introduction of the allowance?

The Hon M.K. BRINDAL: The youth allowance is an initiative of the Federal Government as are all other income support measures for young people. Thus the responsibility of recording the information in relation to the youth allowance lies with the Commonwealth not the State.

The information you were seeking was requested from the Commonwealth Department of Family and Community Services. However, I have been advised that Commonwealth officers have indicated these statistics are not available.

The State Government recognised that there were likely to be some young people who would be affected by the introduction of the Commonwealth's youth allowance legislation, and in response to this the State Government has implemented the Make $tudy Count program. This program has been designed to facilitate an integrated services response across the State for those young people who are required to return to education and training as a result of the Youth Allowance. The program aims to ease the transition of this target group into full time education and training through a State wide referral program.

To date the program has successfully assisted over 700 young people make the transition back to education and training.

As the youth allowance is under the auspice of the Federal Government, you may wish to direct inquiries to the Federal Minister for Family and Community Services, Ms Jocelyn Newman.

187. **Ms WHITE:** What are the Department of Education, Training and Employment estimates for 1999 of the numbers of additional students in South Australian public schools and TAFE courses, respectively, as a consequence of the introduction of the Common Youth Allowance and how are these figures derived?

The Hon. M.R. BUCKBY: In 1998, DETE officers estimated that an additional 500 students would return to school and an additional 500 would remain at school as a result of the youth allowance. These estimates were based on the numbers of 16 to 18 year olds in receipt of a Commonwealth allowance over the period 1 July 1996 to 30 June 1997.

On 1 May 1999, Government schools reported an additional 508 students who declared that they returned to school in order to receive the Commonwealth youth allowance. That number includes some over 18-year-olds that have enrolled in adult re-entry programs.

Information from the South Australian offices of Centrelink indicates that at 5 June 1999 approximately 490 under 18 year olds had returned to full time education in Government schools since the 1 January 1999.

As the youth allowance replaced AUSTUDY, it was estimated that there would be a small and negligible impact of over 18 year olds enrolling in courses showed as a result of the youth allowance. TAFE enrolments have not increased significantly in 1999 as a result of the Youth Allowance.

Students cannot be required to divulge if their enrolment is to meet the requirements of the youth allowance. Therefore, the additional numbers of TAFE course enrolments as a result of the introduction of the Commonwealth Youth Allowance cannot be obtained.

KOSOVO REFUGEES

199. **Mr KOUTSANTONIS:** Exactly what number of Kosovar refugees will South Australia accept if they are given Australian citizenship?

The Hon. J.W. OLSEN: This matter is purely the responsibility of the Commonwealth agency, the Department of Immigration and Multicultural Affairs.

HOUSING TRUST DWELLINGS

200. **Mr KOUTSANTONIS:** How many Housing Trust homes are located in the electorate of Peake, how many have been constructed during each financial year since 1993-94 and how many have been sold during the same period?.

The Hon. DEAN BROWN: There are currently 1,173 Housing Trust properties in the electorate of Peake and, since 1993-94, 63 houses have been constructed in the Peake Electorate. Of these 18 were constructed in 1993-94, 14 in 1994-95, 8 in 1995-96, 22 in 1996-97, none in 1997-98 and 1 in 1998-99.

Since 1993-94, 35 houses have been sold in the Peake Electorate. Of these none were sold in 1993-94, 4 were sold in 1994-95, 1 in 1995-96, 15 in 1996-97, 6 in 1997-98 and 8 in 1998-99.

QUEEN ELIZABETH HOSPITAL

202. **Mr KOUTSANTONIS:** Why is the Queen Elizabeth Hospital not completely air-conditioned, why are fans being substituted, when will the hospital be fully air-conditioned and at what cost?

The Hon. DEAN BROWN: The Queen Elizabeth Hospital (TQEH) was originally built with natural ventilation and all buildings have been upgraded to accommodate air conditioning.

Of the main patient accommodation block, the A and B wings were constructed prior to air conditioning technology being readily available. The patient areas (wards) within the A and B wings were, in the mid 1970s, retro-fitted with air conditioning. The C wing was constructed in the mid 1970s with air conditioning.

Fans are sometimes used during the summer to supplement airflow and increase patient comfort.

Planning for the redevelopment of TQEH is underway. Within this planning, all of the appropriate patient areas to be developed in the hospital will be fully air conditioned to a modern standard.

The cost of the provision of air conditioning in the redeveloped hospital will be known when the design of the building is finalised.