LEGISLATIVE COUNCIL

Wednesday 7 July 1999

The PRESIDENT (Hon. J.C. Irwin) took the Chair at 2.15 p.m. and read prayers.

LISTENING DEVICES (MISCELLANEOUS) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General): I move:

That the sitting of the Council be not suspended during the continuation of the conference on the Bill.

Motion carried.

PAPER TABLED

The following paper was laid on the table:

By the Minister for Justice (Hon. K.T. Griffin)—

Emergency Services Funding Act 1998—Notice and Committee's Advice.

LEGISLATIVE REVIEW COMMITTEE

The Hon. A.J. REDFORD: I lay on the table the fifteenth report of the committee 1998-99 and move:

That the report be read.

Motion carried.

The Hon. A.J. REDFORD: I lay on the table the sixteenth report of the committee 1998-99.

PORT STANVAC OIL SPILL

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I seek leave to table a ministerial statement issued today by the Hon. Dorothy Kotz, Minister for Environment and Heritage, on the subject of the oil spill at Port Stanvac.

Leave granted.

QUESTION TIME

PORT STANVAC OIL SPILL

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Transport a question about Transport SA briefings to the Minister for Environment.

Leave granted.

The Hon. CAROLYN PICKLES: I note that the Minister has just tabled a ministerial statement, which I have not had the chance to read and which may in some part relate to issues that I wish to raise. The Minister for Environment has repeatedly said that last Monday's oil spill off Port Stanvac was the responsibility of Transport SA in conjunction with the EPA and that, because she does not have jurisdiction for the Pollution of Waters by Oil and Noxious Substances Act, under which action can be taken for the spill, she cannot be questioned about the oil spill. However, the Minister is still responsible for our State's environment and she is the Minister responsible for the Environment Protection Authority. My questions to the Minister are:

1. Did Transport SA offer briefings to the Minister for Environment and, if so, when and how many briefings were given?

2. Was Mobil briefing Transport SA and, if so, how regularly and by whom?

3. Did the Minister, as Minister responsible, visit the site and how many briefings did she receive from Mobil?

4. How many public statements have been made by the Minister as the responsible Minister since the spill nine days ago?

5. What steps has the Minister taken to assure the public that current operations at the refinery—and that includes the apparently faulty safety valve—will not result in any further discharges to the marine environment?

The Hon. DIANA LAIDLAW: That is a series of questions. In terms of the first one about briefings that may or may not have been offered by Mobil to Transport SA, I will have to seek advice—likewise, in terms of any briefings offered by Transport SA to the Minister for Environment and Heritage. In terms of a visit to the site, no, I did not undertake a visit to the site. I was kept fully informed by the Commander, Captain Wally Stuart, the State Commander in charge of such matters and alternatively through Arndrae Luks representing Transport SA and the Government. That was the appropriate process.

Another question was whether I was offered a briefing by Mobil. No, I was never offered such a briefing. In terms of statements, I made an official statement yesterday to this place. In the meantime the Commander, Captain Wally Stuart, and Transport SA, which was on site, made statements as is appropriate: they were on the job.

There was a further question about what steps I have taken to assure the public of the current operations at the refinery. I made no such statement in terms of operations, but the plant has not been closed; it has been in business, and further transfers of oil since the spill have been conducted without mishap.

PLAYFORD POWER STATION

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Treasurer a question about the Playford Power Station.

Leave granted.

The Hon. P. HOLLOWAY: The Annual Power Station System Planning Review for 1999 notes:

Previous reports have indicated that Playford Power Station will be removed from service in April 2004 when the station's environmental licence expires. Flinders Power Pty Ltd reports that given recent capital expenditure they intend to maintain operation of the station and proceed into the licence renewal process with the EPA.

The recently released South Australian Electricity Industry Statement reported:

The Playford Power Station was intended for retirement in 2000, but received an EPA licence in 1998 that will allow limited operation until 2004. There have been several proposals to refurbish the Playford Power Station and to return the station to base load operation. The Government has no plans to undertake such a program before privatisation of Flinders Power.

My questions to the Treasurer are:

1. What constraints were placed on the Playford Power Station by the EPA that will allow what is described as 'limited operation until 2004', and will the Treasurer table the relevant EPA licence?

2. Given that the lease price for Flinders Power is likely to increase if EPA approvals are granted for the extension to 2010, is it the Government's intention to seek approval for the extension of Playford Power Station beyond 2004 prior to the lease being signed?

3. In a press statement of 30 June 1998 the Treasurer said:

> Many of our power stations do not comply with today's environmental standards because of their age and outdated technology. We will require that new entrants agree to improve the environmental performance of the power stations over a period of time, and we will ensure that their performance is monitored by the independent EPA.

If the Treasurer does stand by that commitment, will he guarantee that Flinders Power and the new owners will be required to bring the Playford Power Station up to current environmental standards?

The Hon. R.I. LUCAS: I will need to take advice on some aspects of those questions. In relation to the last question, I would refer the honourable member to the recent *Hansard* report of the debate in Parliament where a much more recent indication of the Government's position was outlined in response to questions from a number of members during the Committee stage of the reform and restructure Bill. The honourable member might recall a particular amendment in that Bill which raised this very issue. Certainly I would need to go back to the record again, but I think a quick summary of the Government's position was that all new power stations, such as Pelican Point, would be required to meet the guidelines or the standards, but that many of our existing stations would have a different process which was voted on by this Parliament. So, nothing hidden: it was part of a public debate on the public record.

In relation to the information which is or is not on the public record at the moment, I would need to check the existing licence arrangements and bring back a response to the honourable member on that question. In relation to what action, if any, the Government might take pre the leasing arrangements, again, I would need to take some advice on that issue to ascertain exactly what approach the Government might adopt concerning its discussions with the EPA and whether or not those discussions, if any, are likely to be concluded prior to some time early next year, which is the current schedule time for the lease of our generation electricity businesses. So, I am happy to take some aspects of those questions on notice and bring back a reply for the honourable member as soon as I can.

PORT STANVAC OIL SPILL

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about the oil spill at Port Stanvac.

Leave granted.

The Hon. T.G. ROBERTS: Yesterday, the Minister indicated that an inquiry would be set up to investigate all aspects of this spill. The Opposition thanks the Minister for the reassurance that all of the means of investigation at the Government's disposal would be used. I think the Minister mentioned that ships' responsibilities would be looked at as well as Mobil's land-based responsibilities and its role in bunkering. This means that there will be a full inquiry from the ship to the tanks.

No-one wants an oil spill. Shipping companies go out of their way to be as efficient as possible in the conduct of their responsibilities. Certainly, oil companies receiving bunkers do not want oil spills either into the sea or their premises when they are discharging not only because of environmental problems but also because of the dangers associated with such spills.

Unfortunately, the record at Port Stanvac does not give one too much confidence in believing that lessons have been learnt from the number of spills that have occurred over a long period of time. Before laws were introduced for codes of practice at sea and shore-side bunkering, ships' practices were questionable. Tanks would be cleaned at sea and the residue pumped straight into the water, bunkering fuel that had leaked into some of the ships' confines would be pumped straight over the side of the ship into the sea, and it was not until recent years that laws were brought in to create penalties for these bad practices.

My questions relate to the promise made by the Minister to find who is responsible and then to work out an appropriate penalty. That seems to be the way forward: if there is a prosecution, the amount of money that companies have to pay will be an extra incentive for them to bunker safely and cleanly. My questions are:

1. What integrated ship to shore system applies to bunkering at Port Stanvac? In some cases, ships are totally responsible for carrying their own equipment and gear, but in other cases shore-side facilities provide the linkages.

2. What are the technical and legal responsibilities of both parties to the State if a spill occurs?

The Hon. DIANA LAIDLAW: Regarding the first question about what integrated ship to shore arrangements apply, I will seek detailed advice through Mobil and, I suspect, the investigators. This is a technical question, and I do not have the answers. Regarding the technical and legal responsibilities referred to by the honourable member, the State has very defined responsibilities which are set out in the Pollution of Waters by Oil and Noxious Substances Act 1987 and reflected in the National Plan to Combat Pollution of the Sea by Oil and Noxious Substances and Hazardous Substances and a recently updated State contingency plan.

Further to that, I will have to seek advice. I can only highlight that, in terms of the company's responsibilities and the State, the clean-up operation led by Captain Wally Stuart worked to a defined plan, and responsibilities included representatives of Mobil, and Mobil is still working in terms of the clean up arrangements.

MAKE IT SAFE PROGRAM

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Minister for the Ageing a question relating to injury prevention for the elderly.

Leave granted.

The Hon. IAN GILFILLAN: The substance of the explanation to my question may stretch even your credulity, Sir. Since 1991 South Australia has had a program called Make it Safe, promoting safety in the home for the elderly. The initial focus of this program was to prevent falls, but in recent years it has expanded to try to prevent burns and fires as well. On page 21 of the Federal Government document 'National Strategy for Ageing Australia', a background paper released in April this year by Aged Care Minister Bronwyn Bishop, the following points were made:

> Falls have been reported in approximately a third of [elderly] people over a one-year period. Falls are associated with trauma and mortality, and significant health care costs. In Australia in 1995 there were 827 fall related deaths and 57 934 fall related hospitalisations resulting in a lifetime cost due to falls of [over $1 billion] for people 65 years or over.

Here is the important point:

Studies suggest that. . . simple modifications to the home can cut the risk of falling in the elderly by more than half.

I emphasise that point, made by the Aged Care Minister, Bronwyn Bishop. The studies referred to were conducted in South Australia and the results published in the *Medical Journal of Australia* in 1996. The South Australian program Make it Safe involved offering elderly South Australians a free home safety assessment, identifying points in the home where falls were likely. Funding for the program included the supply and installation of a smoke detector if a home did not have one. It also included a subsidy of up to $30, to be matched dollar for dollar by the householder, to be spent on the installation of grab rails or other safety measures identified by the home safety assessment—a very worthwhile and worthy program.

This program was potentially saving many South Australians the pain and injury of needless falls. It was also saving human dignity, because those who have not had serious falls or injury are more likely to remain independent and mobile. It was also potentially saving huge amounts of taxpayers' money, because one admission to hospital for a hip replacement can cost the health system $10 000. That does not take into account the cost of ongoing support services such as domiciliary care for those less able to look after themselves after a fall.

The idea of preventing falls has such obvious merit that the South Australian initiative has been copied in other States. New South Wales in particular has started a similar program, which was funded on the basis that savings of $5 were expected for every $1 spent. The Commonwealth is funding a similar program for veterans throughout Australia. In South Australia the Make it Safe program was (and I emphasise 'was') run at an annual cost to taxpayers of just $200 000 a year. It has been subjected to a rigorous $30 000 evaluation lasting more than a year and involving 600 clients and a control group to determine whether and to what extent it has been effective in reducing home accidents. The results of the evaluation study are expected within two weeks.

However—and this is the unbelievable part—the State Government has not waited for the results of the evaluation. In the State budget, funding for the Make it Safe program was abolished. Funding ran out on 30 June. When staff were notified of the decision, they were told that from now on the issuing of hip protectors would be a more favoured strategy. However, the defunding did not stop the Human Services Minister, Dean Brown, issuing a news release on 15 June citing the Make It Safe program as an example of the Government's quality health care—quality that is not apparently worth funding any longer. I ask the Minister:

1. Why has the Government defunded the Make It Safe program only weeks before its evaluation was complete?

2. Why was the Minister for Human Services still extolling the virtues of the program after the defunding decision was taken?

3. If issuing hip protectors is a more favoured strategy, how will the Government ensure that when the infirm elderly fall they always fall on their hips rather than other vulnerable parts of their body?

The Hon. R.D. LAWSON: I certainly commend the idea and the underlying philosophy of the Make It Safe project and program. The provision of appropriate home supports for the elderly is an important part of this Government's strategy. It is a matter not simply, as the honourable member was suggesting, of potentially saving the taxpayer large amounts of public moneys but, more particularly, of ensuring that elderly and vulnerable citizens have appropriate supports to enable them to continue to live, as they would want to live, in their own home.

I certainly accept that the provision of simple modifications and other facilities within homes can assist in the prevention of falls, burns and other dangers. The Make It Safe program was, on my understanding of the matter, a pilot project, and no doubt the evaluation from that pilot project will be duly assessed in the fullness of time.

The Hon. Ian Gilfillan: Since 1991? Some pilot! How long is a pilot program?

The Hon. R.D. LAWSON: It is my understanding that the program was funded not on a recurrent basis but, rather, from one-off funds. However, I do not have that information with me. I will seek further information on this matter and bring back a more detailed response as soon as possible.

McCANN, Ms J.

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister for the Arts a question about the South Australian Film Corporation.

Leave granted.

The Hon. L.H. DAVIS: I note that publicity has been given recently to the fact that Judith McCann has resigned as head of the South Australian Film Corporation and that she is returning home to Canada for family reasons. She has been head of the South Australian Film Corporation for five years and she has presided over many successes, most notably the investment of the corporation in the Oscar winning production of *Shine*. Currently, a film with the unlikely title of *Spank* is proving popular at the box office. Other investments by the corporation during her five year period as head of the corporation include *Dance Me to My Song* and *Kiss or Kill*.

The South Australian Film Corporation has had a proud history spanning more than 25 years. Of course, it was founded by the Labor Government and has been backed enthusiastically by successive Governments after that, and in recent years it has had these notable successes. Could the Minister advise the Council what the intentions are with regard to finding a replacement for Ms McCann (who will, obviously, be sorely missed) and also to future funding of the corporation so that it can continue its successful backing of the film industry in this State?

The Hon. DIANA LAIDLAW: I strongly endorse the honourable member's remark that Ms McCann will be sorely missed as General Manager of the South Australian Film Corporation. She came here five years ago at a time when the corporation was being established on an entirely new basis: no longer was it to be a producer in its own right but it was to be an investor in film. Recently the Government has strengthened that role with the establishment of a revolving fund, and this budget provides a further $1.5 million for that.

It is not only the investment by the Film Corporation under Ms McCann's guidance and endorsement and my approval that has been so important in seeing a renaissance of independent filmmaking in this State but also it has been exciting to see the worldwide reputation gained for the Film Corporation and Adelaide as a result of our success in films. I highlight that the success that the Film Corporation and filmmakers in general have enjoyed is high compared to the proportion of films made here: there has been an absolutely stunning strike rate in terms of success.

I am thrilled that not only has success been achieved for this State in terms of our worldwide profile but that Adelaide is clearly seen as the base in Australia for independent filmmaking. This area has been established in recent times, and the Government and I are very keen to reinforce Adelaide as the home for independent filmmaking in Australia. It has been exciting, too, to see the new filmmakers coming through, and Ms McCann has been behind that effort. I can confirm that, even with Ms McCann's departure, that momentum will not be lost.

Recently the Government, in a joint venture with the South Australian Film Corporation, engaged Price Waterhouse Coopers to develop an economic benefit study on film in South Australia and also to develop an industry development strategy. That work, which I should receive by August, I think, will be the basis for further funding decisions by the Government to support filmmaking in general, the independent film focus for South Australia and the Emerging Filmmakers Initiative.

I, too, am very pleased to see in more recent months the new emphasis on the Creative Development Awards that the South Australian Film Corporation is sponsoring; and the results of the inaugural awards, as part of the Government's total focus on emerging artists in this State, should be known in November this year. I think that I speak for all members of Parliament in this place when I acknowledge Ms McCann's energy and her contribution to the filmmaking industry in this State. I acknowledge the fact that she is leaving for family reasons and respect that fact. I wish her well in the future.

I indicate that I plan to work with the Chair, the board and Arts SA to see whether there is some basis on which we can retain the skills, knowledge and contacts that Ms McCann has, particularly in Canada, to see whether there can be further joint investment, development and filmmaking associations between Canada and Adelaide. Canada has a strong independent filmmaking industry that has deliberately been built up to be different to the big filmmakers in Hollywood, in particular, in the United States. I think that we can not only learn more from what has been happening in Canada but also Canada can gain from an association with our independent filmmakers. I wish Ms McCann well and look forward to a continuing association with her.

RAILWAYS, TELEPHONE BOOKINGS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport questions about interstate railway telephone bookings.

Leave granted.

The Hon. T.G. CAMERON: In the past few days I have received complaints from constituents following their attempts to book a seat on the *Overland* train to Melbourne. One constituent was very concerned about the length of time people are being forced to wait when attempting to make a telephone booking for a seat for interstate passenger rail travel. To book a ticket, customers call a six digit number and are met with a prerecorded message informing them that Great Southern Railway is currently in the process of introducing a new ticket booking system. Customers are advised to follow a series of options by pushing certain numbers, are informed that there may be a waiting period of up to 30 minutes, and are advised to leave their name and number whereupon a customer service agent will call them back within 24 hours. My constituent left her details and waited all day by the telephone for a return call, but none came. She then contacted my office.

The Government is spending a lot of money to attract international and interstate tourists to visit South Australia and to use the interstate rail passenger services. The current booking system for interstate travel is totally unacceptable and makes a mockery of the Government's attempts to portray our State as a modern and highly competitive tourism provider. My questions are:

1. In this day and age does the Minister consider a 30 minute wait on the telephone to book a seat on the *Overland*, the *Ghan* and other interstate trains to be an acceptable level of service?

2. When can the public expect Great Southern Railway's booking system to be in place, and will customers still be required to wait for up to 30 minutes or to leave their name and address when attempting to book a travel reservation and, hopefully, receive a call back?

3. Will the Minister have her department immediately contact Great Southern Railway to ensure that the current, unacceptable booking situation is sorted out as soon as practicable?

The Hon. DIANA LAIDLAW: Great Southern Railway is a private company and operates its own business: it is not a statutory authority over which I have any influence in terms of day-to-day running. I certainly have expectations, and I have made them known many times in terms of seeing a resurgence of interest in interstate rail travel, with the hub being Adelaide. I am not sure whether the honourable member has contacted GSR and indicated, as he has in his question, that he finds the level of telephone booking service unacceptable. I certainly will do so on his behalf, but I would hope that, if he felt it was as serious as he suggests, he would not just raise questions here for publicity reasons but would genuinely follow up those matters with GSR itself. Nevertheless, I will have my office telephone today, fax through the member's questions to GSR and seek a prompt reply.

I will just correct one matter in the honourable member's explanation of his question. It is true that the Government is spending a lot of money to get tourists here; however, we are not directly investing in publicity or advertising on behalf of GSR. That is totally its responsibility.

GAWLER, ROAD CORRIDORS

The Hon. G. WEATHERILL: I seek leave to make a brief explanation before asking the Minister for Transport a question about road corridors around the town of Gawler.

Leave granted.

The Hon. G. WEATHERILL: It has been reported that the member for Light stated in 1993 that he would lobby for an eastern bypass around the town of Gawler. Apparently, Transport SA has dismissed the concept of an eastern bypass, preferring to pursue investigations into upgrading Gawler East and High Street. Has the Minister for Transport or Transport SA received representation from the member for Light advocating the construction of an eastern bypass? When were they received, and how did the Minister respond to any such requests?

The Hon. DIANA LAIDLAW: I am not too sure to which part of 1993 the honourable member was referring. He may have been referring to the former member for Light (Hon. Bruce Eastick), as he was the member for 11 months of that year and the Hon. Malcolm Buckby a member for one month. I have visited the township of Gawler and driven

around the area with both the current and former members for Light, the former member now being Mayor of Gawler. We looked at the eastern bypass option and also at Murray Street, the main road or High Street that has been proposed by Transport SA as an alternative one-way operation through Gawler. A study has been commissioned to look at transport pressures and options within Gawler. That has complimented the tourism road strategy which was released at the time of the most recent budget for the whole Barossa area and which examines freight transport and general access needs.

I would highlight, as the Hon. John Dawkins has just reminded me, that the Government's commitment arising from that Barossa road strategy to offer $4.5 million over two financial years towards the sealing of Gomersal Road off the Sturt Highway through Sheoak Log to a new aligned road, probably to Rowland Flat, will take a lot of pressure off the Gawler township itself, and that is an important consideration in terms of heavy vehicles now travelling from the mid and south Barossa region through Gawler as the only way to get out of the Barossa region. If we can have a sealed road midway through the Barossa region, we should be able to divert a lot of traffic generally, particularly heavy vehicle traffic, off the Barossa Way and through the Gawler township. Certainly I have taken an active interest in this issue and will continue to do so. I will look more closely at the honourable member's questions and, if necessary, provide further information.

HINDMARSH SOCCER STADIUM

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning, representing the Minister for Recreation, Sport and Racing, a question about the Hindmarsh Stadium.

Leave granted.

The Hon. J.F. STEFANI: I refer to the funding deed signed on 14 October 1996 by the South Australian Government and the South Australian Soccer Federation, in particular clause 9.4, which provides that, if the General Manager of the South Australian Soccer Federation is reasonably of the view that it is likely that the federation will not be able to fully pay the moneys payable to the bank on a maturity date, the federation shall advise the Minister by written notice, served at least five business days prior to the relevant maturity date, of the expected amount of deficiency and the amount payable by the federation to the bank. My questions are:

1. Has the Minister received any written notice from the South Australian Soccer Federation advising him of the expected amount of deficiency in the federation's payments to the bank which would need to be met by the State Government as required by the funding deed?

2. If so, what were the dates of such written notices and what were the specific amounts of deficiency in the payments?

3. Will the Minister provide a list of the individual payments made by the State Government to meet the shortfall in the loan repayments by the South Australian Soccer Federation to the bank?

The Hon. DIANA LAIDLAW: I will refer the honourable member's questions to the Minister and bring back a reply.

MAPICS

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Administrative Services a question about computer networks within Parliament House.

Leave granted.

The Hon. M.J. ELLIOTT: Mr President, the question may be of some interest to you as well. The Government is facilitating Parliament entering the twentieth century just before it concludes by allowing computer networks to be established within Parliament House. I think this is the last Parliament in Australia to do so. In fact, apart from almost all the African States, we are probably one of the last in the Commonwealth, as well. I think we are all thankful that it is happening. The Government established a consultative committee which had representatives from the Liberal Party, the Labor Party, the Democrats and also I think clerks representing the two Houses. The idea of that consultative committee was that there would be feedback in terms of what the needs and desires of the members of Parliament were in this regard.

During those consultations, on behalf of the Democrats I expressed a concern that the Democrats would like to have a file server over which we had total control as distinct from what was being offered, which is what is called a virtual server and which is part of a mainframe located elsewhere and over which you do not have total control. I indicate by the way that I used to manage a computer network for my school before I came into this place, so I have some idea of the implications. There has not been a consultative meeting for some time. I have noticed people busy wiring up the Parliament of late, and so I was just a bit suspicious that perhaps something might be going on. I spoke with the Minister yesterday and said, 'We have not been consulted for a while; does this mean that perhaps a decision has been made without further consultation?' He informed me that I would be consulted very soon. I was just leaving the building—

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: The wires are not the problem. Some 2½ hours ago, I was about to leave the building and was walking along the basement corridor and noticed workmen at work. I said, 'How are things going?' They said 'Yes, quite well.' I said, 'How are things going with the mainframe?' They said, 'Quite well' and I had a look at the room. On my understanding, the mainframe appears to be fully installed. I said, 'What is this?' They said, 'These are the party servers.' I said, 'Oh, thank you very much.' My very clear impression—and perhaps this is without the Minister's knowledge—is that the consultation that is about to be carried out is a total farce, because indeed all the equipment virtually has been installed, despite pledges of consultation.

Will the Minister take that up; will he report back to this place on whether or not the Parliament has any say about what is being installed; and will he say whether, in the first instance, it is a decision of bureaucrats within his department without his knowledge? Mr President, perhaps you should be concerned about whether or not the real needs of Parliament and this Chamber are being properly catered for within this process.

The Hon. R.D. LAWSON: I thank the honourable member for his question, although I am rather disappointed

that he has sought to air in this Chamber a conversation that I had with him yesterday, which I understood to be—

The Hon. M.J. Elliott: I was being positive about you.

The PRESIDENT: Order!

The Hon. R.D. LAWSON: —a private conversation.

The Hon. M.J. Elliott interjecting:

The PRESIDENT: Order!

The Hon. R.D. LAWSON: Notwithstanding that, it is true, as the honourable member says, that there is a parliamentary consultative committee of the MAPICS project. It does comprise representatives of the Parties, yourself, Mr President, the Speaker and officers of the Parliament. At its last meeting that committee had before it a number of suggested designs for the parliamentary local area network, which is an important part of the MAPICS project. The committee was informed then—and members will be well aware—that one of the important elements in the project was to ensure that Parliament House is appropriately wired for the introduction of the full local area network and also to connect members, parliamentary officers and other divisions of the Parliament to the network. That process of wiring and rewiring the building was necessary, irrespective of the particular design for the local area network that was decided upon.

Mr President, you will be aware that a number of options were laid before the consultative committee for its views. As the honourable member has seen fit to air the private conversation that I had with him yesterday, I will tell the Council what I actually said. I indicated to the honourable member that a consultant had been engaged to advise on the appropriate form of local area network and, in particular, the type of server arrangements that will be necessary in order to ensure that the privacy of members and the security of information are maintained.

A number of models have been adopted in other Parliaments. For example, in the Federal Parliament there is a centrally driven network and what are called virtual networks for the parliamentary divisions and political Parties. That particular model did not initially appeal to the Hon. Michael Elliott who, no doubt from his vast experience in organising a school computer network, was not satisfied with that arrangement. In a spirit of cooperation with the honourable member, as I have said, we engaged a consultant. As I told the honourable member yesterday, that consultant—

The Hon. R.I. Lucas: This was in a private conversation?

The Hon. R.D. LAWSON: Yes, in a private conversation, which I will make available to the parties. I told the Hon. Michael Elliott that the consultant would contact him shortly to make an appointment to explain to him the various options that the consultant was going to adopt. Likewise, the consultant will speak with the members of the Australian Labor Party. The Hon. Paul Holloway was not in the—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.F. Stefani interjecting:

The Hon. R.D. LAWSON: That's right. Labor, you and non-you and all other Parties will be consulted. What the workman was doing in the basement—

Members interjecting:

The Hon. R.D. LAWSON: All members will be consulted.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Elliott!

The Hon. R.D. LAWSON: Mr President, you will be delighted to know that those responsible for finalising the design of the network will be in touch with all members or their representatives.

The Hon. Diana Laidlaw: Before they are finalised?

The Hon. R.D. LAWSON: Before they are finalised. Regarding the work that is being done in the basement at the moment, I will have inquiries made and bring back a report.

The Hon. M.J. ELLIOTT: By way of a supplementary question, I ask the Minister whether this consultation will involve genuine choice or whether the consultant will tell us what has already happened.

The Hon. R.D. LAWSON: It will involve genuine consultation. We will be delighted to hear the views of all members.

LAND SALE AUTHORISATION

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Administrative Services a question about a land sale authorisation.

Leave granted.

The Hon. CARMEL ZOLLO: The Opposition has been contacted by a person concerned about possible irregularities in the way in which the Barossa Council has dealt with the matter of deciding to sell an unmade public road reserve. It appears that a member of the council, Mr Seeliger, the adjoining landowner and also the prospective purchaser, participated fully in the council meeting of 4 May 1999 at which the decision was made.

A member of the Opposition has examined the Barossa Council minutes of 4 May which recall that the member in question was present but give no indication that the council member, Mr Seeliger, withdrew his chair and declared his interest in the matter, as required under Part IV, Division VIII of the Local Government Act. The unmade road reserve in question is adjacent to sections 549, 983, 937 and 936 in the hundred of Moorooroo. This matter was raised in Estimates with the Minister for Local Government, who has indicated that he will investigate the allegations. Will the Minister for Administrative Services ensure that no authorisation for the sale of this land proceeds until the investigation into this matter is concluded?

Members interjecting:

The PRESIDENT: Order!

The Hon. R.D. LAWSON: As the honourable member acknowledged, this initial question was correctly directed to the Minister for Local Government, who has said he is investigating the matter. I can assure the honourable member and the Council that, in so far as I as Minister for Administrative Services have control over matters such as road closures, no action will be taken in relation to this matter until the Minister for Local Government has concluded his investigations. I will refer the balance of the honourable member's question to that Minister.

FISHERIES, MARINE

In reply to **Hon. IAN GILFILLAN** (3 June).

The Hon. K.T. GRIFFIN: The Deputy Premier, Minister for Primary Industries, Natural Resources and Regional Development has provided the following information:

- The impact of recreational angling on marine scalefish stocks is certainly not minimised in the report. In fact the document entitled '*Marine scalefish Fishery Restructure-Synopsis of the SA Marine Scalefish Fishery*' prepared by the Department of Primary Industries and Resources specifically addresses the importance of the recreational sector to the fishery.
- The Federal Agriculture, Fisheries and Forestry Minister, Mark Vaile, announced on 7 June 1999 that management of Australia's

recreational fishing industry would benefit from a national survey to be held next year. The survey, the first of its type to be conducted on the recreational industry, will target 80 000 households Australia wide over 12 months. It will gather information on participation, demographics, fishing effort and catch, and will lead to assessments of attitudinal, social, and spending aspects of recreational fishing. This information is important to help improve management over the longer term.

- Cost of the survey, including implementation and development, will be $3 million. It will be funded primarily from the Natural Heritage Trust's Fisheries Action Program, with contributions from the Fisheries Research and Development Corporation, and the States and Territories. As well as looking at domestic recreational fishing, the survey will examine the impact of overseas visitors and fishing by indigenous Australians.
- Management plans are a universally recognised tool for identifying the extent of existing knowledge of a fishery and setting performance indicators against which the sustainability and economic performance of the fishery can be measured. Such plans also provide a mechanism for identifying gaps in such knowledge and assist in planning appropriately focussed programs to provide the best results from the limited resources available.
- Management plans are prepared taking into account the best available data on the fishery. Where insufficient information is available on the fishery or particular species a precautionary approach to management arrangements is generally adopted.
- The Marine Scalefish Fishery Restructure Research Sub-Committee is currently examining various research related issues as part of the overall review of the marine scalefish fishery. Part of the Sub-Committee's role is to develop a schedule and priority list for updating stock assessment information on individual species, based on the extent of knowledge already available.
- The Marine Scalefish Fishery Management Committee recently agreed that an independent review be conducted of the research programs in support of the marine scalefish sector which are required to fulfil obligations to Government in relation to biological reference points. This review has commenced and will be examined by both the Marine Scalefish Fishery Restructure Research Sub-Committee and the Marine Scalefish Fishery Management Committee following its expected completion in July this year.
- Prior to the commencement of each licensing year the Marine Scalefish Fishery Management Committee examines and provides advice in relation to the proposed research program to be conducted for the marine scalefish fishery in the following financial year. This advice is provided to the Minister for Primary Industries, Natural Resources and Regional Development as part of the commercial fisheries licence fee setting process and funds are collected from individual licence holders to fund such research programs. All licence fees collected from commercial licence holders are allocated to specific programs (including a significant proportion to research) as identified by the relevant fisheries management committees.
- There is currently no direct contribution made by recreational anglers to marine scalefish fishery research programs as there are no recreational fishing licences in South Australia. However, as part of the Government's community service obligations, funding is provided to the South Australian Research and Development Institute for such research. For some species, it requires many years of study and millions of dollars to be specifically able to determine total allowable catch figures. In the absence of this information, precautionary measure are in place to reduce the risk of unsustainable fishing practices by the commercial and recreational fishing sectors.

PILCHARDS

In reply to **Hon. P. HOLLOWAY** (3 June).

The Hon. K.T. GRIFFIN: The Deputy Premier, Minister for Primary Industries, Natural Resources and Regional Development has provided the following information:

The Environment, Resources and Development Committee's report on the pilchard fishery, its management, and the pilchard mortality events has been undertaken in a comprehensive and exhaustive manner, in an endeavour to address the broad range of issues relating to the management of the pilchard resource.

The Deputy Premier is giving due consideration to the Committee's report and recommendations, and will be responding to those recommendations at a later date. As the question asked by the honourable member is a key recommendation in the report this also requires consideration before a determination can be made.

YEAR 2000 COMPLIANCE

In reply to **Hon. CARMEL ZOLLO** (3 June).

The Hon. K.T. GRIFFIN: I provide the following information:

The Commissioner for Consumer Affairs has advised me that the Insurance Council of Australia warns that policy holders should not expect to be covered by existing policies for losses caused by the Year 2000 problem, particularly if they have not taken steps to address the problem.

The insurance industry takes the view that many of the potential losses arising from the Year 2000 problem can be predicted and therefore can be avoided by careful planning and taking appropriate action before the event. Losses are not covered because they do not arise from any accidental or unforeseen event.

The question from the honourable member indicates that goods affected by the Year 2000 problem are not covered by insurance, however consequential damage as a result of the failure is covered. My advice indicates that some insurers will not insure either situation. Some insurers will not cover for failure of goods or for consequential damage, while others may offer limited coverage for consequential damage only. Consumers are advised to carefully read their existing policies and to contact their insurer if they do not understand the conditions of their policy.

Although consumers will have little or no recourse against insurance companies, in many cases, consumers will be protected under existing fair trading legislation for the Year 2000 problems.

The Consumer Transactions Act 1972 and the Trade Practices 1974 provide consumers with an automatic statutory warranty. The statutory warranty is additional to the warranty offered by the manufacturer.

Consumers with products which are affected by the Year 2000 problem which cannot be repaired may have a legal claim for compensation against the retailer or manufacturer or both. The statutory warranty covers products which are defective, not of merchantable quality or unfit for the intended purpose. The extent of compensation is dependant on the monetary loss suffered and the conditions of sale. Older goods, that is those operating outside their accepted normal lifespan, would have little or no value and therefore a court claim may not be viable.

Consumers with goods susceptible to the Year 2000 problem are advised to check with the retailer or manufacturer to verify the Year 2000 compliance. If the goods are not compliant, consumers should take steps to rectify the problem, particularly if product failure may lead to more serious consequential damage in the Year 2000.

The Office of Consumer and Business Affairs developed a number of strategies to deal with Year 2000 problems affecting consumer goods.

A Consumer Information Sheet has been developed for consumers and distributed since July 1998. The Information Sheet warns explains the Year 2000 problem and offers practical advice concerning checking existing products and purchasing new products.

The Office of Consumer and Business Affairs recognises that the Y2K issue will become increasingly topical in the months to come and staff will be reallocated where necessary to ensure that consumer enquiries are effectively handled.

CRESCO 2000

In reply to **Hon. CAROLINE SCHAEFER** (1 June).

The Hon. K.T. GRIFFIN: The Commissioner for Consumer Affairs has advised that there are a number of consumer protection mechanisms in place which go some way to protecting consumers from dubious companies. These include:

- Section 67 of the Fair Trading Act 1987 which prohibits any person in trade or commerce from accepting payment for goods when at the time of acceptance the person does not intend to supply those goods.
- The Corporations Law which prohibits any person who has been convicted of serious fraud from managing a corporation for a period of 5 years after the conviction.
- The Business Names Act which prohibits any person who has been convicted of an offence involving fraud or dishonesty punishable by imprisonment from carrying on a business under a business name within a period of 5 years after release from prison.

It does, however, remain the responsibility of the consumer to make all necessary checks, especially concerning reliability before entering into a contract and making any payment.

In relation to the specific matter of Mr Turner and Cresco fertilisers I can confirm that the South Australian Farmers Federation have advised the Office of Consumer Affairs that they are now aware of at least 42 farmers who have unfulfilled contracts totalling some $500 00 with Twentyfirst Cresco for the supply of fertiliser.

It is my understanding that those farmers are now negotiating with Mr Turner to achieve appropriate redress.

The business and practices of Mr Turner and his company have been monitored by the Office of Consumer Affairs and at this time it appears that no breaches of The Fair Trading 1987 or any other act administered by the Commissioner for Consumer Affairs have been detected. As no other breaches of the Fair Trading legislation have been detected to date, it is not appropriate to issue any form of public warning concerning traders and in this case the very nature of a warning could prematurely jeopardise a legitimate business undertaking.

COFFIN BAY FISHERY

In reply to **Hon. IAN GILFILLAN** (25 May).

The Hon. K.T. GRIFFIN: The Deputy Premier, Minister for Primary Industries, Natural Resources and Regional Development has provided the following information:

1. Research surveys on the scallop population have been conducted by SARDI Aquatic Science over the past three years. In regard to the cockle resource, no surveys have been conducted.

2. There are six commercial scallop licences issued for South Australian waters and only one of those licensees is permitted to take scallops from Coffin Bay. However, as a result of the recent review of the scallop fishery, commercial scallop fishing in Coffin Bay will cease from 1 July 1999. This fisher has been given access to all State waters except for Coffin Bay and other restricted areas. Low abundance of scallops in Coffin Bay over the last three years has probably resulted from a combination of increased fishing pressure from both commercial and recreational fishers and the periodic algal blooms which have resulted in significant mortality events in the Bay.

3. The reason why the catch by the one commercial fisher was not limited was because a minimum size limit exists in the scallop fishery and this size prevents overfishing of the resource.

4. Various sources of information on the scallop fishery are available for basing management decisions. Firstly, there are the logbooks of the commercial fishers which identify the catch taken, hours fished and areas fished. Secondly, voluntary recreational logbooks have been available through dive shops and other local shops in past years, and some useful information on catch has been provided by some recreational divers. Research surveys have also been conducted by SARDI to give an indication of the size of scallops in the Bay and location.

The scallop fishery is a very small fishery which has some social importance as a recreational fishery in Coffin Bay. No commercial fishing will be permitted in the Bay after 1 July 1999. The scallop fishery is adequately protected with a minimum size limit, but population fluctuations due to variable recruitment will occur over time. Sporadic algal blooms have also contributed to keep the scallop populations at low abundance over the past three years.

GOODS AND SERVICES TAX

In reply to **Hon. T.G. ROBERTS** (11 February).

The Hon. K.T. GRIFFIN: I provide the following response:

Background

The Federal Government has proposed a transitional prices oversight regime under legislation that amends the Trade Practices Act (*New Tax System (Trade Practices Act) Bill 1998).*

The Bill proposes:

- a prohibition against price exploitation.
- introduces sanctions for exploitation of up to $10 million for corporations and ½ million for individuals using the basic remedies in the TPA.
- requires the ACCC to monitor prices and report quarterly to the Federal Government on the pricing impact of the new tax system.
- requires the ACCC to release pricing guidelines that may be taken into consideration by a court.

The tax reforms are still before the Federal Parliament but it is proposed that the ACCC's role with respect to the new tax system will commence on 1/7/99 when the first tax reforms take place (the wholesale sales tax on specified goods (including motor vehicles) will, at that time, be reduced from 32 per cent to 22 per cent).

The State Government has agreed, to enact laws that mirror the Commonwealth legislation providing for the monitoring of prices. When this legislation is passed the ACCC will then have comprehensive power to monitor GST price exploitation.

ACCC Role in the New Tax System

The primary objective of the ACCC will be to promote compliance with the new provisions and to ensure that consumers are not disadvantaged by excessive profiteering during the transitional period.

The ACCC will:

- monitor price movements
- provide information to market participants
- investigate complaints about price increases
- obtain information
- issue notices specifying maximum prices
- issue notices of price exploitation and undertake enforcement action

Implications of the GST for Fair Trading Agencies

It is expected that many consumers will, in the first instance, report price exploitation matters to state agencies so effective referral mechanisms will need to be established.

The Office of Consumer and Business Affairs has had preliminary discussions with the Adelaide office of the ACCC on this matter.

STATE DEBT

In reply to **Hon. P. HOLLOWAY** (9 June).

The Hon. R.I. LUCAS: In financing the State's debt, SAFA, the State Government's fundraising arm, seeks to access a wide range of financial markets whilst maintaining a strong presence in the domestic market, SAFA's core source of A$ funds. SAFA has in place a range of funding facilities, both domestic and offshore, which it regularly utilises in order to satisfy the State's funding requirements. The State's debt has a diversified refinancing profile with SAFA's liabilities ranging from overnight to very long term.

If we take the period from 1 January 1998 to 31 May 1999, there were over 200 lines of debt maturing ranging from a $200 issue through SAFA's retail bond program to the maturity of SAFA's March 1998 benchmark fixed interest stock which had over $700 million requiring to be refinanced on its maturity on 15 March 1998.

The March 1998s were part of SAFA's core domestic benchmark fixed interest program targeted at large institutional investors such as AMP, AXA (National Mutual), etc. and represent SAFA's largest single fund raising facility. The first tranche of the March 1998s was launched in 1988. The March 1998s remaining to be refinanced at 15 March 1998 had original issue yields ranging from 12 per cent to over 14 per cent.

Other sizeable longer term issues maturing over the last eighteen months include several Eurobond issues and a Yen denominated (swapped back to Australian dollars) issue targeted at Japanese retail investors. These offshore issues were undertaken consistent with SAFA's policy of having the capacity to capitalize on cost effective offshore borrowings which produce a lower cost of funds than what is achievable in the domestic market.

In terms of refinancing debt maturing (including the March 1998 benchmark stock and offshore issues), since the time of the Government's announcement of its intention to seek to sell/lease the State's electricity assets, SAFA has focussed on short to medium term funding (i.e., issues with maturities from three months out to five years) in order to facilitate the possibility of the receipt of major asset proceeds targeted for debt retirement.

Indicatively, over the last eighteen months, short term rates (3 month maturity) have averaged around 5 per cent, whilst medium term rates (3 year maturity) have averaged around 5.3 per cent.

SERVICES AND SUPPLIES

In reply to **Hon M.J. ELLIOTT** (2 June).

The Hon. R.I. LUCAS: The $190 million relates to Cooper Basin gas purchases and sales reflected in the budgeted operating statement for Administered Items for Primary Industries and Resources as gross expenses and revenues. In contrast the treatment in the non commercial sector consolidated operating statement for

1998-99 was on a net basis consistent with its treatment in prior years.

As part of the Department of Treasury and Finance's ongoing transition to accrual accounting these transactions were reviewed and it was determined that the correct accounting treatment is to show gross expenses and revenues on consolidation. The result of this change has been that non commercial sector operating expenses and revenues for the 1998-99 estimated result are inflated by $190 million. Both treatments have a nil impact on the non commercial sector operating result.

SMALL BUSINESS

In reply to **Hon. G. WEATHERILL** (18 February).

The Hon. R.I. LUCAS: The Minister for Industry and Trade has provided the following information:

Integrated Silicon Design has been assisted by both Labor and Liberal Governments through both in kind and cash support by officers of Industry and Trade. The specific detail of this assistance under both Governments is commercial in confidence but assistance provided has included:

- Financial support to develop a liquid solution required for their tracking product.
- 'In-kind' support through the Partnership for Development Program to trial their tracking technology.
- 'In-kind' support promoting the company and assisting in their bidding for work.

Financial assistance and incentives are provided to industry through two main areas:

- Programs administered by The Business Centre and South Australian Centre for Manufacturing of the Department of Industry and Trade aimed primarily at enterprise improvement and industry development.
- Incentive programs aimed at attracting new investment to South Australia from outside the State or encouraging reinvestment by locally based companies.

The South Australian Government through the Department of Industry and Trade provides a comprehensive range of programs designed to support the growth of local industry.

For example, in 1997-98, of all firms that received financial assistance, some 97 per cent were based in South Australia.

In addition, as a matter of policy, the Government provides incentives to encourage interstate and overseas industries to invest in South Australia and to support reinvestment in South Australia by local companies.

The Government objective is to adopt a balanced approach in providing support and incentives for both local industry growth and development whilst providing incentives and support to attract new investment into the State.

Industry and Trade also provides a suite of assistance to industry that not only focuses on grants or loans.

For example, significant programs supported by the South Australian Centre for Manufacturing and The Business Centre focus on enterprise improvement.

The objective of these services is to improve the operating environment of local firms particularly vulnerable to global competition.

Examples of the broad-based support provided to industry by Industry and Trade in 1997-98 included:

- Provided rapid prototyping support to 150 manufacturing companies.
- Assisted 330 firms to undertake enterprise improvement e.g. strategic business and market planning, financial management, mentoring, quality management and assurance.
- Provided technical information to 50 manufacturing companies.
- Assisted companies to achieve $60 million of import replacement contracts (through the Industrial Support Office).
- Conducted 10 industrial based productivity programs.
- Attracted 24 companies to participate in the machine change over competition.
- Supported 42 companies in the Water Industry Best Practice Program.

We need to attract new investment into the State from large national and multinational corporations if we are to grow and refocus our economy to any significant degree.

Consistent with this work, the Government has started the difficult long-term task of diversification of the economy. Some success is already evident in Information Economy, the Water Industry and Defence sectors to name just three areas.

TAXATION REFORM

In reply to **Hon. G. WEATHERILL** (8 June).

The Hon. R.I. LUCAS: In December 1998, the Business Coalition for Tax Reform (BCTR), a peak business group formed in October 1997 to co-ordinate business input to the tax reform process, lodged a submission to the Review of Business Taxation's First Discussion Paper which, inter alia, sought consideration of 'the advantage of the evolution over time of the business tax system in the direction of an expenditure as opposed to an income tax base'. In expressing this view the BCTR acknowledged that an expenditure tax would imply a narrower tax base relative to the present tax base, which would in turn necessitate a higher rather than lower company tax rate to achieve revenue neutrality. The BCTR submission included a discussion paper prepared by Access Economics which outlined the proposed expenditure tax base. It described the essential difference between an income and an expenditure tax base to be that the latter would exclude those portions of business income that are not spent.

In its Second Discussion Paper the Ralph Review only briefly addressed the issue of an expenditure tax base for business. In dismissing such an approach the Ralph Review argued that, inter alia, income has been the relevant tax base historically, that many practical design issues would need to be resolved before such a change were recommended and the Review's timeframe was inconsistent with the magnitude of that task, and that no major country has an expenditure based tax system.

Thus an expenditure base for business taxation appears unlikely to be given serious consideration. In terms of the relative impact of an income versus an expenditure based system for the South Australian economy, no work has been undertaken within the South Australian Government to assess this given that the expenditure tax proposal is not being considered seriously by the Ralph Review.

With respect to the tradeoff between a lower company tax rate and removal of accelerated depreciation allowances, the State Government submission to the Ralph Review recommended that more detailed modelling be undertaken by the Ralph Review on this issue, given that limited research undertaken to date had proved inconclusive. Discussions with business and industry in South Australia had demonstrated that there was considerable uncertainty regarding the whole of State impacts of such a tradeoff. Assessing the overall impact on the State economy is made difficult by the fact that there will be winners and losers under each option, with capital intensive industries with long lived assets likely to be disadvantaged by the removal of accelerated depreciation but other industries likely to benefit from a lower company tax rate. This has been evident in debate surrounding the Ralph Review, with the mining sector displaying strong opposition to removal of accelerated depreciation but other sectors either ambivalent or strongly in favour of a lower company tax rate.

SOUTH-EAST ECONOMIC DEVELOPMENT BOARD

In reply to **Hon. A.J. REDFORD** (18 February).

The Hon. R.I. LUCAS: The Minister for Industry and Trade has provided the following information:

The South East Economic Development Board is an incorporated and autonomous body and not part of a Government Department. The Department of Industry and Trade does not hold the information required to answer the questions relating to Board financial issues at the level of detail required by the honourable member. The honourable member should approach the South East Economic Development Board directly on these specific matters.

As is the case with the State's other twelve country Regional Development Boards, the South East Economic Development Board is provided with core funding in a partnership arrangement between the State and Local Governments. This funding is used predominantly to employ staff and provide business advisory and development services to regions. The Regional Development Boards are not provided with specific discretionary funding and do not generally provide funds directly to regional businesses. Regional Development Boards are also at times provided with State funding for specific projects which need to demonstrate strategic benefit to the region. State funding provided to assist businesses directly is not distributed by or through the Regional Development Boards, but is done either directly by the Department of Industry and Trade or the Minister's nominee. The approval process for these funds is an internal matter for the Department of Industry and Trade and does not involve the Regional Development Boards. Conditions of confidentiality placed

on the assistance prevent the Boards from knowing the details of the assistance.

The criteria for appointment to the South East Economic Development Board are outlined in the Board's Constitution, and are as follows:

- The membership of the Board is limited to fifteen voting positions.
- The Chairperson is elected by majority decision at the Board's Annual General Meeting. Nominations may be accepted from existing Board Members or from any other person outside of the Board on the recommendation of the Executive (of the South East Economic Development Board).
- Two persons are nominated by the South East Local Government Association.
- One person is appointed by each of the Board's Target Teams. The Target Teams currently represented on the Board are: Agriculture; Horticulture; Viticulture; Education and Training; Environment and Natural Resources; Tourism; Forestry and Forest Products; Information Technology and the Arts.
- Up to three voting positions are appointed by the Board either at the Annual General Meeting or at the discretion of the Board. Such positions are designated as one, two, or three year appointments at the time of declaring the vacancy.
- The Chief Executive Officer is considered a voting member of the Board.

There are no Government appointed Board Members or staff. A representative of the Minister, from the Department of Industry and Trade, is able to attend all Board meetings in a non voting capacity.

INDIGENOUS EDUCATION

In reply to **Hon. T.G. ROBERTS** (10 December 1998).

The Hon. R.I. LUCAS: The Minister for Education, Children's Services and Training has provided the following information:

1. Yes.

2. N/A.

3. A whole of government response was jointly prepared by the Aboriginal Education Unit within the Department of Education, Training and Employment, and the South Australian Aboriginal Education and Training Advisory Committee (SAAETAC) within the Department of Environment, Heritage and Aboriginal Affairs. The SAAETAC is the peak advisory committee on education and training for the South Australian Aboriginal Community and is widely representative of this group.

4. The number of Aboriginal children in the South Australian public education system is 5 629 in the schooling sector and a further 792 in preschools. Of those students enrolled in schools, 254 (4.51 per cent) are in year 10, 168 (2.99 per cent) in year 11 and 78 (1.39 per cent) in year 12. These figures were current at the time of the August 1998 census.

5. In 1997, 30 Aboriginal students completed the South Australian Certificate of Education (SACE); in 1996, 23 completed the SACE; in 1995, 18 completed the SACE; in 1994, 36 completed the SACE and in 1993, 33 completed the SACE.

In addition, 25 Aboriginal students achieved a tertiary score in 1997 compared with 24 who achieved an All Courses Aggregate in 1996, 3 in 1995, 34 in 1994 and 28 in 1993.

Completion of the South Australian Certificate of Education is the minimum requirement for University entrance for most students. For Aboriginal students, special entry provisions also apply.

The number of Aboriginal and Torres Strait Islander students who commenced study at each of the universities in South Australia is shown below:

Universities	1997	1996	1995	1994	1993
Adelaide University	73	52	64	64	70
University of SA	145	166	277	219	173
Flinders University	28	22	26	20	16

In addition, 4.32 per cent of the TAFE enrolments in 1997 were Aboriginal and Torres Strait Islander when Aboriginal and Torres Strait Islander people comprised 1.4 per cent of South Australia's population. 4.79 per cent of enrolments at TAFE were Aboriginal and Torres Strait Islander in 1996.

However, the level of accuracy of these figures is open to question because some students may not choose to identify as Aboriginal or Torres Strait Islander. For example, in 1997, 56.44 per cent of students provided profile information to TAFE upon enrolment.

MINING PROJECTS TASK FORCE

In reply to **Hon. T.G. ROBERTS** (10 March).

The Hon. R.I. LUCAS: The Deputy Premier, Minister for Primary Industries, Natural Resources and Regional Development has provided the following information:

The Premier announced the formation of the Resources Task Force at a meeting of the South Australian Chamber of Mines and Energy on 26 February and named Mr Richard Ryan as Chairperson.

In reporting back to the Premier in September, it would be expected that the Resources Task Force will be identifying opportunities and priorities to improve the development of the mineral industry.

In terms of specific issues, the Resources Task Force will undoubtedly call upon people from industry, community and government with specific knowledge and expertise to develop options for their consideration on how best to manage the issue.

The current Bill before the Legislative Council, amending the State's native title scheme, is necessary to ensure the State legislation is compatible with the Commonwealth Act, and provides clear and efficient processes for managing native title.

In reference to the specific questions asked, I offer the following response:

1. As I have already noted, the Resources Task Force will not be made up of representatives, but people who have knowledge of the issues facing the industry.

2. As requested by the Premier, the Resources Task Force will provide advice on the effect of legislation on the mineral development industry. The Government will then consider any recommendations with respect to its impact on all stakeholders, not just the mineral development industry.

3. The Resources Task Force will consider all legislation, including Bills presently before Parliament, for their impact on the mineral development industry.

ELECTRICITY, PRIVATISATION

In reply to **Hon. SANDRA KANCK** (27 May 1998 and 10 March 1999).

The Hon. R.I. LUCAS: I provide the following information in response to the questions asked by the Hon. Sandra Kanck on 27 May 1998 and 10 March 1999:

Would the sale of ETSA and/or Optima Energy impact upon the State Government's contract with EDS, and if so, how?

The contract with EDS (Australia) Pty Limited enables the State to add and withdraw agencies from its scope. EDS was advised of the State's proposal to sell its electricity utilities, and a strategy to handle the consequences under the contract was agreed.

Specifically, the State and EDS agreed to separate the new electricity utilities from the main contract between the State and EDS, and to put in place replacement contracts directly between the utilities and EDS. Negotiations are being completed with EDS to implement these new contracts (on a stand-alone basis with each of the new electricity entities).

These separate contracts will be for services required by the electricity businesses and will be of shorter duration – approximately three years rather than the seven years remaining on the whole of Government contract. If the disengagement process under the whole of Government contract had been implemented, a payment would have been payable to EDS. The disengagement process would have taken approximately 12 months. This would have had significant negative implications for the year 2000 compliance issue to be confronted by ETSA and would have placed the ETSA and Optima entities in a situation where there is no replacement service provider in the period where the Government intends to sell those entities.

Therefore, the view was taken that separate three-year contracts with each of the entities would be preferable.

EDS will require compensation (of a lesser amount than for straight disengagement) to disengage the ETSA and Optima entities and to effect stand-alone contracts with a shorter duration. This cost is directly attributable to the disaggregation of ETSA and Optima and provision has been made for this cost in the electricity businesses.

Any subsequent sale of the electricity utilities will then be subject to those replacement contracts.

In return, EDS has agreed that the revenues earned by EDS under the replacement contracts will continue to comprise eligible revenues for the purpose of the contract between the State and EDS, and thus attract the revenue linked industry development obligations under that contract.

Would any of the current arrangements between EDS and ETSA, EDS and Optima Energy impact upon the sale price of ETSA and Optima Energy? If so, by what amount?

The outsourcing of the State's electricity utilities requirements for IT infrastructure services is unlikely to affect their sale price to any material extent. Outsourcing of non-core business activities (including in particular information technology services) is a standard commercial practice.

From a contractual viewpoint, the State and EDS have agreed to execute replacement contracts for each of the electricity utilities so that they can be dealt with in the sale process in a conventional manner.

A three year contract with EDS with each of the entities will not be expected to affect the value of the entities. In particular, because any such contract ensures that EDS is responsible for year 2000 matters relating to the provision of equipment and services by EDS, this should have a positive impact. In addition, in terms of sale, there would not be a long period of contract remaining after any point of sale in order to allow purchasers flexibility.

The alternative is to run the existing whole of Government contract on in the electricity entities for the remaining period of 7 years, which could have a significant impact on sale value and purchaser flexibility.

Why was the disengagement of the electricity utilities from the EDS whole of Government contract undertaken without the sale of the utilities guaranteed?

The Government's contract with EDS (Australia) Pty Limited contains provisions regulating the 'disengagement' process that applies when a Government agency's assets are to be removed from the contract.

In late 1998, as a first step, the Government and EDS agreed how the seven disaggregated electricity supply industry entities would be handled under their existing contract. Specifically, the seven disaggregated entities were added to the contract in place of the former ETSA Corporation.

As a second step, to prepare the entities for possible sale, arrangements were also made to enable the infrastructure services provided by EDS to the seven entities to be 'unbundled' from the whole of Government contract, and 'bundled' with the package of assets and contracts to be sold with each of the entities.

To this end, the Government and EDS agreed to negotiate separate 'replacement' contracts between the new entities and EDS. These replacement contracts can then be included as part of any sale process, in the same way as any other contract those entities might have entered into for the provisions of any services.

Those separate contracts are still being finalised, so at this stage, the utilities have not yet been 'disengaged' from the Government's principal contract with EDS. However, the separate replacement contracts will proceed once the documentation has been agreed.

Once the contracts are signed, the entities will be disengaged from the principal contract with EDS. The Government and EDS have agreed that the replacement contracts will be linked to the principal contract for certain purposes (for example, the purposes of economic development benefits provided by EDS and for the pricing benefits gained by the Government under the existing contract) for so long as the entities are owned by the Government.

Who provided the advice that this should be done?

The Government decided upon this course of action after taking advice from the Electricity Reform and Sales Unit and officers in various Government departments.

From which part of the State budget has this money come?

Whilst the establishment of the replacement contracts entails both costs and benefits to the Government, it is considered that, on the whole, the Government is advantaged by this process. A 'separation' fee will be payable to EDS on execution of the replacement contracts, but the Government is satisfied that it is reasonable in all the circumstances. The fee will be met from the budget of the Electricity Reform and Sales Unit (ERSU) of the Department of Treasury and Finance.

Will the Treasurer reveal the exact cost to the taxpayers of South Australia and, if not, why not?

The amount of the separation fee is $1 million.

GAMING MACHINES

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Treasurer a question about the Gaming Machines Act.

Leave granted.

The Hon. NICK XENOPHON: Section 52 of the Gaming Machines Act, headed 'Prohibition of lending or extension of credit', provides:

> The holder of a gaming machine licence, a gaming machine manager or a gaming machine employee—
>
> (a) who lends or offers to lend money to a person who is in or who is about to enter the gaming area on the licensed premises; or
>
> (b) who extends or offers to extend credit to any person for the purpose of enabling the person to play the gaming machines on the licensed premises;
>
> is guilty of an offence.
>
> Maximum penalty: $35 000 or imprisonment for 2 years.

Further, I note that the *Smart Play Guide* published and compiled by the South Australian branches of the Licensed Clubs Association and the Australian Hotels Association under the heading of 'Credit betting' states:

> Credit betting or provision of credit to gamble is illegal under the Gaming Machines Act. This includes misrepresenting credit card transactions.

I have recently been approached by two constituents regarding two separate instances involving credit they have received by credit cards at gaming venues for the purpose of playing gaming machines at those venues, with the credit and transactions in both cases being represented as food and beverage transactions. The cumulative amounts involved approached $35 000. My questions to the Treasurer are:

1. What directives or policy does his office and/or the Office of Liquor and Gaming Commissioner have in regard to the credit card transactions of the type to which I have referred? For instance, are such transactions considered to be in breach of section 52 of the Act?

2. Does the Treasurer acknowledge that the intent behind section 52 of the Act is to sanction against credit betting because of the potential such credit betting can have in accelerating or exacerbating problem gambling or gambling addiction?

The Hon. R.I. LUCAS: I will take the honourable member's question on notice and bring back a reply. But, in so doing, I thought I saw a copy of a reply from the Liquor and Gaming Commissioner to the Hon. Mr Xenophon on this question. The Hon. Mr Xenophon is shaking his head to indicate that he has not seen it, so perhaps the letter has not yet arrived; I will have to check, because I have seen a response to this question. The honourable member has directed a question, I think to me, by way of letter on this issue. I have taken advice from the Gaming Commissioner on it.

I know the Hon. Mr Xenophon was in the House of Assembly Estimates Committee when the Labor Party asked questions on this issue, and the Liquor and Gaming Commissioner, Mr Prior, provided me with advice which I then put on the record. I think I also undertook to bring back further information as part of that Estimates Committee response. I certainly will take advice on that.

The honourable member has now indicated that he has been approached by two people with specific details about establishments. If they are different from the cases which Mr Prior has already indicated—and, again, I put that on the Estimates Committee record—and which are being considered by the police prosecutions branch, from memory, I assume that the Hon. Mr Xenophon has referred or will refer that evidence to the appropriate authorities so that similar consideration can be given as to whether action can be taken.

I am not sure what the correct legal term is but, if someone says that they provided a meal and drinks on a credit card

transaction when that was not the case, I am sure that is an offence of some form or another under a particular Act. I cannot help the Hon. Mr Xenophon—he is a lawyer and I am not—but I am sure that it would be an offence under some provision somewhere to do that. Whether it is an offence under the Gaming Machines Act, I do not know; I will have to take advice on that as well. Clearly, it would not seem to be something which the law of the land would allow. I would have thought that it was an offence to claim falsely that you have provided a meal and drink at a particular establishment in order to give someone a line of credit.

As I am not a lawyer, I think wise counsel would suggest that I take both legal advice and further advice from Mr Prior, the Gaming Commissioner. As I said, I have recently seen a response which partly addresses some of the issues the Hon. Mr Xenophon has raised in his question. If the Hon. Mr Xenophon has not yet received that response, he should do so soon.

ELECTRICITY, PRIVATISATION

The Hon. P. HOLLOWAY: My question is directed to the Treasurer. Given that the Government argued during debate on the ETSA disposal legislation that, if South Australians were to retain ownership and control of ETSA, the earnings and asset values would tumble in the new competitive environment, I ask the Treasurer:

1. What data concerning future projected earnings of the electricity utilities will be provided to bidders?

2. Will this data be provided to the Auditor-General, along with the Treasury spreadsheets used to derive projections of total income from ETSA and Optima for the budget, to ensure that the two sets of data are consistent and that the Government has not attempted to artificially reduce projected income for the electricity assets in the budget for political purposes?

The Hon. R.I. LUCAS: I have already partially responded to this question and I am happy to do so again. The Government and I as Treasurer have been largely guided by the estimates provided by the individual electricity businesses, together with the work of the Electricity Reform and Sales Unit and the advisory team that works with it. There is no doubt that key parts of our businesses, such as our generation companies and our retail company, do face an enormously competitive environment.

As has been acknowledged, our distribution business and retail business face risks of a different type. However, they are, by and large, regulated monopolies, and it is really a question not of making losses but of the degree of the profitability and what growth there might be within those businesses. They do face regulator risk. Recently we saw a decision in New South Wales as to the weighted average cost of capital that the business in New South Wales can return. Clearly, those sorts of decisions may impact on the level of profitability of either our transmission company or our distribution company. So, it is important to look at the various versions of risk.

The generation companies and the retail company are at the riskier end of our businesses: there is no doubting that. When one adds all that together, the advice of the Reform and Sales Unit, their advisers and the electricity businesses was that the dividend flow that we were likely to see over the next three years (and I will have to check the exact time period) was around $160 million a year, whilst acknowledging that the Government had provision within those businesses of some moneys for prospective losses over the coming three year period. If there is anything further I can add to the honourable member's question, I will add that by way of a further reply.

MATTERS OF INTEREST

TOSCANA DELEGATION

The Hon. J.F. STEFANI: Today I wish to speak about the recent visit to South Australia of the President of the Toscana region in Italy, Dr Vannino Chiti. As a guest of the Italian Ministry of Foreign Affairs, I recently represented the South Australian Government at the International Marble and Machinery Exhibition in Carrara, where South Australian companies were exhibiting their granite products for the first time.

The exhibition of the South Australian stone industry was made possible by the financial support of the South Australian Government through the grant program of the Council for International Trade and Commerce. In previous years the Italian Government has invited a number of Government officials on similar visits because it is conscious of the great potential that exists to develop a stone and granite industry in South Australia, where we have large deposits of granite and other marketable natural stones.

Whilst I was in Italy, and at the request of the Italian Consul in South Australia, I travelled to Florence to discuss a proposed visit to Adelaide by the President of the Toscana region, Dr Chiti. The Vice President of the Toscana region, Dr Maria-Lina Marcucci, had visited Adelaide last year and met with the Premier at that time. The visit by the President occurred on the 29th and 30th of last month. Dr Chiti was accompanied by Mr Enrico Bosi, representative of the regional council; Mr Luigi Moscardini, Vice President of the Consultative Council for Toscani Abroad; Mr Antonio Caminati, head of the Executive Board; and Ms Maria Dina Tozzi of the Department of International Affairs in Tuscany.

On Tuesday 29 June the delegation met with the Premier and later attended a luncheon at Parliament House hosted by the Treasurer, the Hon. Rob Lucas. Whilst in Adelaide the delegation also met with the Vice Chancellor of Flinders University, members of Com.It.Es (the Committee for Italians Abroad) and representatives from the Italian Chamber of Commerce and Industry. In the evening a reception in honour of the visiting delegation was held by the South Australian Toscana Association at its clubrooms at Enfield.

I feel privileged to have been involved in assisting with the arrangements for the visit of the delegation from Toscana to South Australia, as there are a good number of common links between our regions. The Tuscany region includes important manufacturing activities for a variety of industries such as marble at Carrara, and many machine and manufacturing companies involved in the stone industry. It also represents important activities associated with leather goods manufacture, such as shoes and handbags, as well as wool and silk fabrics, embroidery work, ceramics, silver ware, and alabaster and granite ornamental items.

Tuscany is well known for the production of olives and for the production of wine between Florence and Siena where the famous brand of Chianti has its vineyards. As a tourist

destination, the Tuscany region is rich in history and art. Florence occupies a privileged position as the city where the legendary works of art of Michelangelo, Leonardo da Vinci and Botticelli and many other masterpieces are the treasure chests found in famous museums, galleries and churches. The famous Leaning Tower of Pisa is also a popular visitor destination for many tourists.

In closing, I take this opportunity to pay tribute to the work of the Consul for Italy, Dr Roberto Colaminè, and to the Italian Embassy in Canberra for its continued involvement and support in developing greater bilateral exchanges between Italy and Australia.

BISHOP, Mr R.

The Hon. P. HOLLOWAY: It is with great sadness that I note the passing of Reg Bishop, a former Labor Senator for South Australia from 1962 to 1981, a former Secretary of the Trades and Labor Council from 1956 to 1962 and a former railways union official before that from 1937 to 1956—although that period was interrupted by war service. Reg Bishop had enormous energy. I remember first meeting him in 1975 when I began working in the Federal electorate of Hawker where Reg lived, and I worked closely with him in the Labor Party for 25 years since that time. Reg Bishop accomplished many great achievements in his life. When he was Secretary of the Trades and Labor Council he was responsible for its move to the new Trades Hall; indeed, the main auditorium at Trades Hall was named after Reg Bishop, the Bishop Auditorium. For at least 50 years Reg was involved with the Labour Day Celebrations Committee.

Much will be said at Reg's funeral later this week about his great achievements as a Labor Senator for South Australia. Reg was the last Postmaster General for Australia. Anyone my age would be well aware of just how important the old Postmaster General's Department was prior to the mid-1970s. Of course, in those days it involved Australia Post and the telephone system of Australia, both those areas being much more labour intensive then than they are now. When Reg became the last Postmaster General he was, of course, responsible for the splitting of that organisation into Australia Post, as we now know it, and Telecom, later to become Telstra. I believe that that is one of the most important economic reforms that this country has seen.

I know that it was a difficult period for Reg, because anyone who knows the history of the postal and telecommunications industry prior to 1975 would be aware of the many disputes with which Reg had to deal—disputes such as the one involving the Redfern Mail Exchange—and he dealt with them very successfully. As I have indicated, much more will be said about Reg's achievements on the national stage. I refer here to his contribution to the Labor Party at a local level. Reg was a father figure of two or three generations of upcoming Labor politicians. I well remember attending the famous lunches at Chinatown where Reg and his colleagues—Don Cameron, Jim Toohey and other Labor stalwarts—passed on the wisdom and experience they had acquired over many years to the new generation of Labor politicians.

Reg lived at Cross Road, Clarence Gardens, in the electorate of Mitchell, which I had the honour of representing from 1989 to 1993. Reg was actively involved in the Labor Party for the whole 25 years of my involvement in the Labor Party. Even in his 80s Reg was still handing out how-to-vote cards and assisting the Labor Party. Reg was one of the last of that era of Labor politician who rose through the trade union movement when there were few alternative outlets for working class people. Reg was always optimistic about the future, and during that period he never lost his sense of direction about where the Labor Party should be heading.

It is sad that in the last couple of years I have attended the funeral of Reg's wife, Connie, and that of John O'Grady, one of Reg's senior staff members in the period he was in government. With the passing of Reg Bishop, we in the Labor Party have lost a good friend and a wise counsellor, and Australia has lost a man who achieved great things from humble beginnings. In particular, the working people of South Australia have a lot to be thankful for in terms of the work of Reg Bishop, who never lost touch with his roots. I deeply regret his passing.

WOOL INDUSTRY

The Hon. CAROLINE SCHAEFER: Last week, the report of the federally appointed task force on the future of the Australian wool industry, entitled 'Future Directions', led by Mr Ian McLachlan, was released. The report had been eagerly awaited for some time and, although it is quite contentious, it appears generally to have been well accepted by the industry. Ian McLachlan has said that his vision for the wool industry is to remove bureaucratic institutions, to foster competition and innovation and to give growers more control of their destiny. The report strongly recommends that electronic selling begin within three months and that a new board for the Australian Wool Services (AWS) be appointed within six months.

As an aside, I note that the Australian Wool Exchange (AWX) announced a staged introduction of electronic selling this week. Under a new model, the AWS would become a grower owned company, with one share being allocated for every $100 of wool tax paid for the 1999-2000 financial year. Wool growers would have the ability to vote by March 2001 on whether to reduce or abandon compulsory levies. The task force was particularly scathing of the current sales administrative body, the Australian Wool Exchange, and recommended its complete and immediate abolition.

Mr McLachlan said that wool growers have for too long regarded themselves as an industry rather than individual businesses and, as such, have relied on research and development, marketing and centralised agencies to solve problems. He remarked that, in spite of an all-time low in real prices, the top 20 per cent of growers are still making money. He suggested that research be opened up to competitive tender and that marketing be modelled on the wine industry, that is, that individual high quality brands be promoted and compete against each other with rigorous quality controls. This, he suggested, reassures customers that they will get value for money and forces producers to regard themselves as individual business entities rather than simply growers of a bulk commodity.

However, the task force suggested that fewer than 3 000 sheep is no longer a sufficient sized holding to remain a viable enterprise, and under that scenario up to 80 per cent of wool growers in South Australia would no longer remain viable. While sounding remarkably gloomy, this is actually nothing that growers do not already know. Fortunately, the majority are already mixed farmers or are able to diversify into other enterprises such as the production of meat or cropping. However, it is a fact that a succession of droughts and other natural disasters, even floods and locust and

grasshopper plagues, and poor commodity prices have brought a number of our traditional pastoralists who are in fact specialist wool growers—they have no facility to produce anything else—to their knees financially. They have already lived on their capital for too many years.

There is little doubt in my mind that the Future Directions report is far-sighted and realistic. If introduced, many of the recommendations will cut the cost of production and therefore increase returns to growers. Growers will also become more efficient and specialised, but there is also little doubt that our once proud wool industry is about to face painful and permanent changes, the like of which it has not previously seen. Sympathy and some degree of assistance and lateral thinking, particularly in looking for alternative sources of income, will be necessary by both Government and the public if we are to see the wool industry pull through this crisis and flourish in future.

MIGRANT WOMEN'S LOBBY GROUP

The Hon. CARMEL ZOLLO: Recently I attended a forum which looked at the needs of women requiring interpreting services in the health area. The forum was hosted by the Migrant Women's Lobby Group—a peak women's group formed in 1984, which since that time has canvassed the issues, needs and concerns of migrant women. The group services a range of ethnic organisations and is representative of women from all walks of life, both recent and established migrants. It works collaboratively with a number of Government agencies. The forum confirmed that in our community and, more importantly, in Government departments not enough is done to access the services of interpreters when required. Interpreting services go to the heart of access and equity for migrants. Without them, equity can never be achieved.

Regrettably it is often women in our society who are less assertive in dealing with their own needs. The forum brought together providers, users and interested people in the interpreting and translating sectors. A representative from the North Western Adelaide Health Services was also present. I was pleased to hear of that health agency's willingness to institute an automatic process for the use of interpreters. The day was productive, and a report of the findings will be available in the next few months.

It is incumbent on Government to ensure that at the very least there is a clear understanding in Government agencies and, more importantly, a direction that interpreting services are the basic right of clients and consumers and as such should be accessed. The need for a duty of care by Government departments is paramount in assessing the needs of their clients. Such care needs to include using the best qualified and appropriate interpreters. Besides private providers, the two main services that consumers can access are the National Telephone Interpreting Service (in South Australia it is covered from Melbourne) and our South Australian Interpreting and Translating Centre. The person requiring the interpreting service is never charged.

Our Interpreting and Translating Centre, which was established in 1975, is a leader in its field. Interpreters are available seven days a week, 24 hours a day, and cover some 80 languages and dialects. NAATI plays a very important role in accreditation of the providers, and it is the first association of its kind in the world. Meeting the needs of migrants is never an easy task, but the role of a group such as the Migrant Women's Lobby Group as an advocate for those services is invaluable.

Along with other members I regularly attend meetings of women's groups, including ethnic specific ones. I think it would be fair to say that we now have three groups that purport to be peak groups representing women of different cultural backgrounds: the women's committee of the Multicultural Communities Council, the well established Migrant Women's Lobby Group and the Council of Women of Diverse Cultural Background, which was formed just after the last State election. I am a member of the latter two groups and attend as many Multicultural Communities Council meetings as possible. It would appear that often the same people who are willing to give of their time and talents are involved.

I am pleased to say that I am sure no-one will be surprised to hear that I witness enormous goodwill and cooperation between women, especially women of diverse cultural background. However, I question and have had this matter raised with me by a number of people as to why the Council of Women of Diverse Cultural Background, which could not get a quorum at its last AGM that I attended, recently hosted a forum on racism. It was put to me that the forum was counter-productive and attracted publicity for all the wrong reasons, including apparently the comment on radio by one of the guest speakers, a male, that we are all born racists.

Nonetheless I do not necessarily criticise the fact that we have more than one group. Indeed, at times it may be desirable for more than one group of women to work for a common cause, but before public money is expended such groups should be representative of more than a handful of people, particularly as they are often the same people involved in other groups also attracting such funding. Given that OMIA and SAMEAC are, in their own right, also involved in running forums for women of diverse cultural backgrounds, it would be appropriate and timely to consider ways to minimise duplication of effort and resources. I look forward to seeing continued cooperation between all groups representing the needs and aspirations of women of diverse cultural backgrounds.

PAWNBROKERS

The Hon. NICK XENOPHON: I rise to speak on the link between Australia's gambling growth and that of pawnbroking. Last week I was quite disturbed after speaking to a problem gambler who told me of his difficulties with gambling. He told me that he is now living in a home that is effectively an empty shell with virtually no white goods. He told me that he had hocked his television set for $100 to a major pawnbroking chain and mentioned in passing that in order to redeem that loan he would need to pay not only the $100 but 25 per cent of the $100 on a monthly basis; in other words, an interest rate of 25 per cent per month—effectively 300 per cent per annum. I was very disturbed to hear that.

I made inquires of the Gambling Council, particularly Mr Vin Glen of the Adelaide Central Mission, who told me—and he has said this publicly in recent days on ABC Radio—that something like 60 per cent of problem gamblers that he sees rely on a repetitive basis on pawnbrokers in order to fuel or fund their problem gambling. That is something that concerns me greatly, and I believe the figures would not be that much different with various other gambling counsellors throughout the State. As a result of that discussion with Mr Glen and the problem gambler to whom I referred I will

be writing later today to the Productivity Commission, which is conducting an inquiry into Australia's gambling industry and the link between the growth in pawnbrokers in this State and the growth in the gambling industry.

Mr Glen said that some 10 or 12 years ago, prior to the opening of the Adelaide Casino, there was something like 10 to 12 pawnbrokers in all of Adelaide, and he understands that there are in excess of 300 today. Many of these pawnbrokers happen to be very close to gaming venues. It ought to be investigated whether that is a mere coincidence or whether it is part of the predatory behaviour of some of the pawnbroking venues. One particular behaviour that is clearly predatory involves an incident brought to my attention last year with respect to the Salisbury Hotel—a northern suburbs hotel—which had a promotion with a nearby Cash Converters store, some two minutes walk away from the hotel. Cash Converters had provided drinks coasters not only advertising Cash Converters but also providing a 10 per cent discount to patrons of the poker machine venue, and those coasters were placed right next to each of the 40 gaming machines at the Salisbury Hotel. That is predatory behaviour, and I said publicly then and say it again that the persons responsible for that promotion behaved like vultures.

Given the problems for addicted gamblers, the impact it can have on their families and the easy access to credit people can have through chains such as Cash Converters at exorbitant interest rates of 25 per cent per month, this is a clear area for legislative reform. I was surprised when this industry was deregulated, so I was pleased to hear the member for Spence, Mr Mike Atkinson, yesterday on 5AA indicating that, when his Party comes to Government, he will look at reregulating the industry. That seems to be a very sensible step in the right direction—a clear reform that is desperately needed.

This is an area that needs further investigation. The pawnbroking industry should be put on notice—and, in particular, I am referring to the major chains. I have been contacted by two pawnbrokers who are not part of the major chains: one has expressed a degree of support for my statements; and the other pawnbroker, who wishes to discuss this issue with me, has been quoted in the media as being generally supportive of my concerns. This is an area that will need to be revisited in due course, and I would like to think that honourable members will join the push to reform these extraordinary and outrageous practices of charging interest of 25 per cent per month.

GOVERNMENT POLICY

The Hon. SANDRA KANCK: Tight lips, telephone call marathons by my staff, elusive administrators, economy of information or no information at all, obstruction and paranoia: getting simple information and facts from this Government has become almost a mission impossible. If it was not so serious, it would make a great script for *Yes, Minister*. An obstructionist culture has emerged and I am finding it difficult to receive information, and I am sure it is even more difficult for the rest of the community to find out what is happening and why. In legislation, processes have been put in place to obstruct public consultation in decision making; for example, the major projects provisions in the Development Act. What has happened to open and transparent Government?

On 8 December, I read of the impending resignation of Judith Dwyer, the then Chief Executive Officer of Flinders Medical Centre. As the Democrats health spokesperson, it is my responsibility to know how our public hospital systems are functioning. I was interested to know how the first collocation of private and public hospitals in South Australia was progressing, as well as the new mental health unit at FMC, and I also wanted to wish Judith farewell. As Judith was leaving in February, I sought an appointment to see her before she left. Judith was happy to meet with me—

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! There is too much audible conversation in the Chamber: it is difficult for the Chair to hear the Hon. Ms Kanck.

The Hon. SANDRA KANCK: We were informed that we needed to contact the Department of Human Services. A telephone call was made, but we were then told it had to be in writing. This was done on 10 December. By early January we still had no word. My office contacted the Department of Human Services to chase up the matter and was told that the meeting was deemed inappropriate and that a letter was coming which would explain everything. A letter did arrive on 7 January, saying that the meeting requested would be arranged with Professor Brendan Kearney, the Executive Director, Statewide Services Division of the Department of Human Services. No explanation was given as to why I could not meet with Judith. The letter informed me that Professor Kearney would arrange a meeting. As at 11 March, there was still no word.

I sent a letter to Minister Brown reiterating my request for a meeting. Finally, on 8 April a meeting took place, four months after my original request. Professor Kearney arrived for the meeting with Maxine Menadue, with both of them professing that they did not have a clue why they were there.

Adding to my concerns, I requested an FOI in early February on the agreement or arrangement between the State Government and Ramsays, the owners of Flinders Private Hospital, and this finally arrived two weeks ago. Is this freedom of information or is it freedom to obstruct information?

What is even more worrying is the recent revelation that all freedom of information requests have apparently been going through the Premier's office. My original discussions with Judith Dwyer about Flinders Private Hospital gave me no reason to suspect that anything was amiss: it has only been the Government's strategy of frustrating requests for information that raised my suspicions. If there is no fire, why fuel speculation? This secrecy has permeated to other areas of the human services portfolio. As part of my job, I regularly meet with health service providers, health care workers and consumers to get an accurate picture of health services in this State. I organised to visit Julia Farr Services at Fullarton in April. Following protocol, my office informed the Government of my visit. I was then informed that a senior staff member of Human Services would be accompanying me as a matter of protocol.

In my five years of office I have never experienced such protocol. I can only assume that the Department of Human Services must be so well resourced and staffed that it can afford to have people accompanying parliamentarians on various visits. We asked this particular staff member to block out his diary for non-sitting weeks for the rest of the year, as I plan to make many more such visits. As members can imagine, the discussions that took place that day were very much protocol. On another recent visit to a health care service, a staff member was told to say nothing to me. It

appears that fear and paranoia reign supreme in the Government's health services.

There is no doubt that this culture of obstructionism is costing the taxpayers a lot of money. This is outrageous considering the tough budget that was handed down in May. French poet Paul Valéry must have had this State Government in mind when he penned the following:

> Politics is the art of preventing people from taking part in affairs which properly concern them.

ELECTRICITY, PRIVATISATION

The Hon. L.H. DAVIS: In October 1996, the Labor Party held a convention where the Labor Unity and Socialist Left agreed to a deal which meant that the privatisation of ETSA was never debated on the floor of the Labor convention and has never been debated since that time. Never mind that Mike Rann had, as a Minister in a Labor Government, been party to raising hundreds of millions of dollars through the sale of the Government's 82 per cent interest in the South Australian Gas Company. The sale price in that case was far too low and, interestingly, there was no protection for the workers. Mike Rann also agreed to the sale of the State Bank and, in both cases, the publicly stated reason given by the Labor Government and the Ministers was to reduce State debt.

But for the past 16 months, Mike Rann and his financial sidekick, Kevin Foley—who, to some of his colleagues, is known as 'Kevin Phoney'—has strenuously opposed the sale or lease of ETSA. They claim their opposition is based on principle. If that is the case, they have taken the 'P' out of principle. Never mind that up to a dozen members of the Labor Caucus privately supported the sale of ETSA. It was opposed through sheer bloody-mindedness and then, in a dramatic eleventh hour decision, Rann narrowly won support in Caucus for a 97 year lease. He was, of course, backed by 'The Machine' which was fuelled by the well-known bowser attendant, Pat Conlon.

That old ETU stalwart, the Hon. Ron Roberts, opposed this change of policy, as did members of the hard Left, such as the Hon. Terry Roberts. The people who supported this dramatic change of policy were the very same people who were privately urging the Hon. Terry Crothers and the Hon. Terry Cameron to cross the floor and, for the most part, the very same people who attacked their two former colleagues in an extraordinary and disgraceful fashion.

Mike Rann in another place in leading off the debate on ETSA said:

> I want to talk about some of the events of the past week. . . without resorting in any way to personal abuse. . .

He then claimed that the Hon. Terry Cameron had been dumped from the shadow ministry because he was beaten in debate by the Hon. Di Laidlaw. Obviously, Rann and his advisers had not seen Terry Cameron in action, because he is the most persuasive contributor, the most fiery contributor—and importantly on a wide range of issues—on the Labor side of the Council. Rann also claimed that Trevor Crothers would go down as the Neville Chamberlain of the Labor Party because he had secured a deal for protecting ETSA workers. It is worth noting that the Labor Party failed to secure any protection for its workers when it sold off the interests it had in the gas company to Boral in the early 1990s.

Then Rann talked about 'cowardice and betrayal'. Would he use those words to describe Norm Foster who, 17 years ago, crossed the floor of the Legislative Council in defiance of Labor policy to support Roxby Downs? Rann, having promised that he would not be personal, named and claimed two advisers to the Government on ETSA were 'barely sober' and not even competent. He suggested that the probity auditor to the water contract should have been arrested—an outrageous allegation. Mr Rann claimed that an adviser in the outsourcing of SA Water was 'a little crook'. Ironically, Rann has taken legal actions for statements less serious than those outrageous slurs he made under parliamentary privilege.

Then we had Mr Pat Conlon, the member for Elder, express the hope that the Hon. Trevor Crothers and the Hon. Terry Cameron would 'share the fate of Brutus and his co-conspirators'. He described Terry Cameron as 'an odious creature devoid of principle or scruple'. Of Trevor Crothers, he claimed:

> He is a man whose vanity towers above his talents, abilities, visions and, most of all, his integrity.

Conlon also described his former colleagues as 'creatures'.

The member for Wright, Ms Rankine, claimed the Bill was not about debt reduction but about ideology. I beg your pardon. She claimed that Terry Cameron was 'the most disruptive and divisive State Secretary our Party had ever had'. Ms Rankine was apparently ignorant of the fact that Terry Cameron's financial acumen did rescue the Party from a precarious financial position. She was just as harsh about Trevor Crothers, claiming:

> . . . this sad old man is simply tomorrow's fish and chip wrapping. . . 47 years a scab in waiting.

Delightful stuff! Ron Roberts joined in the fray by saying that Terry Cameron was prepared to 'crush his family heritage for a few pieces of silver'. George Weatherill used profane language against Terry Cameron. This debate revealed the hypocrisy, the shallowness and the schizophrenia which masquerades as the Labor Party in South Australia.

The PRESIDENT: The time set aside for Matters of Interest has expired. I call on the business of the day.

EDUCATION ACT REGULATIONS

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

> That the regulations under the Education Act 1972 concerning materials and service charges, made on 25 March 1999 and laid on the table of this Council on 25 March 1999, be disallowed.

Because on two previous occasions the Council has disallowed regulations such as these, I do not think it is necessary for me to repeat the content of previous debate. However, I think the point needs to be made strongly that, on two occasions, this place has disallowed the same regulations but the Government keeps reintroducing them. This is a clear thwarting of the intent of Parliament. If everything that was done under regulation was incorporated in legislation, legislation would be exhaustively long. The reason for having subordinate legislation is to make the legislative task easier.

It is generally recognised that, legislation having been passed, non-contentious matters will largely find their way into regulations. However, from time to time there are contentious matters. The intention is that, if either House of Parliament is permitted to disallow a regulation, that works in the same way as legislation because it needs approval by both Houses. It is quite plain that the approval of both Houses does not exist in respect of these regulations. They were

introduced before and after the last election, and the Government has now done it again. It is treating the whole parliamentary process with contempt: nothing more, nothing less.

It is worth noting that the way in which this game is played is that the Government introduces regulations when Parliament is not sitting, and that is precisely what it did. I think it introduced these regulations on the last day of a sitting week, so that the Parliament—

An honourable member interjecting:

The Hon. M.J. ELLIOTT: Yes, the last two times. This meant that the Parliament could not look at it for some months. Apparently, the Government received legal advice—I would like to see this challenged—which said that, as long as these regulations are in place, schools can proclaim their fees, and that, even if the regulations are knocked out, they are still enforceable. That is the advice the Government has been giving to schools, but I think it is probably wrong. It is probably about as valuable as a lot of other advice from the Crown Solicitor's Office that has been given to this Government. However, that is another story which perhaps I will leave for my biography rather than refer to it now.

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: It is getting more and more interesting by the minute.

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: Do you reckon there will be plenty of chapters? The game that is being played is in clear contempt of the Parliament. I find it interesting that the Legislative Review Committee has commented generally about the reproclamation of disallowed regulations. Yet, despite the fact that this matter has arisen for the third time, there has been no indication from the committee that it intends to do anything about it. So, even though the committee has a general objection—which has been put on the record in this place—to the continual reproclamation of regulations that have been disallowed, I am afraid that it is possible that this committee has allowed itself to become a political instrument, something which parliamentary committees are not meant to be. That question deserves further attention also.

No other State of Australia has compulsory school fees. Although I believe that the Labor Party in Western Australia might have agreed to them in high schools but not primary schools, a subsequent State conference reversed that decision, and I presume that the next time there is a Labor Government in Western Australia that will be removed.

This issue cannot be looked at in isolation. It should be looked at in combination with the Partnerships 21 program, which is being conducted right now in respect of schools management and which, theoretically, is giving schools greater control and is, therefore, supposed to be part of the democratic process. The question of fees should be married to the Partnerships 21 program and to what the Federal Government is doing to allocate funds. The coupon system—about which Minister Lucas was so keen in the early days and then shut up—is coming through the back door. This system will favour the rich and have a great negative impact on those who are less well off.

There is no argument that from time to time there are difficulties with parents who do not pay fees, but for the most part in most schools that has been a relatively small problem. The Government is now creating a whole new problem: in many cases, school fees are higher than those which are allowed. This has happened largely because the Government is underfunding schools. There are already signs of increasing resistance by people to pay that amount that is above what is compulsory. Within a very short time, the amount of money schools receive will be even less than it was before. Previously, parents were paying everything, and now they are saying, 'I will only pay the compulsory bit and not the rest.' That will then create the next pressure where schools will say, 'Our fees will have to go up because we're not getting enough.'

During the past 12 months, the compulsory level of fee was elevated. This is all happening exactly as I predicted the first time we moved for a disallowance. This is part of the path towards privatisation of all schools, which is the real agenda of this Government. The Democrats will play no part in the destruction of the Government system. As I said, I do not intend to repeat comments made on previous occasions. Those comments are in *Hansard* for all those who wish to see them.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

ENVIRONMENT PROTECTION AGENCY

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

That the Environment, Resources and Development Committee investigate and report on the functioning and operation of the Environment Protection Agency, with particular reference to—

I. the adequacy of the current legislation to enable the agency to achieve its aim;
II. the adequacy of the resources provided to the agency;
III. the adequacy of the monitoring and policing functions of the agency;
IV. alternative interstate and overseas models for the administration of environmental protection legislation; and
V. any other relevant matters.

This motion is identical to a motion moved in the other place by the Hon. Karlene Maywald. I think it is fair to say that there are members of all political Parties who have at least some concern about the EPA and its performance so far. The EPA was—

The Hon. P. Holloway interjecting:

The Hon. M.J. ELLIOTT: Well, we will worry about the Minister in a second. EPA legislation was passed in 1993, but it was not proclaimed for two years with the excuse being given that a great deal needed to be put into place. One might accept that, but two years was a remarkably long time. The EPA is picking up a collection of different functions that already exist and bringing them under one umbrella. In some ways, I think the Government set about trying to save money by using multiskilled officers. Whereas previously there were officers responsible for, say, water pollution or air pollution, I think the Government decided that fewer officers were needed. So, they multiskilled some officers to theoretically cover all those territories.

It is not my intention to dissect the role of the EPA and make a number of judgments about it, because that is the very purpose of asking the Environment, Resources and Development Committee—

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: I will cite a few examples, but the role of the Environment, Resources and Development Committee would be to carry out a full inquiry.

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: This matter falls entirely under the umbrella of the Environment, Resources and Development Committee. It has responsibility for environment issues. This matter, if referred to that committee, would come within its jurisdiction. As a member of that committee

I know that members would not be unhappy if asked to look at this issue.

The Hon. T.G. Cameron: That's not the point.

The Hon. M.J. ELLIOTT: It is the point.

The Hon. T.G. Cameron: It's not the right committee.

The Hon. M.J. ELLIOTT: It is the right committee. I refer the honourable member to the responsibilities of the Environment, Resources and Development Committee. I will return to that matter when I have the Parliamentary Committees Act in front of me. I refer to a series of episodes where I have had personal contact with the EPA in no particular order of seriousness just to cite some examples of the EPA and its functioning.

I recall some years ago receiving a phone call from a person in the South-East who said that a truck was driving along the roadsides in the Lower South-East dumping copper chrome arsenate waste onto the side of the roads. Puddles of the stuff were forming there as it was being disposed of. I asked whether he was sure about that and he said, 'Yes.' He went out and took photos of them next time they were doing it.

I contacted the EPA, and its response was, 'Yes, there is a treatment plant in the South-East, and its pond overflows occasionally and it goes into the paddock next door. We thought it probably was not a good idea for it to overflow into the paddock, so we have given permission to take the excess and drive along the roads and spread it on the roads [these were unmade roads in the forests] as a means of disposal of the copper chrome arsenate.' The EPA was a bit disturbed to hear that they were not spreading it on the roads but were just pouring it on one side of the road. I put the view to the EPA that I was surprised that it thought spreading the material on the roads was a suitable means of disposal. I understand that within a couple of months the EPA decided to change its mind about what would and would not happen.

My point is that, first, it approved a practice that was dubious. In fact, the practice was not even being carried out in the way the EPA had agreed to—it was worse. It was not aware of it until a person happened to be out in the forest, saw what was happening and reported it. This reflects both on the EPA's decision-making ability in terms of what it does and does not approve as responsible practice, and also on its capacity to monitor anything that is going on. The question of monitoring arises again and again; it is claimed that the EPA has neither the human resources nor indeed the equipment to monitor much of what is happening.

I have had contact with people from the western suburbs who are concerned about the Castalloy plant. That issue has been raised in this place, and it is still a significant issue at this time. It is quite clear that Castalloy is not obeying the guidelines—the standards—that are necessary under the EPA Act. The EPA had a couple of ways of responding to that: one was that it could place an order on Castalloy to comply with a certain standard by a particular time. That was not the path the EPA followed, and I will not necessarily criticise it for that. Instead, it agreed to Castalloy undertaking a voluntary improvement program. One might not object to that but, when one asks for a copy of the voluntary improvement program so you can find out about the current emissions, what emissions will be reached and over what time frame, the EPA will not supply it.

I made a freedom of information request in relation to the environmental improvement program and was told that it was commercially confidential. We are talking about a plant which is putting out emissions above acceptable standards. Perhaps quite reasonably, the Government has said that it is prepared to give the company time, but the Government (or I should say the EPA, because technically it is an independent body) is saying, 'We will not tell you what standard we have asked them to reach and by what time, and what steps are required in between.' That is quite an outrageous response, and I am still pursuing that FOI refusal because, like a number of others in this place, I believe it is being used as a means of covering up incompetence as distinct from requiring accountability, which is why the EPA legislation exists. In fact, the reason for having an independent EPA is theoretically to get greater accountability.

Very recently—last week, in fact—I went up to Mount Barker and met with a large number of concerned parents and children from the Waldorf School, which is next door to a foundry. This is not one of those cases where the foundry was there and the people moved in. There was a foundry in Mount Barker which relocated, and it is still something of a mystery to the locals how it is that a foundry was put into a light industry zone. It is worth noting that the State Government has done something very commendable in Adelaide by creating a foundry zone, where it is encouraging new foundries to be established. That is very responsible of the Government and I praise it for that but, somehow or other while that is going on and the Government is recognising that there can be difficulties with foundries, I am now told, by the delegated authority of a council officer, that this foundry in Mount Barker has been given approval to establish in a light industry zone next door to a school and within a very short distance of homes—

The Hon. Sandra Kanck: And hospitals.

The Hon. M.J. ELLIOTT: And hospitals. It has a very short smoke stack and, because it is in a valley, the smoke stack is at the same level as the school oval. That is quite extraordinary. Two issues arise: the first is how on earth it ever got through the planning system, and that is something the Mount Barker Council will have to answer for; and, secondly, as required under the Act, the Mount Barker Council also referred the matter to the EPA. The EPA then had to decide whether or not to issue a licence. Ultimately it could not say whether or not it could go in the zone—that was a Mount Barker Council decision—but it did have to make a decision about granting a licence.

I would have thought that the EPA was aware of the problems it had with Castalloy. After all, I had been chasing it up hill and down dale over an FOI; I thought that it might have noticed that Castalloy, which at least was a long existing plant, was causing problems for it. It was aware of this foundry zone, yet it is providing advice about what standards should apply for the licence for this place in a light industry zone adjoining a school. The EPA has clearly messed this up as well. Within days of the plant opening, reports started going to the EPA. As I understand it, the EPA did nothing for weeks, but eventually it sent a bloke up there who spent a week smelling the air.

An honourable member interjecting:

The Hon. M.J. ELLIOTT: The EPA does not have any equipment, so it sent him up there. He was standing around the place and on the school oval, having a smell. I do not know whether it is world's best practice noses or something like that. I do not know whether this guy has a nose that not only detects methane, ammonia or formaldehyde—and ammonia and formaldehyde are two of the emissions from these sorts of plants—but can also detect the levels and whether or not they are above or below the standard. I presume that that is the sort of nose this guy has. The EPA

may have so multi-skilled him that you could give him a glass of water and, using his taste buds, he could give you the levels of concentration of the various materials. I do not know what training programs the EPA has. Nevertheless, this bloke spent a week up there and talked to lots of people.

The Director of the EPA went to the public meeting just over a week ago. To his credit he showed up and he indicated a level of *mea culpa*, but the message that came through clearly was that the EPA does not have the equipment; that it put out a tender and the first tenders were too high, so it has been waiting for a lower bid; and that it now has one, so it is about to start testing. However, that is related to the problem that companies know when they are being tested so they choose the level at which they operate. They are always notified, and in this case they might notice that a device is attached to their chimney, so perhaps it is not that much of a give away. I asked the question, 'Why don't you do random tests on the school oval, around the school property and in homes around the area? The company would not know.' But, of course, that is too expensive, because it does not own the equipment to do the job. It is a worry.

More recently, we have had the latest oil spill at Port Stanvac. There have been—and I am sure there will be more—interesting questions and debate about the role of various persons in relation to that spill, and there have been some questions in this place about what happened in 1996. What did the EPA do then? It would seem to be a reasonable question in the circumstances. Perhaps, if it had done the right thing then, there would not have been a repeat performance, particularly given that it now appears likely that the cause of that spill originated about then, when a state of denial prevailed about such problems.

I thought I would take things a little further to find out from the EPA what information it had. The wonderful thing about the Environment Protection Act is that it provides for a public register. Section 109 of the Act provides:

(1) The authority must keep a register in accordance with this section. . .

(5) The register must be kept available for inspection, on payment of the prescribed fee, by members of the public during ordinary office hours at the principal office of the authority.

That is fairly clear. It has a register, you go in and ask how much it will cost and you have a look. I had my staffer telephone—and he got an answering machine. He tried again and was told that someone would call back. After a couple of hours of getting no response, I walked to the office of the EPA—which is not signposted, I might add; I knew which building it was in by the address in the telephone book. Environment SA has an office on the ground floor, so I went in there.

The Hon. Sandra Kanck interjecting:

The Hon. M.J. ELLIOTT: It is at 55 Grenfell Street. I went into the Environment SA office and said to the officer, 'I want to talk to someone at the EPA about the public register.' They made a telephone call and said, 'Someone will be down in a short while.' It was quite good: I read a lot of brochures and really good stuff has been published by Environment SA, so I had a great time reading a lot of it—and I must go back to get a few of the documents.

Eventually, I was told to go to the sixth floor, pick up a telephone and dial a certain number, then someone would come to see me. I did that and the fellow said, 'I am not the responsible officer. I am the FOI officer.' I thought that was interesting, but that is another story. He further said, 'The responsible officer is on holidays.' I said, 'Okay, but I want to see the register. It says in the Act, which has been in force for four years, that I can see the register.' He said, 'We have to go to the fifth floor.' We went to the fifth floor; I stood at the counter and someone came up and said to me, 'You must understand that I am not responsible.' I said, 'I understand that. He is on holidays but there is a public register and I want to have a look at it.' He said, 'We do not really have something you can look at. We have files in cabinets on about four different floors.'

So the register which must be kept available for inspection, on payment of the prescribed fee, by members of the public during ordinary office hours at the principal office of the authority does not exist as a register that you can look at. The officer said, 'Tell us precisely what you want and we will get it for you in a couple of days or next week.' I said, 'I do not think I have an argument with you. I presume you have not been given the resources and I guess we will have a chance to address that in due course.' They said that they would try to get something to me in a couple of days. I was told that they would get it to me some time this afternoon, following the request which was made on Monday. I am sure they have gone to a great deal of trouble, but I always expected there to be a register.

For instance, I thought the register would contain details of incidents causing or threatening serious and material environmental harm that had come to the notice of the authority. I expected that there would be an incident register, which might be cross-indexed to files. That is what I expect a register to look like and it would not be very hard to do. In particular, I was interested to see incidents which related to Port Stanvac.

I also expected to see details of any environment protection orders, clean-up orders or clean-up authorisations issued under the Act. I do not think there would be many of those orders, but I might be mistaken. I would not have thought it was hard to itemise them, again, perhaps cross-indexed to more complex files elsewhere. In relation to details of prosecutions, I am not sure there has been one, so I do not think that list would have taken very long, but I would be interested to know whether there had been any prosecutions or other enforcement actions under the Act.

I discovered that this Act requires a public register, yet there is not one. For four years the EPA has been acting without a public register, which is clearly required under the Act. I want to know why—one more question that could and should be addressed by the Environment, Resources and Development Committee.

An honourable member interjecting:

The Hon. M.J. ELLIOTT: The functions of the Environment, Resources and Development Committee (so that I might respond to several interjections made by the Hon. Terry Cameron) provide:

(a) to inquire into, consider and report on such of the following matters as are referred to it under this Act:

(i) any matter concerned with the environment. . .

If the Environment Protection Agency that monitors the environmental standards is—

The Hon. T.G. Cameron: So you could refer anything to that committee.

The Hon. M.J. ELLIOTT: You would not refer prostitution to the committee: you would refer it to the Social Development Committee. It continues:

. . . or how the quality of the environment might be protected or improved.

That is what the Environment Protection Agency is for—how the environment might be protected. If the ERD Committee cannot look at the role of the Environment Protection Agency in terms of how it is protecting the environment, I do not know what else is or is not suitable to be looked at by the committee.

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: Mr Cameron, please; I hear the interjections and perhaps you feel it should be a Statutory Authorities Committee—

The Hon. T.G. Cameron: That is what I am saying.

The Hon. M.J. ELLIOTT: But I am saying that we are talking about environmental protection. The prime body, other than the Department for the Environment itself, which has responsibility for environmental protection on a day-to-day basis is the Environment Protection Agency. There is no question that it fits in exactly with the very first of the four terms of reference of the Environment, Resources and Development Committee.

It would be possible to go on at great length with case after case of the EPA and complaints against it. But I want to find out not what has gone wrong but, more importantly, why it has gone wrong. Are there deficiencies in the legislation? Are there deficiencies in the administration of the legislation by the EPA? Does the EPA lack resources to do its job, both human resources and physical resources?

The Hon. Sandra Kanck: And does the sun rise?

The Hon. M.J. ELLIOTT: I have been critical of the EPA. I do not want to criticise individual officers, because I do not know why things are going astray. There is no question that things are going astray: I do not know why. The Environment, Resources and Development Committee has a record in this Parliament which I think is unblemished. Every report it has ever tabled has been a unanimous report, a consensus report; it is a committee which has managed to be non-Party political; and it is a committee that I am sure will maintain its record in terms of an impartial analysis of the EPA. It is something that is now due, if not overdue. The EPA has been operating for four years and we now find that a public register required under the Act does not exist. Certainly, there has been concern about the quality of work it has been doing in a whole range of cases. I urge all members to support the motion.

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

SELECT COMMITTEE ON INTERNET AND INTERACTIVE HOME GAMBLING AND GAMBLING BY OTHER MEANS OF TELECOMMUNICATION IN SOUTH AUSTRALIA

The Hon. K.T. GRIFFIN (Attorney-General): I move:

That the time for bringing up the report of the select committee be extended until Wednesday 4 August.

Motion carried.

SELECT COMMITTEE ON OUTSOURCING OF STATE GOVERNMENT SERVICES

The Hon. K.T. GRIFFIN (Attorney-General): I move:

That the time for bringing up the report of the select committee be extended until Wednesday 4 August.

Motion carried.

SELECT COMMITTEE ON WILD DOG ISSUES IN THE STATE OF SOUTH AUSTRALIA

The Hon. K.T. GRIFFIN (Attorney-General): I move:

That the time for bringing up the report of the select committee be extended until Wednesday 4 August.

Motion carried.

WINE EQUALISATION TAX

Adjourned debate on motion of Hon. P. Holloway:

That the Legislative Council—

I. Notes that—
   (a) the Howard Liberal Government intends, through its proposed 29 per cent Wine Equalisation Tax (WET) to—
      (i) increase the rate of taxation on wine from the existing 41 per cent Wholesale Sales Tax to the equivalent of a Wholesale Sales Tax of 46 per cent;
      (ii) raise an additional $147 million more in tax than the industry currently pays; and
      (iii) tax cellar door sales;
   (b) the increases in the price of wine that would be caused by the WET proposals of the Howard Government would break the Prime Minister's promise that prices would not rise by more than 1.9 per cent under the GST;
   (c) industry estimates that the proposed tax would cost 500 jobs nationwide; and
   (d) the tax would have disproportionate adverse effects in South Australia which accounts for 50 per cent of national wine output, as well as an adverse impact on small wineries.

II. Calls on the Howard Liberal Government to—
   (a) reduce its Wine Equalisation Tax proposal to the equivalent of revenue neutrality or 24.5 per cent; and
   (b) provide exemption from the Wine Equalisation Tax to the value of at least $100 000 per annum for cellar door sales, tastings and promotions.

(Continued from 2 June. Page 1268.)

The Hon. CARMEL ZOLLO: In supporting the motion of my colleague, the Hon. Paul Holloway, I move to amend it as follows:

Leave out paragraph II(b) and insert:

(b) provide exemption from the Wine Equalisation Tax to the value of at least $300 000 per annum for cellar door sales, tastings and promotions, with costs to be met by the Commonwealth.

This amendment reflects the changed circumstances, with the State being forced to agree to pick up the cost of refunding the WET cost to wineries whose cellar door sales are under the $300 000 limit. In the Estimates Committee last week the Minister for Primary Industries told us that this would cost the State around $400 000. As I understand it, at the moment we have a tax system in place in the wine industry which equates to a 41 per cent wholesale sales tax whereas this new tax will be the equivalent of a 46 per cent wholesale sales tax, which is a 5 per cent increase.

The wine industry has been one of South Australia's great success stories, and probably the only thing that stops us from producing more wine at this time is a lack of water. The Labor Party believes that the revised tax arrangement is an enormous blow to an industry in a State such as South Australia that has emerged as one of the strongest and best producers of wine in the country.

Naturally, regional South Australia is the biggest beneficiary of this success, and nothing the Government does should remove any incentive with regard to this success. The Federal Labor Party, in the interests of small wineries, sensibly sought an exemption in the Wine Equalisation Tax

Bill for small wineries on their cellar door sales and called on the Democrats to support its amendment. Instead, the Federal Democrats opted to accept the word of the Prime Minister that the Government would ensure that the States maintained arrangements under which cellar door and mail order sales up to $300 000 would be exempt from the wine equalisation tax.

I put it to our South Australian Democrat members and also to the two Senate Democrats, who are currently Leader and Deputy Leader of their Party at the Federal level, that the interests of South Australia would have been best served by an inclusion for exemption in the Bill. In a State such as South Australia, where small wineries are one of our greatest tourist attractions, making the State Government responsible for paying the $300 000 rebate to wineries on cellar door and mail order sales is selling the State very short.

For South Australia's small wineries, cellar door sales account for over half their income, with small wineries producing most of Australia's premium wine labels—a fact that is well known in this State. Small wineries play a vital role in educating the public about wine, and many people would say that it is a very pleasant way to educate oneself: hardly a chore!

Statistics tell us that in 1996, 10 per cent of the 4 million international visitors to Australia visited wineries. South Australia would have its fair share of those visitors, with coach tours often leaving passenger terminals direct for the Barossa Valley, the Adelaide Hills, McLaren Vale or the Clare Valley for a day trip. South Australia's wine exports 10 years ago were valued at $67 million; five years later they had risen to $237 000 000; and last year they stood at $583 million. With all the new investment that has occurred in the past few years it will grow even more.

In short, the contribution of the wine industry to our economy is outstanding: we produce nearly half the wine that is produced in Australia. The Labor Party believes the industry deserves better. All in South Australia know of the substantial investment in the wine industry which benefits our regional centres, and that investment was made on the understanding that the 41 per cent wholesale sales tax would remain or be replaced with an equivalent GST rate. Instead, we have the industry facing an increase. The last thing we need in South Australia is a decline in investment in country regions. I believe that the many South Australian Liberal members in Canberra should have better served the interests of South Australia.

I read with disbelief the member for Mayo's contribution to the 1998 Wine Industry Outlook Conference late last year. On the one hand he praised the wine industry for its outstanding achievements and, on the other, tried to tell it that the imposition of a wine equalisation tax at the rate imposed by Treasury to replace the difference between the current wholesale sales tax and the new GST would be fair. As was to be expected, the Winemakers' Federation of Australia believes that its industry's research has been deliberately ignored, and the WET rate has been estimated to add a further $146 million tax impost on the industry.

The federation believes that this new tax will lead to an average price increase of 4 per cent on all wine produced in Australia and cost 500 jobs nationwide. I join my colleague in calling on the Howard Government, first, to reduce its WET proposal to the equivalent of revenue neutrality or 24.5 per cent; and, secondly, to provide exemption from the wine equalisation tax to the value of at least $300 000 per annum for cellar doors sales, tastings and promotions, with costs to be met by the Commonwealth.

The Hon. L.H. DAVIS secured the adjournment of the debate.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: PILCHARD FISHERY

Adjourned debate on motion of Hon. J.S.L. Dawkins:

That the report of the committee on the pilchard fishery be noted.

(Continued from 2 June. Page 1272.)

The Hon. P. HOLLOWAY: I am pleased to rise to support the recommendations of the Environment, Resources and Development Committee in relation to the pilchard fishery. I begin by complimenting the members of the ERD Committee for their unanimous report, unlike the Minister in another place who has criticised the committee. I would like to read some of the comments he made during the Estimates. Minister Kerin said about the report:

> I read that report at great length and much of the evidence that was given. Much of the evidence I find questionable and in some cases extremely contradictory. There were some points where I was mentioned that I found quite amazing and almost laughable, because they just were not correct. Things were related that were verging on fantasy, I suggest.

I look forward to hearing more details from Minister Kerin as to exactly what evidence in that report is contradictory, questionable or laughable. I find it quite the opposite of laughable: I find it serious. The Minister's conduct in relation to the management of the pilchard fishery has been a disgrace, and I will have more to say about that in a moment.

The only recommendation that the ERD Committee has made in relation to the pilchard fishery with which I take issue is recommendation 6, which relates to pilchard imports and which states:

> There should be a rapid phasing out of the importation of pilchards in conjunction with the phasing in of manufactured diets for farm tuna. The committee would like to see commercial trials of the use of manufactured diets in the next tuna season in partnership with industry.

I have no problem with the idea of commercial trials, except to say that I think the phasing out of importation is a Commonwealth matter. So, had I been on the committee I would have been reluctant to make such a recommendation, given that it is a Commonwealth matter. Nevertheless, given the evidence that was put to the committee, I can understand why it should be concerned with the quarantine risk that is associated with the importation of pilchards.

Of course, that is an issue that at this very moment is being considered by AQIS in Canberra. Indeed, it was just announced the other morning that AQIS has decided to defer its decision on the importation of salmon until later this month. I have discussed this issue at some length in the past (I will not go over it again), but clearly the question of the importation of fish into this country is a very hot topic at the moment. It is a very serious question for different elements of the fishing industry in this country. On the one hand, the salmon industry in Tasmania is vigorously opposed to the importation of salmon as table fish and, on the other hand, countries such as Canada have successfully complained to the World Trade Organisation about the inconsistency of our regulations in as much as they allow the importation of fish for bait while at the same time preventing the importation of table fish. So, this is quite a dilemma that the Commonwealth Government will have to resolve.

As the Opposition spokesperson on fisheries, I have never called for a ban on pilchard imports; but it is important to put on record that there should be some proper risk assessment associated with the importation of any fish. I am pleased to see that at last—and it is a matter I have spoken on in the media at some length—money has been provided from the Commonwealth Government for the animal health laboratories in Geelong to do a study on the DNA of the disease found to be responsible for the pilchard kill. Let us hope that, as a result of that money being provided to the animal health laboratories, the scientists can come up with a diagnostic test to determine whether imported pilchards have the disease. Therefore, let us hope that we can deal with the problem of potentially diseased fish being brought into the country in that way.

However, the main issue to which I refer is the allocation of the pilchard quota, that is, the Government's decision to allow pilchard fishermen to catch their share of the pilchard stocks. This is an issue that I have raised on a number of occasions in this Parliament—and at great length. It is a matter which this Government has handled disgracefully right from the day it took office in 1993—and even before that.

I will briefly explain the history of the matter. Prior to the 1993 election the then shadow Minister for Fisheries, Dale Baker, signed a memorandum of understanding with the Tuna Boat Owners Association under which he guaranteed, on coming into government, to give it a quota of pilchards. The records show—and in the past I have tabled a number of documents in this Council in relation to this matter—that the Tuna Boat Owners Association continued to insist on that memorandum of understanding being honoured following the 1993 election. Of course, there was a delay over the issuing of additional pilchard licences, because there were negotiations on the Commonwealth-State Offshore Agreement; and, further, there was the celebrated pilchard kill in 1995.

Eventually, in November 1997 when these issues were finally concluded, there was a meeting of the pilchard working group at which a decision was made to increase the pilchard fishing allocation to 11 500 tonnes. It was decided that 9 000 tonnes should go to the existing 14 pilchard fishermen and that 2 500 tonnes should be allocated to the Tuna Boat Owners Association. That was based on a total of 11 500 tonnes being 10 per cent of the estimated biomass of 117 000 tonnes. Subsequently, it was found that the estimated biomass was wrong by a factor of two as a result of double counting; in fact, the real quota should have been about 6 000 tonnes.

That decision of the pilchard working group was hotly disputed. It was alleged by members of the Pilchard Fishermens' Association that that decision had been made under duress; indeed, the minutes of the following meeting in December 1997 show that they believed the decision was taken under duress. Nevertheless, that decision stood. I criticised the Minister strongly at the time for taking that decision, as I believed he was wrong to do so. The Minister should have put any additional quota out for tender, since he told us that that was his preferred position. Indeed, I have also tabled in this place on a number of occasions documents from the Minister's departmental officers suggesting that that is what should happen. So, that was the situation at the start of the 1998 season: a 9 000 tonne quota for the existing 14 pilchard fishermen and 2 500 tonnes for the ATBOA. However, as I have said, that decision was hotly disputed.

When we raised this issue with the Minister for Primary Industries during the 1998 Estimates, he assured us that the quota was for 1998 only. I refer to what the Minister said during the June 1998 Estimates Committee, as follows:

> I am sure that, at the end of the year, if research came back that we had to reduce it—

he was talking about the pilchard allocation—

> by a lot, it would make for a hard but necessary decision that we would just have to tell those people—

he was referring to the new tuna boat entrants to the fishery—

> that they could not go fishing the next year.

Of course, shortly after that we know what happened: there was another pilchard kill, the cause of which has not yet been established. I certainly hope that it will be in the near future, but all sorts of suggestions have been made public about what may or may not have caused it. I will not go into that issue here, because I want to stick to this allocation question as I believe it really goes to the heart of ministerial propriety in relation to this issue.

So, there it was: during the 1998 Estimates the Minister said quite clearly, 'Look, if something happens that reduces that quota, I will just have to go back and tell these people that they cannot have their quota.' The Minister also told us during the Estimates that that was it and, in that regard, I refer to another quote from last year's Estimates, as follows:

> A recommendation of the working group was that 2 500 tonnes of the annual total allowable catch for the fishery be available to boats nominated by the ATBOA. I have accepted this advice as part of the 1998 management arrangements only.

It is very important to remember that. Quite clearly, the Minister is saying, 'Look, this arrangement I reached was only for 1998.' The Minister said that twice during the Estimates. He said that, if there was a problem—and, indeed, we had one with the pilchard kill—'Too bad, we will have to go back on the arrangements.' He also said that this allocation was only for 1998.

Let us move on. What happened when the pilchard fishery quotas were to be determined at the end of 1998 for this year—in other words, the 1999 catch? The pilchard working group had a meeting on 27 November 1998. It discussed, as is its business, what its recommendations to the Minister would be in relation to the total allowable catch of pilchards for 1999. This is what the group concluded:

> It was further agreed by a majority of the [pilchard fishery] working group that the total allowable catch for 1999 only be allocated between the original 14 permit holders with an equal proportion for each participant. A member considered that a portion of the total allowable catch should be set aside for the ATBOA.

So, that was the recommendation. Quite clearly, it is in the minutes and it is headed 'TAC for 1999'. That is its recommendation: that the total allowable catch be distributed only amongst the original 14 permit holders. So, what did the Minister do? Let us consider the minutes of the next meeting of the pilchard fishery working group on 16 December 1998. The very first issue under 'Business Arising' in those minutes is 'TAC for 1999'. It states:

> In response to a request for what advice was provided to the Minister after the last meeting, the Chairman advised the Director had briefed the Minister on the agreed decisions from the working group. Following the briefing the Minister decided to defer a final decision until the ERD Committee had presented its report.

So, the pilchard fishery working group advised back in December last year that it had recommended that only the 14 original fishermen should have the allocation. The Chairman of that committee then told the working group that the Director of Fisheries, Dr Gary Morgan, had briefed the Minister on the decision made by the working group and,

following the briefing, the Minister had decided to defer a final decision until the ERD Committee had presented its report.

What did the Minister do? The ERD Committee report finally came down and we are debating it now. It was tabled in this Chamber on 3 June. On the very same day, Minister Kerin gazetted a 6 000 tonne quota for the first half of this year for fishers. Of that quota, 4 700 tonnes went to the original 14 fishers and 1 300 tonnes went to the ATBOA nominees. Incidentally, one single fisherman received a 900 tonne quota.

As a result of the changes that the Minister made on an interim basis, having said back in 1998 that it was a decision for that year only and that he would not make a decision until the report came down, and having received advice from the pilchard fishery working group that it believed that only the original 14 fishers should be permitted to receive quota in 1999—having got all that advice—the Minister then came up with an arrangement whereby one fisher received three times the quota given to the original 14 fishers. That is a disgraceful way to run a fishery.

The Minister for Primary Industries keeps lamenting the fact that I continue to raise this issue of the fishery. But, frankly, the decisions are so disgraceful that I will continue to raise it until it is fixed and made right.

The Hon. L.H. Davis interjecting:

The Hon. P. HOLLOWAY: Yes, and you will keep hearing it. It is interesting that the ERD Committee recommended in its report:

> 4. The committee recommends that the original 14 pilchard fishers should be given priority in allocation of additional quota.
>
> 5. The committee recommends that all pilchard fishers should hold a pilchard fisher's licence and should pay fees according to their quota allocation. Any new participants in the fishery should have to abide by the same conditions and criteria as the existing participants.

Clearly, the committee agrees with what I have been saying for almost two years in relation to this fishery. You should not run a fishery by letting one group come in and bully its way to an additional quota that it does not even pay for. The taxpayer does not get the benefit of the allocation of a quota. It is worth millions of dollars and was given to the wealthiest group in the fishing industry, and one person has now received an allocation of fish—a multi million dollar allocation in terms of value of the landed catch—and has a 900 tonne quota when the rest of the original 14 fishers, who have been involved in the fishery for most of this decade, have 300 tonnes. Is that a way to run a fishery? Of course it is not. Is it any wonder there is unrest and turmoil in the fishery?

That is one point I want to make. The Minister responsible for fisheries should be condemned for his management of the fishery but he should be further condemned for misleading the House as he did during the Estimates Committees this year. I have already put on record the decisions of the pilchard working group—the recommendations to the Minister back in November last year. The Minister was advised of those decisions by the Director of Fisheries. During the Estimates Committees this year the quite straightforward question was asked of the Minister by my colleague Annette Hurley:

> Can the Minister explain why the practice of allocating additional quota to the ATBOA has continued into 1999?

What did Minister Kerin say? He said:

> It has been extended in 1999 as a decision of the pilchard fishery working group.

That was the Minister's reply and it was wrong. It is completely and totally untrue. It is a lie. There is no other way of describing it. The Minister was advised that the pilchard fishery working group recommendation for the 1999 allocation was the complete reverse of what the Minister did. He was told that it should not be extended. He was told that the allocation should remain with the existing 14 fishers.

So today in another place this quite misleading answer that the Minister gave to the Estimates Committee last week was put to him. He was asked a number of times and was given every opportunity. He has had a week now to correct the record and to state that he gave the wrong information to the Parliament last week, but he has not taken the opportunity.

When the Minister was asked today by my colleague in another place why he made an untrue statement to Parliament, what did the Minister say? He went back to the decision made a year before and said, 'You have to go back a bit further. Never mind what was recommended for 1999. I might have been asked a question about the allocation of quota for 1999, but you should go back and see what I said a year before that.' That is not good enough. The Minister was asked a quite specific question: he was asked about the quota for 1999 and he said:

> It has been extended in 1999 as a decision of the pilchard fishery working group.

Wrong, wrong, wrong! The Minister made some quite extraordinary comments in his answer in Parliament today. For example, he said:

> I am not being fed these things like members opposite are. All I have to work on is my recollection of the fact that there was the agreement of the pilchard fishery working group that, because we were going to go conservatively on the quota, it will be pro rata to last year.

The Minister was advised so: it says so in the minutes of the working group. It says that the Minister was advised by his Director of the decision, and he got it wrong. His recollection was wrong. When he was asked in Parliament twice during the Estimates Committees whether he was certain of it, he just chose to ignore it. He had every opportunity to go back and correct the record, but he did not. One can only conclude that his misleading of the House was deliberate. The Minister made some other extraordinary comments and said:

> . . . I do not think it is a very good idea for members of Parliament to get sucked in by interest groups to ask certain questions that are all about vested interests.

There is one vested interest in this whole pilchard group, a very strong vested interest, namely, the ATBOA (the Tuna Boat Owners Association)—the wealthiest group of fishermen in this case and the group that the Liberal Party made an agreement with prior to the 1993 election. That is the vested interest that keeps winning. Every time it happens, they win.

Back in November 1997, when there was a decision to be taken by the pilchard fishery working group, the ATBOA had the numbers at that meeting and made a decision that it wanted in on the new quota. There were allegations made that there was bullying, which I have covered in the past—that other members were threatened to make that decision. I do not want to go over it all again but, in the history of this saga, if a recommendation suits the ATBOA, the Minister accepts it unequivocally: if a decision does not suit the ATBOA, the Minister ignores it and pretends it has not happened. That is what he has done in this case. He said, 'That might have been the recommendation of the pilchard fishery working group back in November last year—that the allocation should go only to the 14—but I will ignore that and pretend it did not

happen. I will go back a year earlier, because that decision suits what I wanted to do and what the MOU said.' That is the same MOU which the Minister consistently says should play no part in fisheries decisions. He keeps saying that he has had nothing to do with it. He ignores it. The only problem is that he keeps making decisions that adhere to the spirit of that MOU.

The other quite extraordinary thing about the Minister is that he keeps saying that the decisions on this industry are not his but are made by the industry itself. He even made those comments in answer to a question today and said, 'Some people after signing off on a couple of decisions went around to the back door and tried to change the decision by other means.' I am not quite sure what he means.

He said in Parliament that the decision he made was what the committee wanted him to do. You attend the committee and the numbers are in favour of taking a particular course of action and, if the Minister does not like it, that is not good enough—that is going in by the back door—and he can ignore it. On the other hand, if the recommendation is what the Minister wants—and it did happen once in November 1997—then that is fine; he will adhere to that. What rubbish! The Minister also said in his answer today:

> The Hon. Paul Holloway in another place went on radio and said that the report is highly critical of the Minister.

My recollection is that I said that the committee had made recommendations that were contrary to those of the Minister and that by implication the Minister's management of the portfolio deserved criticism. We will move on. The Minister in his answer today also said:

> The report says that management decisions should be removed from the pilchard fishery working group.

What exactly are the recommendations of the committee's report we are debating in relation to management? The first recommendation of the Environment, Resources and Development Committee is as follows:

> The committee recommends that the Minister for Primary Industries should make the decision regarding the allocation of additional pilchard quota—

and of course he should. That is what they are recommending. The Minister says that management decisions should be removed from the pilchard fishery working group. I would not have thought that that recommendation suggests that. The report continues:

> The pilchard fishery working group should not make this decision.

Recommendation 2 states:

> The committee recommends that the pilchard fishery working group should only provide advice on general management of the pilchard fishery and not on biological aspects, for example, the size of the quota.

The Minister says:

> The report says that management decisions should be removed from the pilchard fishery working group.

What is he really saying there? I would have thought that the recommendations of the Environment, Resources and Development Committee are fairly straightforward; that is, the working group should only provide advice; they should not be making decisions that are quite correctly the responsibility of the Minister. Under the Fisheries Act of this State, the Minister for Primary Industries is responsible for the management of fisheries. He may under that Act delegate his powers to the Director or other officers of the department. Of course, for good management of fisheries we should have advisory committees that make recommendations to the Minister and the department about how fisheries should be run but, ultimately, the Minister is responsible for those decisions: he is the one who has to take responsibility for it.

For example, if a fishing management committee made recommendations for allocations that were unsustainable, the Minister is duty bound to overturn that decision. He is the one who is responsible to this Parliament and to this State for running the fisheries and the Minister should never abrogate his responsibilities as he is doing at the moment. I see the recommendations of the Environment, Resources and Development Committee as simply bringing some commonsense back into this matter by saying, 'On these contentious issues such as allocation, the Minister has to take responsibility: he cannot pass it off.'

Again I make the point that the Minister accepts the recommendations of the pilchard fishery working group only when it suits him. He is quite happy to accept the November 1997 decision for the 1998 catch because that suited him, but when it did not suit him in November 1998 for the 1999 catch, he just ignores it. It is that inconsistency in fishery management that is at the heart of so much that is wrong with fishery management in this State. It is not just the management that is wrong: it is also a matter of great concern that the Minister should so incorrectly answer a question as he did in Parliament today. He clearly misled the House during the Estimates Committees and I believe he should resign. His management is—

Members interjecting:

The Hon. P. HOLLOWAY: When members opposite have been in the Liberal Party for five or six years and seen Ministers being misleading on so many occasions, is it any wonder they all get blasé about it? The misleading happens so often that members opposite are all blasé about it: 'Oh, yes, it is just yet another example. Yes, sure it was wrong but that's too bad, it happens all the time'—and it does under this Government, and that is regrettable. I do not intend to let this matter go. The Minister is complaining about how this issue keeps getting raised. Again I make the point that this issue will continue to be raised until the Minister accepts his responsibilities as a Minister and starts managing the industry fairly and starts listening to the advice of the industry as a whole, not one section of it. Perhaps the best way in which he could start is to accept the report, with the one exception that I have outlined. I think the importation of pilchards is a matter for the Federal Government and that, I imagine, will be resolved in the next few weeks by AQIS one way or another.

In terms of the local management, the Minister could get some order back into this by simply accepting the recommendations of this committee and, in particular, the recommendation that says that the original 14 pilchard fishers should be given priority in the allocation of any additional quota. In particular, I believe that, when the Minister comes to allocate the quotas for the rest of this year, he must not go against the report of this committee—as I suspect he will—and yet again give an allocation to the Australian Tuna Boat Owners Association. To conclude my remarks, at the end of the question today the Minister said:

> As to what happened here today, with more questions, as was the case in the Estimates, it is proof of what the ERD Committee said, that people in the fishery and on the pilchard fishery working group are not up to making those decisions.

So, because I raise a question in Parliament, apparently members of the pilchard fishery working group are not up to

making decisions. Again I make the point that they did make a decision: it is just that the Minister refuses to accept it. The problem is that he will not abide by it, but he keeps saying the opposite. He keeps saying he is abiding by the decision because a decision was made two years previously that he liked. He goes on with this threat—and again I think it is a rather poor way to run fisheries—and says:

> This will give me even more food for thought when we consider the recommendations and decide on what we do with the future of the fishery.

Sadly, I will make the prediction that this Minister for Fisheries, true to past form, will give an allocation to the tuna boat owners in spite of the recommendations of the Environment, Resources and Development Committee report and in spite of the recommendations of the pilchard working group. If anyone would like to bet with me, I will bet that is what happens. It will be a disgrace if it does and I tell members that, if the Minister does, he will be hearing a lot more about this issue in the future.

The Hon. J.S.L. DAWKINS: I do not intend to say a great deal other than to thank those who have contributed to the debate. In doing so, I would like to recall the fact that the Environment, Resources and Development Committee deliberated on this inquiry in a bipartisan fashion, which has been the nature of the way in which that committee works and has worked since I have been a member. I am proud to say that both standing committees of which I have been a member work in a bipartisan and cooperative fashion. Can I also say that the contributions made by the members of the committee in this place have been of a bipartisan nature.

It is an issue that has been a difficult one over a period of years. The committee has made a number of recommendations and awaits the Minister's response. I commend the motion to the Council.

Motion carried.

STATUTORY AUTHORITIES REVIEW COMMITTEE: REVIEW OF THE ENFIELD GENERAL CEMETERY TRUST, THIRD REPORT

Adjourned debate on motion of Hon. L.H. Davis:

That the third report of the Statutory Authorities Review Committee on the management of the West Terrace Cemetery by the Enfield General Cemetery Trust be noted.

(Continued from 2 June. Page 1285.)

The Hon. CARMEL ZOLLO: As a member of the Statutory Authorities Review Committee, I rise to make a brief contribution. The Presiding Member has spoken at some length and recorded both the background and history of this report. The Hon. Trevor Crothers indicates that he will not make a contribution on this occasion and is happy for me to speak on his behalf.

At the outset, I must say that I am disappointed that the committee found itself in a position where it felt that a further report was necessary. I place on the record that I was not keen to see a further report, but the need for such a report became evident after information came to light that the trust was still not proceeding with what one would consider to be the obvious processes of consultation, especially with the major stakeholders.

I am pleased to see that, after much criticism, the trust has now rightly advertised for expressions of interest from consultancy firms to prepare a second plan of management. Whilst the trust is fond of calling the first plan a draft, it is obvious to everyone that the first plan did not follow anything other than the technicalities of the legislation, which saw the trust handed the management of the West Terrace Cemetery. Public consultation was sparse, if any, with the content of the management plan even sparser. I am also pleased to see the invitation for the establishment of a volunteer reference group to participate in the study.

From memory, I think one of the first questions I asked of the trust in its first session before the committee was whether there was a plan for the recording of the plots so as to compile a register. I asked this question because I think it is obvious that the viability of the cemetery rests on exactly how many plots are available and how many leases are current. The future of the cemetery as a viable proposition rests on such information.

The appointment as a matter of priority of an appropriate person or persons to establish a comprehensive register of all grave sites at West Terrace Cemetery is one of the recommendations of the committee in this report. In its earlier report the committee suggested that two heritage planners and consultants, who are widely respected and have already documented a substantial part of the cemetery, be consulted. The historical and heritage status of the cemetery was also highlighted in previous reports with the need for consultation.

The religious groups that most recently gave evidence to the committee all expressed an interest to be consulted in relation to their sections. Hopefully, they will now be given a proper chance. It is important that buildings like the Smyth Memorial Chapel, only one of two buildings located within the cemetery, are included in the management plan.

It is regrettable that it had to reach the stage where the trust had virtually to be directed by the Minister to engage in meaningful contact with the religious groups in order to listen to their concerns, and what they would like to see for their historic sections as part of the management plan. I am happy to place on record that apparently the appearance of the cemetery has improved in the 18 months during which the trust has managed it, that it is tidier and cleaner. There has also been consultation with a noted botanist who, apparently, is happy to review and comment from time to time on the work that the trust is doing in relation to native vegetation in particular. I understand that the Hon. Trevor Crothers has had the opportunity to see the work himself and, during the taking of evidence, he has commented on the tidy appearance of the cemetery.

The Hon. T. Crothers: I was only passing through.

The Hon. CARMEL ZOLLO: The honourable member was only passing through, but I think the Hon. Julian Stefani has made a similar comment about the cemetery looking neater and tidier. Whilst in terms of history the trust has managed the cemetery for only a short time, the terms of the Act are clear and precise and have to be adhered to; and, more importantly, it is within the purview of the committee to ensure that it does so.

I believe the five recommendations of the committee are sensible and clear, and I hope the Minister will recommend their adoption. In particular, the committee recommended that the Minister, pursuant to her powers under section 16A of the Enfield General Cemetery Act, appoint an appropriate person to assist the trust in the selection of the successful tenderer for the second plan of management. The conclusions and recommendations of the committee were unanimous.

I would like to take this opportunity to thank both the committee's Secretary, Ms Kristina Willis-Arnold, and the

research officer, Ms Helen Hele, for their hard work and the assistance they provided to the committee. I believe the committee is very productive, with several inquiries happening at the same time, and I appreciate the demands made on their time.

The Hon. L.H. DAVIS: In concluding this debate, I thank the Hon. Carmel Zollo for her fair and accurate summary of the findings of the committee in its third report on the management of the West Terrace Cemetery by the Enfield General Cemetery Trust. As the honourable member mentioned, the pleasing aspect is that the Minister has taken an interest in and recognises the importance of the West Terrace Cemetery Trust as the longest continuously operating working cemetery in a capital city of Australia.

As the committee became all too fully aware, the management and control of the cemetery has lacked direction for seemingly most of the time in which it has been in existence: some 160 years. The fact that, for the first time, it is out of the hands of government and under the management of a statutory authority (the Enfield General Cemetery Trust) gives hope for optimism for the better management and better appreciation of the heritage and importance of this site.

Notwithstanding the controversy that has surrounded the committee's inquiry into the management of the cemetery, we believe that the Minister, because of her interest in this matter, will ensure that, in future, the West Terrace Cemetery gains the respect that it deserves, that the various stakeholders (including religious groups, the National Trust, the Adelaide City Council, heritage groups and monumental masons) will be consulted appropriately, that the community will be targeted for financial support, and that, in time, the cemetery will become, as is the case with so many cemeteries overseas, not only a source of pride but also a tourist attraction in its own right.

Motion carried.

JETTIES, COMMERCIAL

Adjourned debate on motion of Hon. P. Holloway:

That the Legislative Council calls on the Minister for Government Enterprises to guarantee continued safe public access to commercial jetties for recreational purposes, including fishing.

(Continued from 2 June. Page 1286.)

The Hon. CARMEL ZOLLO: I rise to support this motion. It does not matter why our jetties were initially built along our beaches and coastline, for over 100 years they have also been the hub for a variety of recreational activities. In my now regular travels to Yorke Peninsula I have observed the obvious pleasure that people get from fishing, or just sitting on or walking along the jetties. Perhaps many are fulfilling a greater sense of appreciation of the sea or perhaps the jetty serves as a link between the land and the sea. The sea—and jetties in particular—serves as a focal point in an island continent where the vast majority of people live along the coast. Many people also choose to retire by the sea.

Concerns are being expressed that these things which we all take for granted are under threat because of the proposed sale of the Ports Corporation, which is to be sold as a complete entity. As bids are being sought locally, nationally and internationally, there is increasing concern that any buyer will not be favourably disposed toward allowing commercial jetties to be used recreationally during times when loading or unloading is not in progress or that access will be denied altogether.

The City of Port Lincoln has written to me, as no doubt it has written to all members, and I record its concern that the public will have reduced access for recreational pursuits, for example fishing, and that the public should not be denied such opportunities. Of the 11 ports that PortsCorp owns and operates, Wallaroo, Port Giles and Klein Point on Yorke Peninsula are some of South Australia's favourite holiday spots, particularly for families. For many people, Yorke Peninsula is still an affordable holiday destination and, for some, our commercial jetties play just as important a role as our recreational ones. The local population is regularly boosted by some of the 400 000 recreational anglers in this State who choose the peninsula to pursue their hobby. More importantly, the locals who know the regulations well and are familiar with the access times would find themselves greatly disadvantaged if their access were to be denied. Being commercial jetties, they are naturally in deeper waters and are a greater attraction to the more experienced anglers. Fishing is without doubt a favourite pastime for many people, and those with local knowledge know exactly what one can catch, when and where.

I understand that there is good reason to suspect that, in order to make the sale more attractive, the Government is considering placing restrictions on public access to PortsCorp jetties before a sale is negotiated. Whilst one could understand the logic of removing the threat of liability from this attractive commercial undertaking, I think it is important not to ignore the wishes of one of our largest recreational groups of people who share this passion. I also think there is little argument that the overwhelming number of people who fish off jetties are very responsible; in fact, one very rarely hears of accidents, in contrast to people at sea. I hope that the Minister can come up with a similar arrangement for liability as part of the sale negotiation that will see the rights of anglers protected so they are able to continue to use the jetties during access times. I am certain that the proposed sale of the jetties—which, as my colleague pointed out, is an issue in itself—will receive less angst if, within the same constraints as now apply, the right of access is respected.

The Hon. L.H. DAVIS secured the adjournment of the debate.

FIREARMS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 February. Page 713.)

The Hon. K.T. GRIFFIN (Attorney-General): From the outset I should say that, from the point of view of the Government, our legislation complies with the resolutions of the Australian Police Ministers' Council of 10 May 1996 after the Port Arthur massacre. The honourable member seeks to make some changes to legislation, and I will deal with each proposal separately. The legislation is designed to achieve six objectives:

1. To require the Registrar of Firearms to refuse a licence to all applicants who have been convicted of an offence involving an intentional act of violence within five years preceding the application.

2. To cancel automatically the firearms licence of any person convicted of an offence involving an intentional act

of violence within five years preceding the application and to empower police to search for and confiscate their firearm or firearms.

3. To state in legislation that a licence cannot be issued where the sole reason given for possession of a firearm is personal protection.

4. To provide that the Registrar cannot issue a firearms licence or renew a licence unless the applicant's means of storage of the firearm has been inspected.

5. To provide that a person under the age of 18 cannot have a firearms licence.

6. To prohibit the practice or game of paintball.

I deal, first, with the intentional act of violence objective. The current position under the Firearms Act is that an application must be made to the Registrar of Firearms who may refuse the application only on certain grounds and only if the Firearms Consultative Committee agrees. A significant ground for refusal is that the applicant is not a fit and proper person to hold the licence applied for. One of the defining characteristics of not being a fit and proper person is that the person has been convicted of an offence involving actual violence or threatened violence in South Australia or anywhere else. It should be noted that the power of refusal is discretionary.

The amendment would have the effect of removing the discretion where the applicant has been convicted of an offence involving an intentional act of violence within five years preceding the application. The grounds stated by the Hon. Mr Gilfillan for this measure are, in essence, conformity with the resolutions for gun control passed after the Port Arthur massacre. The police advised that the resolutions of the Australasian Police Ministers Council of 10 May 1996, after the Port Arthur massacre, referred to disqualification after conviction for an offence involving violence within the past five years and conviction for assault with a weapon or aggravated assault within the past five years.

South Australia's legislation appears to comply with the resolutions. The key problem with the Hon. Mr Gilfillan's amendment is his deployment of the word 'intentional'. Most offences of violence, such as, for example, assault, can be committed both recklessly as well as intentionally. While the line separating intention from recklessness is not well defined it is quite clear that recklessness is a less rigorous standard than intention, for the latter refers at least to meaning to do something, while the former can be satisfied by awareness that the harm will occur whether it is meant or not. These terms have been and can be defined legislatively.

The point for present purposes is, however, that the result of the proposed amendment would be that disqualification for intentional acts of violence within five years preceding the application would be mandatory and disqualification for any reckless acts of violence would remain discretionary. This would require the officers and the committee concerned to make the decisions with quite difficult and sometimes impossible determinations to make. If, for example, applicant X had been convicted of assault, it will not be possible to tell from the face of the record whether the assault was intentional or reckless.

While, therefore, this proposal would tighten eligibility for a licence in a way designed to keep firearms out of the legitimate possession of those with criminal records for offences of violence, it does not of course address the alternative issue, and for that reason, and because the element of discretion is removed, the Government is unable to support that proposition.

The second objective relates to licence cancellation. The second proposal follows on from the first. Under current law, disqualifications from holding a licence under the Firearms Act are dealt with by section 34A of the Act which provides:

(1) Where a court convicts a person of an offence against this or any other Act and the court finds that a firearm, receiver, mechanism, fitting or ammunition was involved in the commission of the offence the court must make one or more of the following orders:

(a) where the firearm, receiver, mechanism, fitting or ammunition was owned by the convicted person that the firearm, receiver, mechanism, fitting or ammunition be forfeited to the Crown or be disposed of in such other manner as the court directs;

(b) that a licence held by the convicted person is subject to specified conditions;

(c) that a licence held by the convicted person is suspended for a specified period or until further order;

(d) that a licence held by the convicted person is cancelled;

(e) that the convicted person is disqualified from holding or obtaining a licence for a specified period or until further order.

(2) Where, in the course of proceedings before a court, the court forms the view that a party to the proceedings who has possession of a firearm, receiver, mechanism, fitting or ammunition is not a fit and proper person to have possession of the firearm, receiver, mechanism, fitting or ammunition, the court must make one or more of the following orders:

(a) that the firearm, receiver, mechanism, fitting or ammunition be disposed of in such manner as the courts directs;

(b) that a licence held by the party is subject to specified conditions;

(c) that the licence held by the party is suspended for a specified period or until further order;

(d) that a licence held by the party is cancelled;

(e) that the party is disqualified from holding or obtaining a licence for a specified period or until further order.

It can be seen that the power under subsection (2) is tied to a finding that the offender is not a fit and proper person and hence may be directed towards the criterion that the person has been convicted of an offence involving actual violence or threatened violence in South Australia or anywhere else. Both this and the power under subsection (1) is framed in terms of the court being obliged to make the order. It should further be noted that the police are then given statutory power to enforce the order. Section 32 of the Act provides:

(1) If a member of the police force suspects upon reasonable grounds that. . .

(ba) a firearm has been forfeited to the Crown by order of the court. . .

the member may seize that firearm. . .

(3) The member of the police force may break into, enter and search any premises in which the member suspects on reasonable grounds—

(a) there is a firearm, receiver, mechanism, fitting or ammunition liable to seizure under this section;

It is not clear that the proposed section 34B sought to be inserted into the Act by the Hon. Mr Gilfillan adds anything to these powers. The police are of the view that it does not.

The third objective is personal protection. The police advise that the relevant APMC resolutions included a resolution that personal protection not be regarded as a genuine reason for owning, possessing or using a firearm. Of course, the use of a firearm in self-defence or lawful defence of property may be lawful pursuant to sections 15 and 15A of the Criminal Law Consolidation Act and it is incapable of credit that Police Ministers intended that position to be altered.

Currently, section 13 of the Act requires the Registrar to endorse the firearms licence with the purpose or purposes for which the firearm or firearms of that class may be used by the holder of the licence. Section 13(2) provides that a licence

can only be endorsed for the purpose or purposes prescribed by regulation or approved by the Registrar pursuant to the regulations. The Hon. Mr Gilfillan's Bill seeks to amend the Act to provide that personal protection cannot be one of those purposes.

Police advise that it is current policy that personal protection is not a purpose approved by the Registrar. However, personal protection is not mentioned in the Act or the regulations. If this is the current policy of the Registrar it might be supposed that it is better in the interests of public openness that the policy be spelled out rather than hidden in the interstices of administrative practice. On the other hand, it could be argued that to do so would be to focus public attention on the issue and hence foster division of public opinion on a contentious issue which has been operating to the satisfaction of the Registrar and the police hitherto. There is, I suppose, something to be said in principle for the amendment, but in practice it would be inadvisable to raise, yet again, the vexed question of appearing to restrict the right of self-defence with which the Parliament has struggled over the past few years.

The fourth objective is the inspection of storage facilities. The practical effect of the amendments proposed is that the Registrar cannot grant any firearms licence or renew any such licence unless the applicant's means of storage for the firearm has been inspected, except where those means have been subject to a previous satisfactory inspection. The current position is that under section 12(6) of the Act the Registrar may, with the consent of the consultative committee, refuse to issue a licence or a renewal of a licence if not satisfied that the applicant will keep firearms in his or her possession secured in accordance with the Act.

Further, under section 32(2a), if police suspect on reasonable grounds that a person who has possession of a firearm has failed to keep the firearm secured as required by the Act, the member of the police force may inspect the firearm and the means by which it is secured. Such an unsecured firearm could be seized under section 32(1) of the Act. The APMC resolutions in question state that it should be a precondition to the issuing of a new firearms licence and any renewal of such a licence that the licensing authority be satisfied as to the proposed storage and security arrangements. They do not require actual inspection in so many words.

It can be argued that, at least technically, the current Act complies with the letter of the APMC resolutions. The resolutions do not specifically require actual inspection of each and every applicant's facilities. On the other hand, it can also be argued that actual inspection was the intention or spirit of the resolutions, and while current legislation leaves it up to the applicant to satisfy the Registrar of the security of his or her facilities there is nothing which requires the Registrar to demand proof of secure facilities in each case.

Police advise that there are about 75 000 firearms licence holders in this State and that about 200 new applications are made each month. They advise that, on this basis, they do not have the resources to carry out actual inspections in each case. Therefore, while there are arguments both ways, I am of the view that the amendments should be opposed on the basis that there is insufficient reason to change the existing scheme and that it would place an intolerable burden on the police, to no significant practical benefit to the community.

The fifth objective is to limit a firearms licence to those who are of or over the age of 18 years. Currently the Act allows for a licence to be granted to a person between the age of 15 and the age of 18 on certain conditions and only when the purpose is related to primary production. Sections 12(4) and 12(4a) provide:

> (4) An application for a firearms permit may be made by a person who has reached the age of 15 years but who has not reached the age of 18 years if that person is the spouse, child, brother, sister or employee of a person who holds a firearms licence and who carries on the business of primary production.
>
> (4a) A firearms permit may only authorise the possession and use of class A or B firearms registered in the name of the spouse, parent, brother, sister or employer of a licence holder and may only authorise use of the firearm for the purposes of the business of primary production carried on by that person.

Simply put, the amendments proposed by the Hon. Mr Gilfillan delete these subsections, which constitute a very limited exception enacted in 1996. Police advise that they have encountered no difficulty with these provisions.

The sixth and final objective is to ban paintball games. Paintball 'games' were made legal and regulated under the Firearms Act by amendments which came into operation in 1993. They are 'games' of simulated combat using firearms which discharge paintballs to designate 'hits'. At the time police and some shooting organisations opposed the legalisation of paintball on the ground that it amounted to the condoning of the deliberate aiming and firing of a firearm at another person and was contrary to the rules of firearm safety and desirable attitudes to the use of firearms in this community. Those views were not accepted in 1993.

The Hon. Mr Gilfillan's amendments are simple. They seek to repeal the legalising sections and render paintball an illegal activity. Police advise that there are currently eight paintball proprietors operating legally in South Australia using nine approved grounds. The Hon. Mr Gilfillan does not oppose paintball on the ground that it is contrary to the 1996 APMC resolutions because paintball was not mentioned in those resolutions. His argument is straightforwardly based on its reflection and encouragement of the gun culture and all that that implies. Interested members can do no better than refer to his speeches in the Parliament on the subject. This is a subject on which opposing arguments can be strongly and genuinely held. It is the Government's view that the matter was decided by Parliament in 1993 and should not now be revisited.

It is on those bases that the Government indicates that it is not prepared to support the second reading of this Bill, believing that the current regime which we have in place is working satisfactorily, and the Government sees no reason now to re-enter the public debate and controversy over what should or should not be the law in relation to the Firearms Act.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

GAMBLING INDUSTRY REGULATION BILL

Adjourned debate on second reading.

(Continued from 26 May. Page 1189.)

The Hon. CARMEL ZOLLO: Earlier this year I was one of a handful of members in this place who supported the Hon. Nick Xenophon's Bill for a freeze on the number of poker machines. I did so believing that such a move would not have been too detrimental to the industry, employees and to Government. It would have given us time to assess fully the impact of the introduction of poker machines in the South

Australian community. I believe the outcome of that assessment and freeze would have revealed what I think we all know, if we are honest with ourselves, namely, that we have enough poker machines in South Australia at this time. Put simply, it was a measure I could live with.

I said at the time that we should now be focusing on the problem of addiction, and such a freeze would have given us a better opportunity to do so. I still believe that, given the gambling industry's turnover of $4.6 billion per annum. As a society we owe it not just to addicts but to the many people who are affected by that addiction to be more active in assistance and the amount of assistance that is available.

I also said at the time that I would have trouble supporting a wider Bill because we cannot deny the benefits of the industry, and the people working in that industry, to South Australia. The reason for that statement is that I understand a wider Bill would have a provision for the complete removal of poker machines and, of course, it does. I believe it is not reasonable now to unscramble the egg, as it were.

The Hon. Nick Xenophon spoke at great length of the aims and composition of the gambling impact authority and the other initiatives under the Bill. I am sure that members do not need me to repeat them all. I will, however, refer briefly to some of them. The Bill provides for the establishment of the gambling impact authority and fund, which offers a framework for independent research and services to those affected by gambling. At a recent interstate gambling regulation conference that I attended, the only independent people present were some of the gambling counsellors. Others, at any rate the ones who spoke, were obviously employed by gaming outlets. By that I do not wish necessarily to imply a conflict of interest on the part of these people, but I think we would all agree that it would be preferable when carrying out research to try to be as independent as possible.

The Hon. Nick Xenophon spoke of the link between gambling addiction, suicide and the need for further research. Suicide would be emotionally devastating in itself but, when families are left to deal with not only the pain of loss but the economic devastation as well, the pain must be unbearable. One of the major problems of gambling addiction is that addicts are often able to hide what is happening in their lives for a long time, because very few are able to admit what is happening to themselves, let alone to their loved ones.

The Bill also provides for a gambling impact fund to be established to facilitate the activities of the gambling impact authority, specifically to provide funding for charitable organisations that give support or advice to those persons seeking help. I agree with the measures that the Hon. Nick Xenophon has outlined in his second reading explanation in relation to research. At present, there seems to be more academic debate as to the percentage of addiction rather than debate on the best means of research and, more importantly, by whom. I note that the Treasurer alluded to the fact that it might be feasible for the Government to commission some independent research or for parliamentary committees to carry it out. This response came in the Estimates Committee last week, so there may well be some hope.

The need for immediate help for addicts is assisted in part by the proposed function of the gambling impact authority to include the provision of a 24 hour telephone counselling service, staffed, if practicable, by persons ordinarily resident in this State. At the gambling regulation conference, one of the industry counsellors recounted the story of herself and Crown Casino staff actually going to the rescue of an addict apparently considering suicide in the car park of the casino. All I can say is that I am glad they were all in the same location. I am also pleased to see that it picks up on the fact that families can receive grief counselling, which may involve grief at the lack of trust and sadness at the breakdown of relationships and often the loss of lifestyle that goes with the safe financial security which obviously disappears without any mental preparation.

The initiative to establish a fund to assist the live music industry is to be commended. I am sure that if it goes ahead it will help to re-establish live music and assist in the careers of many talented people in South Australia. It obviously will need to be implemented carefully.

Clauses 14 and 15 are certainly two clauses that have already raised some debate in the community. The provision makes it an offence for a gambling entity to make a donation to a political Party. Apparently, at the last State election, both major political Parties received donations of $50 000 from the Australian Hotels Association (SA Branch). I put to the Hon. Nick Xenophon that $50 000 is not exactly a small fortune for the major political Parties in running campaigns. If the honourable member's concern is that the disclosure laws are not tight enough—that they may not pick up donations to individual candidates rather than political Parties—perhaps our disclosure laws should be tightened.

The Hon. Nick Xenophon mentioned that, in the New Jersey legislature, such donations are banned. My view is that it is better to be open and up front when it comes to political donations, rather than trying to circumvent legislation. No doubt many other lobby groups in our community would like to see the banning of political donations from other specific groups in our society.

I commend the Hon. Nick Xenophon on the establishment of a regime for compensation for victims of gambling related crime. The honourable member has sensibly kept the amount at $10 000 in order that the fund be seen as a fund of last resort, with strict measures for proving its need. I think it is a worthwhile measure. We have a Victims of Crime Fund at the moment, and the AHA has raised with me the issue that this is a duplication of the service. I will ask the Hon. Nick Xenophon to respond to this position in the Committee stage of the Bill and perhaps explain better how he envisages that it differs from the Victims of Crime Fund that we have now.

The Hon. Nick Xenophon interjecting:

The Hon. CARMEL ZOLLO: That answered that pretty quickly. I recently read with interest the paper *Who's Holding the Aces?* that the Hon. Nick Xenophon mentioned in his speech. The authors of the paper made the case that there is a link between compulsive gambling and crime. It certainly makes a lot of sense. Obviously, if and when a crime is committed depends on everything from the amount of money and credit to which the person has access to when the hidden habit is eventually found out. The research clearly sets out the various stages that compulsive gamblers go through and points out that, just like drug addiction, people turn to crime to feed their habit.

Clauses 54 and 55 pick up on the need to provide protection indirectly to families and children in this State. Clause 54, in particular, provides for an amendment to section 73B of the Gaming Machines Act relating to the Charitable and Social Welfare Fund, to change the criteria and allow more equitable distribution of income to those charities directly affected by the introduction of gaming machines in this State. Any of us who attend meetings in the general community picked up quite a few years ago what a struggle it is for our

welfare agencies to keep up with assisting people financially. The financial counsellors assist the addict, but along the way another arm of the agency has probably been assisting the family for many years.

The clause that provides for the separation of gaming rooms from the other areas of licensed premises by walls and doors, so that persons using existing licensed premises for purposes other than betting or gaming do not need to enter via the same door, appears to be of concern to the AHA. I agree with the need to keep children totally away from gaming areas, and gaming rooms are partitioned at the moment for this reason, I presume. The Hon. Nick Xenophon wants to go further. I am honestly not sure about this clause, as I do not generally frequent pubs and gaming rooms, so I might need to get further advice. The AHA is of the view that such measures will not assist gambling addicts, as it will tend to isolate them from the reality of the outside world, and I guess there may well be some value in what they have to say.

I do not wish to pre-empt the findings of the Select Committee on Internet Gambling other than to say that I look forward to its findings. I am of the opinion that the Federal Government should move very quickly to establish a national framework to regulate and provide consistent legislation for this latest addition to the gambling scene. It is a form of gambling where you obviously need access to the Net, but it will appeal to certain people in our community who will probably find it much easier to get hooked. I remember the Lassiters representative advising us at the conference that there was a limit to the amount one could bet with; that is, until you won, and then of course they would not stop you from re-betting with your winnings.

Figures apparently released a few months ago but rereleased two weeks ago indicated that as a nation we are spending $11 billion on gambling per year, an extraordinarily high figure for a population of only 18 million people. Along with many other people, I look forward to the release of the Productivity Commission's report on gambling in Australia. From memory, we were advised by the Chairperson of the Productivity Commission at the gambling regulation conference that it was due for release in November this year. Apparently, the evidence keeps growing.

From the Hon. Nick Xenophon's point of view, the most important section of the Bill is the removal of gaming machines from hotels within five years. I guess that is why he was elected to this place. I have already told him that I have difficulty with such a provision because I am mindful of the employment opportunities offered to so many people, even though I acknowledge that much of it is part-time and casual employment. It was for this reason that I supported the freeze on the Gaming Machines Bill but cannot support the removal provision in this Bill. If we have strong regulations and support for people who fall into the addiction trap, the industry can be a viable one.

For the reason that I want to see those regulations and support for addicts enshrined in law, I support the second reading of this legislation and hope that other members will do the same so that we can at least continue with the debate and hopefully reach a compromise that sees a viable industry which is providing entertainment and employment for many people but which is mindful of its responsibilities, along with Government, to those people and their families who become the victims of addiction.

I know that the AHA wants to continue with self-regulation and, of course, makes a case for itself to continue to do so. We all received some information today in relation to this Bill and an indication of the AHA's willingness to see a review of the Gaming Machines Act, and I thank it for sending the information. I see regulation of this industry as one that involves Government because Government is also a great beneficiary. I am sure the majority of gaming proprietors want to see an industry that is responsible and viable. I am sure that the majority are honest, hard working people, engaged in a legal industry, and the intention of my supporting the second reading of this Bill is not to suggest otherwise.

However, there is now ample evidence that poker machines are more addictive than other forms of gambling. They have attracted a new clientele who never before took part in gambling, often those who can least afford to do so, especially women. Gambling also affects many other people in an addict's life. It is for these reasons that I hope members will give an opportunity for the Hon. Nick Xenophon's Bill to be debated in Committee so that at least we can support some of the clauses of this Bill.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

[Sitting suspended from 5.57 to 7.45 p.m.]

CONSTITUTION (CITIZENSHIP) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 June. Page 1297.)

The Hon. NICK XENOPHON: I rise to indicate that, after carefully considering the Bill introduced in another place by the member for Hartley, I cannot support this Bill. I also disclose that, whilst I was born in Burnside in South Australia, my parents were born overseas: my mother from Greece, my father from Cyprus. I am very proud not only of my heritage but with the manner in which my parents have embraced their adopted homeland. I do not know whether, if this Bill was framed to apply to current MPs, I would be affected by it, simply because of the wording of the Bill and also because I do not know what the provisions are in Greece and Cyprus with respect to citizenship and the nature of any renunciation that would have to take place. I also make clear that I have only one passport—an Australian passport—and I do not intend to get any other passport, whether or not I am entitled to one.

However, before I give the reasons for my position, I would like to pay a tribute to the member for Hartley, Mr Joe Scalzi, a member for whom I have a great degree of respect. Clearly, he works very hard for his electorate. It is unfortunate that, at the State election, in material circulated by his Labor opponent, much seemed to be made out of the fact that the Labor candidate and his family lived in the electorate for six generations. If that was intended to imply in any way that a candidate having roots in an electorate for six generations is in some way superior or has attributes superior to a candidate who has not been in the electorate for six—

The Hon. Carolyn Pickles interjecting:

The Hon. NICK XENOPHON: The Hon. Carolyn Pickles talks about strong links. I just thought it was a bit of disingenuous campaigning, and I think that the member for Hartley—

An honourable member interjecting:

The Hon. NICK XENOPHON: I just thought it was a very disingenuous piece of campaigning and I took some offence, I must admit.

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. Roberts interjecting:

The Hon. NICK XENOPHON: I am digressing, but it should be placed on the record that the campaigning of Quentin Black, the Labor candidate, whether or not it was intentional, was somewhat disingenuous and offensive because it seemed to imply to some people at least that just because you have not lived in an electorate for six generations you are in some way a second class candidate. Clearly, that is something with which I simply cannot agree. I have been assisted by the contributions in the debate made by the members in this place and in the other place and, in particular, the member for Hartley's contribution and also the erudite contribution of the member for Spence, who gave a good historical and legal basis for this Bill.

The Hon. L.H. Davis: Mr Atkinson!

The Hon. NICK XENOPHON: Yes. I think he is the member for Spence.

An honourable member: Not Rowan Atkinson.

The Hon. NICK XENOPHON: No, not Rowan Atkinson, but Mr Mick Atkinson. I commend to the Hon. Legh Davis Mr Atkinson's speech in relation to this Bill and I endorse the remarks. I accept that the member for Hartley has introduced this Bill with good intentions, that he does have a deep love for Australia, and I endorse the remarks of the member for Spence as to the member for Hartley's good intentions. That is something that should not be in dispute. I simply do not accept what other members have said; that is, that it is some sort of fop to Pauline Hanson supporters or that it is a Bill that, in some way, has been introduced with some malice on the part of the member for Hartley. I simply do not accept that and I accept the good intentions of the member for Hartley.

I note that on 5 May 1994, following what is generally known as the High Court's Cleary decision, this Parliament deleted a disqualification expressed in section 31(d) of the State Constitution Act which refers to a member who 'becomes entitled to the rights, privileges or immunities of a subject or citizen of any foreign State or power'. As I understand it, the Attorney-General introduced that Bill to rectify what appeared to be an anomaly arising out of the Cleary decision. The member for Hartley supported that amendment, although, to be fair to him, he did point out that he had some reservations about supporting that Bill. I see no reason why this Bill ought to be supported, given the 1994 amendments, and I would be interested in the Attorney's approach to this, given the passage of the previous Bill.

Members interjecting:

The Hon. NICK XENOPHON: The position is made. The member for Hartley makes the point that we ought to pass this because it is consistent with Commonwealth law. I simply do not accept that. Given our Federal system, just because the Commonwealth passes a particular law does not mean that we ought to go down that path at all.

Members interjecting:

The Hon. NICK XENOPHON: I believe very much in the Federal-State system and in States' rights, and I think that we ought to see what is appropriate on the merits. This provision is something of a constitutional quirk in the Commonwealth Constitution which recently led to the disqualification from the Senate of Heather Hill in Queensland.

I have considerable difficulty with the wording and the consequences, intended or otherwise, of the Bill. The Bill requires that a person who is a subject or a citizen of a foreign State or power or who is under an acknowledgment of allegiance to a foreign State or power cannot be chosen as a member of Parliament. It does not apply, however, to anyone who has taken reasonable steps to renounce any foreign nationality or citizenship or any allegiance to a foreign State or power. That is fraught with legal difficulties because, by implication, it involves looking at the laws of over 150 nations that could well apply in relation to this. It can also apply in situations where the steps required to renounce under the laws of another nation involve renouncing one's heritage or birthright. That is a matter that many of my constituents in the Greek community have raised with me, and they find that to be very disconcerting.

I cannot support this Bill, not only because I believe that it is fraught with legal difficulties but also I believe that it will send a message (and I accept that this is not the intention of the member for Hartley) that an Australian citizen, by virtue of their place of birth or heritage, could be disqualified from being a member of Parliament: that, somehow, without an act of renunciation of that person's heritage (which in itself could be seen, in some respects, as renouncing that person's birthright) they are a second-class citizen. If this Bill was passed in its current form, it begs the question: why not extend it to public servants and others in the community? This does seem, in some respects, to create two classes of citizens: those who are entitled to run for Parliament and those who are not.

I believe that the most important criterion should be that you are an Australian citizen and that you have a passion and commitment to your State and country. You should not be disqualified simply because you may have some potential theoretical legal right to citizenship of another country. That does not mean that you are any less committed to doing the best for your State or your country, or having as a priority the interests of this State or of this nation. As much as I hold the member for Hartley in high regard, I will not be party to supporting a Bill which could have the consequence of diminishing in any way the heritage of many in our community.

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

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

Second reading.

The Hon. T.G. ROBERTS: This Bill originated in the Lower House as a private member's Bill which was introduced by Robyn Geraghty, the member for Torrens, who noticed that tobacco and tobacco products could not be made available to minors but that products that are not prescribed as tobacco products but are of a different status—that is, herbal products—are available for young people to avail themselves of.

Herbal products are now becoming more popular in many forms. Organic seems to be the popular theme for promotion by many companies in relation to a lot of products. Some are highly toxic and have no more basis to be called organic as

probably acetic acid would be. Medicinal products, which are being sold as herbal remedies for many complaints, will come under the scrutiny of the Registrar, and I suspect that there will be a broad community debate regarding many products labelled 'herbal' or 'organic' which are just as dangerous as some of the worst prescriptive medicines that are available through the prescription system.

I am not one to put barriers in the way of people who want to self-diagnose and self-administer herbal remedies that are safe with no danger of causing individuals harm, but I would err on the side of caution in respect of some remedies that are made available and recommended by people with little or no knowledge or understanding of what they are dealing with. Pharmaceutical organisations are beginning to take under their wing many of the herbal products, which are almost becoming mainstream recommended treatments rather than marginal recommendations for self-administration.

Herbal cigarettes have been analysed by some people with the experience to be able to diagnose and make recommendations regarding their health benefits or effects. Without quoting any of those people who have diagnosed this, I point out that herbal cigarettes do contain tars similar to those contained in tobacco and they also contain chemicals which are found in tobacco products. I suspect that many of the cancers associated with the smoking of tobacco are probably more related to the additives and chemicals found in the naturally occurring product of tobacco rather than to tobacco itself.

Unfortunately, not much experimentation is being done on isolating the chemicals and additives that are put into these cigarettes as opposed to the effects of smoking pure tobacco. It is not for me to make any judgment on that in respect of this Bill, but I recommend to this Parliament that minors not be able to buy herbal products for smoking. We have legislation that prevents sweets from being made to imitate tobacco products to protect children from picking up the habit of sucking sweets and imitating adults using tobacco products.

The debate has lifted a few notches with the defection of a lot of people within the tobacco industry who have come out of the closet and finally declared what many people have known for a long time—that the tobacco industry has been hiding from the general public the toxic effects on health of long-term smoking, in respect of not only individuals who smoke but those who are impacted upon by side stream smoking.

Laws have been brought in to protect people in public places from tobacco smoking. It is the intention of the mover of this Bill to try to stop minors from taking up tobacco smoking through introduction at an early age to herbal cigarettes. Adults who understand the dangers of tobacco smoking hopefully will know and understand that the dangers of smoking herbal cigarettes are similar.

The Bill seeks to protect minors from the ravages of smoking and to prevent their being introduced to smoking. This is the second time that the Bill has had an airing. The first time it fell off the Notice Paper in the Lower House, but this time it has got through the Lower House into the second reading stage in this Chamber, and I anticipate that at some time a vote will be taken on the Bill and it will be passed. Herbal cigarettes will then become available to adults who will be able to weigh up the dangers and the risks, and there might even be support for labelling indicating the dangers of smoking herbal cigarettes, given that children are not able to recognise those same risks.

It is interesting to note that the Bill passed the Lower House without amendment. The Minister for Human Services supports the Bill and he made some supportive statements about the member for Torrens for introducing it. I commend the Bill to the Council and hope to see its passage before too long so that the member for Torrens' private Bill can become law.

The Hon. T. CROTHERS secured the adjournment of the debate.

SOCIAL DEVELOPMENT COMMITTEE: GAMBLING

Adjourned debate on motion of Hon. Nick Xenophon:

That the report of the committee on gambling, tabled on 26 August 1998, be further noted.

(Continued from 2 June. Page 1292.)

The Hon. NICK XENOPHON: It seems that the members who intended to contribute to this motion to note the report of the Social Development Committee have done so, as indicated by the Whips. Therefore I thank the Hon. Sandra Kanck for her contribution, because she was the only member who contributed to this debate. I presume that all other members, including the Treasurer, were in full agreement with what I was saying in relation to the issue of gambling, or perhaps I live in hope in that regard.

The Hon. R.I. Lucas: I was stunned into silence.

The Hon. NICK XENOPHON: The Treasurer was stunned into silence. It is an important issue and I believe that the Treasurer will be responding to me soon about the Government's approach to the Social Development Committee's report. It might be a good idea if I put in a detailed freedom of information request for all the documents between the various Government departments just to see what is happening. I am sure that the Treasurer's department will be delighted to deal with that.

The Hon. R.I. Lucas interjecting:

The Hon. NICK XENOPHON: I think that I will go back to my room tonight and do that. It is an important issue. Whatever differences members in this place might have on the issue of gambling, I would like to think that there is a degree of consensus that something ought to be done about the devastating cases of addiction and its impact on the families of those who are addicted to any form of gambling. Whilst I disagreed with a number of the findings of the Social Development Committee because I believed it should have gone further, at least it was a step in the right direction. I thank members for considering this motion.

Motion carried.

ELECTRICITY MARKET

Adjourned debate on motion of Hon. Nick Xenophon:

1. (a) That in the opinion of this Council a joint committee be appointed to inquire into and report upon the South Australian electricity market arrangements and the impact these arrangements have had and are likely to have on electricity prices and security of supply for South Australian consumers, and in particular, to inquire into—
   (i) local generation options;
   (ii) regulated interconnectors; and
   (iii) unregulated interconnectors.
   (b) And that this committee assess these arrangements as to their ability to achieve the most economically efficient outcome for South Australia.

2. That in the event of a committee being appointed, the Legislative Council be represented thereon by three members, of whom two shall form a quorum of Council members necessary to be present at all sittings of the committee.
3. That joint Standing Order No. 6 be so far suspended as to entitle the Chairperson to vote on every question, but when the votes are equal, the Chairperson shall have also a casting vote.
4. That the joint committee be authorised to disclose or publish, as it thinks fit, any evidence and documents presented to the joint committee prior to such evidence and documents being reported to the Parliament.
5. That a message be sent to the House of Assembly requesting its concurrence thereto.

(Continued from 2 June. Page 1278.)

The Hon. SANDRA KANCK: I move:

Paragraph 1—Leave out all words after 'the South Australian Electricity Market arrangements' and insert—

, their relationship to the National Electricity Market and the impact these arrangements have had and are likely to have on electricity prices and security of supply for South Australian consumers and, in particular, to inquire into—

(i) local generation options including the appropriateness of the disaggregation arrangements made in South Australia and the potential for the use of ecologically sustainable energy and demand management;
(ii) regulated interconnectors;
(iii) unregulated interconnectors;
(iv) the need for a State energy policy;
(v) the need for a Standing Committee of the Parliament to monitor South Australian involvement in the Electricity Market and;
(vi) any other related matter.

(b) And that this committee assess these arrangements as to their ability to achieve the most economically efficient and ecologically desirable outcomes for South Australia.

At the time that the Hon. Mr Xenophon introduced his motion on 2 June my position was that, whether or not our electricity assets remain in public hands, it is important to have a committee such as this set up. Now that we know that privatisation is to occur and that the day-to-day running will most likely be in the hands of large multinationals, with all the experience they have of running rings around the jurisdictions in which they operate, the setting up of this committee has become more urgent. Because of the potential value of this committee I consider that the terms of reference should be enlarged, so I put on file a few weeks back the amendment which I am now moving.

It is difficult to examine the arrangements of the South Australian electricity market unless they are looked at in the context of the national electricity market, so my amendment addresses this. Regarding the reference of local generation options, I have specifically referred to the appropriateness of the disaggregation arrangements made in South Australia. This is because I have grave concerns that the disaggregation of our generation assets into base, intermediate and peak load facilities was not designed to create competition but was instead done in a way to reduce the value of the generation assets and make it easier for National Power to enter the local market. Indeed, at one of the two Power and Gas Conferences that I attended in March, Government representatives actually admitted to giving away value to ensure that Pelican Point would be able to get off and running.

I have also included specific reference to the potential for the use of ecologically sustainable energy and demand management. It is one of the sad facts of the way this Government has overseen South Australia's electricity needs in the past five years that these two aspects have largely been ignored. If the Government had kept to its 1993 State election policy about the use of renewables we would be much further ahead than we are now.

The issue of regulated and unregulated interconnectors has occupied the mover of the motion for some time, particularly in regard to SANI, which was previously known as Riverlink, and he spent some time addressing this matter when he spoke to his motion. I have gradually been coming to the view that all interconnects should be unregulated. To all intents and purposes they act as generators, so they should be treated as if they were generators. Regulated interconnects have a guaranteed rate of return, while generators have to face any risks that being in the market might entail. The Hayward interconnect effectively operates as a base load generator in South Australia, and electricity from Victoria is almost always travelling across the border into South Australia. Why should the owners of that interconnect have a guaranteed rate of return, thus always giving an advantage over the local generators?

I am sure the mover of the motion will be keen to pursue the value of the SANI option for this State, but I wonder whether interconnects are already passé. When transmission use of system (TUOS) charges are properly applied and when (not if) a carbon tax is applied in this country, the power supplied by interconnects will become very expensive, and when that happens the critical factor will be how close a power station is to the end users. It will also be a boon for ecologically sustainable energy sources, which will be able to be set up much closer to the consumers of the power.

I have added in my amendment the need for a State energy policy, yet if the Government had bothered to develop one we might not have been spending the past 16 months debating the issue of privatising our electricity assets. As things stand, the South Australian Government has done a Pontius Pilate on energy policy. It has rushed headlong into the arms of competition policy and embraced the national electricity market. That does not let the Opposition off the hook, by the way: competition policy and the national electricity market were developed as concepts and promoted in the first place by the Labor Party in Government at both State and Federal levels, so the culpability is shared. The consequence has been greater reliance on greenhouse gas producing fossil fuels, the push for cheaper electricity regardless of environmental cost, no encouragement to conserve electricity use and no incentives for the use of ecologically sustainable energy sources.

I believe another matter the committee should investigate is the need for a standing committee of the Parliament to monitor South Australian involvement in the electricity market. This is a matter of great importance for this State, again because we are soon to lose much of the control of these assets. While with a lease the buck should theoretically stop with the Government, in practice I suspect that, when things go wrong in the future, we are likely to see more Pontius Pilate imitations by the Government. If I am correct in this regard a permanent committee to monitor South Australia's involvement in the national electricity market would be very valuable.

The Government has persisted in telling us about the risks of the market and, if things are as risky as it tells us, particularly in regard to the generation assets, one wonders why the generation assets will be the last to be privatised. Business and industry have long been supporters of the concept of the national electricity market because they believed it would deliver cheaper prices: now they are finding that the promise is unlikely to be delivered. I am aware that the Employers' Chamber is not happy with the operation of the electricity

market and a week or so ago it was to meet with the Premier to discuss the issue.

The Democrats are not surprised that the promised low prices are not eventuating and we can understand why industry is annoyed with what is happening. If Parliament gives approval for this joint committee to be established it will, at the very least, help throw some light on why the market is operating in the way that it is. I believe that the committee has the potential to provide some very useful recommendations back to the Parliament and the Government. The electricity market is a very volatile beast and one that may eventually self-immolate. It is important that Parliament therefore keeps a watching brief on it and this motion, with the Democrat amendments, I believe has the potential to cause that to happen.

The Hon. R.I. LUCAS (Treasurer): I oppose the motion but, before addressing some of the comments of the Hon. Mr Xenophon, I want to address some of the comments made by the Hon. Sandra Kanck in her contribution. I am always intrigued at the flexibility of the criticism of the Government that the honourable member manages to mount in her contributions to this debate.

The Hon. Sandra Kanck: I will criticise the Opposition; it started the whole deal.

The Hon. R.I. LUCAS: Opposition members can defend themselves; it is not for me to do that. In the early days of this debate the criticism that came from the Australian Democrats and, indeed, from a number of the other critics of the Government's position had been that Government's policy on disaggregation of our electricity businesses had to be done in such a way as to maximise the success fees for our commercial bankers and advisers, Morgan Stanley; that what the Government was trying to do through its disaggregation and electricity policy was, in some way, to try to protect the value of our assets—to ratchet them up to levels that were higher than had otherwise been achieved with the competitive market; and in that respect we were being driven in some way by the attraction of our commercial advisers and the success fee related to the value of the assets.

On the one hand we have been soundly criticised at various times by the Democrats and others about how we had inappropriately structured our electricity businesses, and that that was one of the drivers for our disaggregation policy. This evening the Hon. Sandra Kanck, for the first time on the public record in this place, offers a new criticism, namely, that the Government in its disaggregation had done so deliberately to drive down the value of its generators so that it would advantage National Power at Pelican Point.

The Hon. Sandra Kanck interjecting:

The Hon. R.I. LUCAS: That is not true. Our guys did not say that.

The Hon. Sandra Kanck interjecting:

The Hon. R.I. LUCAS: I challenge the Hon. Sandra Kanck who says that, at the gas and power conference, our guys said that we had deliberately structured our industry to drive down the value of our businesses so that we could favour National Power. That is just not correct, but let me address that in a moment. I guess that is one of the great advantages of being in Government: on the one hand you can be criticised by the Hon. Mr Xenophon, Mr Duffy, the TransGrid lobbyists and others, and, indeed, some Democrats in the past, for having a policy that is deliberately driving up the value of our assets so that our commercial advisers can get bigger success fees; then, on the other hand, the Democrats in 1999 now for the first time are attacking the Government roundly and soundly for having a policy which drives down the value of our generation businesses with a deliberate intent of favouring National Power in some way in the market. As I said, one the great attractions of Governments is that we can be criticised with two completely contrary arguments for exactly the one policy, and that is one of the challenges—

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: Not necessarily; both might be wrong. What we have said in the past, and what I have said in this Chamber on a couple of occasions, in responding to the first criticism, that is, that we were being driven by the wallets of our commercial advisers and their success fees—

The Hon. Nick Xenophon: That is not what I said.

The Hon. R.I. LUCAS: No; I did not say that the Hon. Mr Xenophon said that. But, he has made that criticism. I did not say specifically 'Mr Xenophon' then, but he interjected. The Hon. Mr Xenophon is on the record on a number of occasions, as are his advisers—the New South Wales Government advisers who advise him—

The Hon. Nick Xenophon: They are not my advisers.

The Hon. R.I. LUCAS: Well, Mr Duffy and the New South Wales Government lobbyists who have some influence over the Hon. Mr Xenophon's policy direction in relation to this. The Hon. Mr Xenophon has said on a number of occasions—and I am happy to bring a number of examples into this Chamber—that the Government's policy has been about trying to protect the value of our businesses and that we were not much interested in competition and driving down prices in South Australia. That has been the nature of the Hon. Mr Xenophon's criticism.

In representing the Government and defending that position, I have indicated on a number of occasions that, if the Government was driven just by wanting to maximise the value of its assets, it never would have fast-tracked National Power in South Australia; it would have left it to flounder among various Government departments and agencies while trying to establish a new power station development at Pelican Point or wherever it might have chosen to build a new power station in South Australia. I have also indicated that, if we were only driven by value consideration, we would have left Optima as the single monopoly generator in South Australia, which at one stage—

The Hon. Sandra Kanck: That is what we wanted you to do.

The Hon. R.I. LUCAS: —with the Australian Democrats, was the position. As the Hon. Sandra Kanck has just said, that is what the Australian Democrats wanted the Government to do.

The Hon. Sandra Kanck interjecting:

The Hon. R.I. LUCAS: Well, at various stages the Hon. Sandra Kanck has contradicted even that position.

The Hon. Sandra Kanck: Not true.

The Hon. R.I. LUCAS: Again, I am happy to bring into the Chamber statements by the Australian Democrats and the Hon. Sandra Kanck which conflict with what she says is their position, that is, that there should be a monopoly generator in South Australia. Indeed, I remember a question from my good friend and colleague the Hon. Mr Davis which highlighted the conflicting positions of the Australian Democrats.

The Hon. Sandra Kanck interjecting:

The Hon. R.I. LUCAS: Here we go; we will talk about that at another stage. In defending the Government's position, I highlighted the fact that, first, if we were only driven by

value, we would have maintained a monopoly generator in South Australia: we would not have disaggregated it all. Secondly, we would not have fast-tracked National Power. Yes, I have conceded that in fast-tacking National Power there will be some impact on at least one of our generators, in particular Optima. It may not have that much impact on Synergen, being a peak power generator in South Australia, and less so probably on Flinders Power, but certainly in relation to Optima it may have had an impact and may continue to have an impact on its value. But, it was not policy driven to run down the value of our assets to purposely advantage National Power. It was a policy driven to try to develop a competitive market in South Australia so that we can place competitive pressure on prices, which was the last point—

The Hon. Sandra Kanck interjecting:

The Hon. R.I. LUCAS: I think the honourable member would need to check the *Hansard* record because she did, quite explicitly, state in her contribution tonight that it was a policy direction. *Hansard* will reliably record what the honourable member has said. The honourable member said that there was a policy direction from the Government to drive down the value of the assets to advantage National Power at Pelican Point.

That has not been the Government's position. Our position has been to try to develop a competitive market. Our position has also been that we believe the only way we can achieve that, at least in the short to medium term, would be to have additional capacity, whether that be through generation of transmission and, in our judgment, the only way we can guarantee that extra capacity, by the end of next year when we need it, is through a fast tracking option at Pelican Point.

The Hon. Sandra Kanck interjecting:

The Hon. R.I. LUCAS: Demand management cannot guarantee the sort of capacity changes by the end of next year. Even in her frankest moments, in the privacy of her own Democrat policy room, the Hon. Sandra Kanck would have to concede that nowhere in the world has demand management been demonstrated in the space of 18 months to be able to turn around 500 megawatts of capacity.

The Hon. Sandra Kanck: When generators failed in New South Wales in the early 1980s they managed to get everyone to reduce their demand.

The Hon. R.I. LUCAS: Permanently?

The Hon. Sandra Kanck: Yes.

The Hon. R.I. LUCAS: Well, I am delighted to see the evidence from the Hon. Sandra Kanck that New South Wales was able to achieve a 500 megawatt permanent change in demand management in the 1980s. I will be delighted to look at the evidence, particularly when the New South Wales market is characterised within by massive and surplus capacity.

Of course, as I said, the Government made the judgment that the only way we could get this additional capacity by the end of next year was through generation. We took the view that the claims being made by the Hon. Mr Xenophon and his New South Wales Labor Government advisers in relation to Riverlink or SANI—

Members interjecting:

The Hon. R.I. LUCAS: No, this is the only place he cannot sue me. Indeed, I can say in this Chamber that he is a sensitive soul and not feel threatened in any way. Outside this Chamber I am not sure I am prepared to say again that he is a sensitive person.

An honourable member: You'll be much more careful in the future.

The Hon. R.I. LUCAS: Well, I certainly will not call him sensitive. I had not realised that he was so sensitive within this debate. In relation to the Riverlink proposal, we were advised (and the Hon. Mr Cameron was at one of the meetings, where London Economics and Mr Duffy, Dick Blandy and a variety of others were trotted out to advise the Government and anyone else who was interested on the Riverlink-SANI proposal) that the Riverlink proposal could be built within 12 months—they could actually have it up and going within 12 months. If they got going in January this year, by the end of this year Riverlink could have been concluded. As part of that, they told us that they would be out of the national regulatory inquiries with NEMMCO, etc., by about March this year. I indicate to the Hon. Mr Xenophon and other members that Transgrid, on my latest advice, is unlikely to get out of those NEMMCO inquiries until maybe October or November this year.

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: We have not been putting up any road blocks. It is completely a process that is handled by NEMMCO. It is an outrageous allegation made by the Hon. Mr Xenophon to say that we have been delaying the NEMMCO inquiry. It is a process that NEMMCO is controlling. Transgrid is having to put the evidence to it and Transgrid told us that it would be out of these processes by about March and it could finish Riverlink or SANI by the end of the year. I am told that it will not be out of the SANI processes until October or November this year. These were the warnings that we were giving the Hon. Mr Xenophon, Mr Blandy, Mr Duffy and others from late last year and early this year: that there was no way that they could guarantee having to go through the process like NEMMCO and others and the environmental approvals.

I think they have the 14 routes from Buronga to Robertstown in South Australia which they had when they came and met with us. They said they did not know which route they would take of the 14 routes. They advertised either last weekend or the previous weekend. I think they have it down to about eight routes. If you look at the maps that they have now, you see that they still have maps wandering through Victoria, through the Bookmark Biosphere—

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: No, they still have maps and proposals, and they have it down to about half a dozen to eight proposals in terms of this particular route. They still have not decided; they have no environmental approvals; and they have no approvals from the Victorian Government.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: They are getting there, and the end of the world—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: You cannot fast-track these proposals when you are working with national regulatory authorities such as NEMMCO. That was the warning we were giving the Hon. Mr Xenophon, Dick Blandy and the New South Wales Labor Government advisers who were very closely advising the Hon. Mr Xenophon in relation to this particular issue. If ETSA Transmission was saying it could be done by the end of the year, it was wrong, because clearly—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Holloway keeps bleating, 'If only you could fast-track it.'

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: We can fast-track Pelican Point because we control it. We do not control NEMMCO. We do not control the national market management company which runs our national electricity market. It was a system first established and supported by you and your Government, the Premier and Prime Ministers, supported by Liberal Governments, but it cannot be fast-tracked by a State Government. It is a national authority. It makes its own decisions. It moves at its own pace. It cannot be fast-tracked, so these naive interjections from the shadow Minister for Finance, that in some way we should have fast-tracked NEMMCO's inquiries in relation to SANI or Riverlink, as we had Pelican Point, demonstrate I think the ignorance of the Labor Party in relation to this debate.

The Hon. Mr Holloway, the shadow Minister for Finance, certainly will not be in a position to be providing advice to authorities, organisations and companies that try to negotiate their way through the NEMMCO process at the national level or, indeed, try to establish a transmission network—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: We fast-tracked Pelican Point—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Well, we fast-tracked Pelican Point because we need power here in South Australia at the end of next year. If we did not have the power, the honourable member, Kevin Foley and Mike Rann would have been the first ones standing up in February the following summer when we had blackouts or brownouts saying, 'You should have done something to make sure that we had the power here in South Australia.'

Oppositions, of course, have the wonderful benefit of not having to have any responsibility, with no worries in the world about having to follow through any decisions; they can criticise anything, and they would have been the first ones criticising the Government. We took the decision, the only decision that was possible, to guarantee power for South Australians by the end of next year, and that was a fast-tracking proposal for Pelican Point. I sat in meetings with Mr Xenophon and the New South Wales paid Labor Government advisers telling us that they would have Riverlink built by the end of the year. Twelve months was the time frame they needed to get it through the NEMMCO process.

We did not believe the Hon. Mr Xenophon; we did not believe his New South Wales Labor Government advisers; we did not believe Professor Blandy; and we did not believe all those people who said they would have that Riverlink interconnector built by the end of this year.

An honourable member: It was a nonsense.

The Hon. R.I. LUCAS: It was a nonsense, as the Hon. Mr Cameron saw even in his first meeting when we were briefed by the advisers from London Economics and others trying to make these claims. The reality is that in terms of Transgrid and the New South Wales Labor Government, the Hon. Mr Xenophon's proposal will not be out of the NEMMCO process until October or November. Then they need environmental assessment approvals and planning approvals; then they need to build it; and then you might have an interconnector between New South Wales—

The Hon. L.H. Davis interjecting:

The Hon. R.I. LUCAS: Well, they have to choose one of eight routes and convince a Victorian Government to allow transmission lines across the north-west of Victorian countryside in competition with the New South Wales interconnectors. Again, we still have not heard from Victoria about whether or not that has been approved from a planning viewpoint. As I have indicated on a number of occasions—and we, at least in this area, agree with the Hon. Sandra Kanck—

The Hon. Sandra Kanck interjecting:

The Hon. R.I. LUCAS: Exactly. At least the Hon. Sandra Kanck now agrees with the Government, because the Government is prepared to support an unregulated interconnector between New South Wales and South Australia. If someone from the private sector wants to put up their hard earned dollars, take the punt on making some money and accept the fact that, in the end, if there is no price differential between New South Wales and South Australia they will not make any money, good luck to them. They will be in exactly the same position as National Power, which is putting up $400 million of its hard earned money to build a power plant. If they can make money out of that in our market, good luck to them. In the end, if they cannot, if they are not competitive, it is their shareholders who must bear the financial cost.

It should not be the taxpayers of South Australia who have to take the punt on building generators. It should not be the taxpayers of South Australia who have to build these expensive transmission line interconnections between New South Wales and South Australia—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Well, we're going to have more competitive prices as soon as we have extra generation options and as soon as we can encourage extra transmission options. We are guaranteeing more competitive prices than we would have seen otherwise in our market through the extra generation capacity that we will see at National Power and at Pelican Point and, we hope, through extra generation and transmission options. The Government—

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: Well, no-one can guarantee anything in this world. The No Pokies Party might be in a powerful position to be able to guarantee things in the national market. I am just a new Treasurer representing the Government. I cannot guarantee what will happen in four or five years in terms of this cutthroat national electricity market. The Hon. Mr Xenophon may have much greater power of foresight and delivery than I as a mere Treasurer. This Government is prepared to support an unregulated interconnector between New South Wales and South Australia. Indeed, TransEnergie, a major Canadian corporation, is actively considering putting its money into building an interconnector between New South Wales and South Australia.

The Hon. T.G. Cameron: Regulated or unregulated?

The Hon. R.I. LUCAS: An unregulated interconnector. TransEnergie is actively considering this and has announced its preparedness. It is not a Johnny-come-lately company. It is currently building an unregulated interconnector between New South Wales and Queensland which is not regulated and which is not guaranteed transmission charges forever and a day whether or not it is being used, and that is what the regulated asset people, the New South Wales Labor Government, wants in relation to the SANI interconnector. It is already building that unregulated interconnector between New South Wales and Queensland. The company is actively considering and has had discussions with the Government and its advisers in relation to building an interconnector between New South Wales and South Australia. We are prepared to support that. In the end, it is not a question of whether we can

support it or whether we can stop it anyway in the national market. If they have the money—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: But we can't stop it in the end. If someone wants to build an unregulated interconnector, they have fewer hurdles to jump—

The Hon. T.G. Cameron: Why would you want to stop an unregulated interconnector?

The Hon. R.I. LUCAS: Well, we're not trying to stop an unregulated interconnector.

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: We have what we have at the moment; the market exists at the moment. People have taken decisions and made investments on the basis of what has occurred and on what has existed in the past. What we are talking about is how we want to see the market developed for the future.

As I said, the Hon. Sandra Kanck is now supporting the Government's position in relation to interconnectors being unregulated. Put very simply, that means that we are not having to guarantee for the next 40 years $10 million, $15 million or $20 million (depending on whose estimate you want to accept) of guaranteed charges to the New South Wales Labor Government even if in a particular year we never use the interconnector at all. Even if no power flows from New South Wales to South Australia, the position of the Hon. Mr Xenophon and of the paid New South Wales Labor Government advisers who advise the Hon. Mr Xenophon very closely in relation to this is that they want us, for the next 30 or 40 years, to commit to guaranteed rates of return for these companies—for the Labor Government, basically, and the Labor Government companies.

I noted a statement made by Professor Blandy at a recent Power and Gas Conference to the effect that the Government's claims in relation to this were not true. I challenge the Hon. Mr Xenophon or Professor Blandy to produce any document that demonstrates that what I have just placed on the public record is not an accurate reflection of the facts of the operation of the market. Indeed, Professor Blandy's comments were factually incorrect, and demonstrably so, in relation to the guaranteed payments that would be made from South Australia to New South Wales companies under the regulated asset proposal that he was supporting.

They were the main issues raised by the Hon. Sandra Kanck and the Hon. Nick Xenophon. I will very quickly summarise why the Government is strongly opposed to this motion. The Government, on behalf of the taxpayers of South Australia and now on behalf of the Parliament, has commenced going through a long and difficult process of trying to maximise the value of the lease contracts for our electricity businesses. The last thing in the world we want to see, if we want to maximise our lease proceeds, is an open ended select committee such as this at this stage under the cover of parliamentary privilege, where everyone could traipse through making all sorts of claims about the state of our market, the competitive nature of our market, the shape and structure of our industry and the competitiveness of our particular businesses at the same time as we have bidders and prospective purchasers visiting South Australia, and while we are trying to encourage them to pay top dollar for our electricity businesses.

After our lease process is finished I would have no problems at all with a select committee, standing committee or, indeed, any committee undertaking an investigation into the national market and the very broad options that would be canvassed by this motion. We may well still not support it: we would make that judgment at the time. But at least have it after the lease contracts have been concluded, which we are estimating will be in around 12 to 15 months, so that there will still be plenty of time prior to the next State election for an inquiry to be conducted if the Hon. Mr Xenophon or others want to have some sort of inquiry into the operations of the market. However, the last thing in the world we should be doing is having this sort of open ended inquiry at a time when we are trying to convince purchasers or bidders that they should be paying top dollar for our particular electricity businesses at this time.

I urge the Hon. Mr Xenophon not to proceed with a vote on the motion. However, if it is to proceed to a vote, I urge members at this stage to not support the motion. They can reserve their judgment to 12 or 15 months down the track, because at that time we will be in a much better position to make a judgment about the effectiveness of the national market, anyway. The national market has been going for under six months in South Australia and, by the middle of next year, it will have been under way for 18 months or so. We will be getting closer to the start of the operations of National Power in the market. It probably still will not be a fair reflection of the competitive market we want to see in South Australia with the arrival after National Power and other generation or transmission options. However, at least it will be further down the track, and it will be a much better time to be making a mature judgment about the strengths and weaknesses of our market, and the structure of our desegregated industry and, by then, privatised industry we trust in South Australia. For those reasons, I urge members not to the support this motion at this stage, for the reasons I have outlined.

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

MOTOR VEHICLES (HEAVY VEHICLES SPEEDING CONTROL SCHEME) AMENDMENT BILL

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning) obtained leave and introduced a Bill for an Act to amend the Motor Vehicles Act 1959. Read a first time.

The Hon. DIANA LAIDLAW: I move:

That this Bill be now read a second time.

It is the Government's intention to introduce this Bill and not to proceed with further debate this session but to reintroduce it next session so that there is ample time for consultation. The subject deals with the heavy vehicles speeding control scheme. 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 a scheme for the management of speeding heavy vehicles. The scheme will help reduce the incidence of speeding among heavy vehicles by making the registered owner of the vehicle responsible for repeated speeding incidents. Extending responsibility for speeding from drivers to owners, and introducing penalties which impact on the operation of a transport business will improve road safety in rural areas and prevent some businesses from operating to the disadvantage of those with good driving practices in place.

The amendments incorporate a staged set of penalties approved by Transport Ministers at the Australian Transport Council in November 1997. The penalties target the registered owners of heavy vehicles repeatedly detected driving at 15km/h or more over the

speed limit for the type of vehicle, over a 3 year period. Penalties will range from a warning to suspension of registration for 3 months. The scheme recognises that owners often pressure drivers to speed, but that speeding penalties only target drivers.

Similar schemes have been introduced in New South Wales and Victoria and by the Commonwealth in relation to federally registered vehicles in the last year. The details of the schemes are different. The fact that there are discrepancies in the schemes has been raised with the Commonwealth Minister for Transport and Regional Services, who has responded indicating support for any moves to bring the schemes closer so as to ensure maximum national uniformity.

The scheme will allow for a hierarchy of penalties to be imposed on heavy vehicles exceeding the speed limit for the type of vehicle by 15km/h or more within a rolling three year period as follows:

- the first breach will incur a warning
- the second breach will result in the owner being required to demonstrate that the speed limiter is operating effectively
- the third breach will result in a 28 day suspension of registration
- the fourth and subsequent breaches will result in a 3 month suspension of registration.

Where a vehicle is not already required to have a speed limiter fitted, another step will be added, so that the second breach will result in a requirement that a speed limiter be fitted, the third will result in a requirement that the owner show that the device is operating effectively, the fourth will result in a 28 day suspension and the fifth and subsequent breaches will result in a 3 month suspension of registration.

Once a driver of a vehicle registered in South Australia has expiated or been convicted of a relevant speeding incident, the Registrar will record it on a register, showing the date and place of the offence. The Registrar must notify the registered owner of the entry. The registered owner will have the opportunity to challenge the accuracy of the register.

Under the Motor Vehicles (Miscellaneous) Amendment Bill 1999 currently before Parliament, an aggrieved person has the right to an internal review of the Registrar's decisions followed by further right of review by a court. If Parliament accepts those review provisions, they will also apply to this scheme.

Suspension of registration will only apply to a vehicle if the offences occurred within the previous 3 years and there was a continuity of registered ownership over the period of the offences whether the same person or associated persons appear on the register as registered owners over the period. Interstate experience has been that contrived transfers are often made solely for the purpose of escaping the suspension of registration. The extension of the scheme to include associated owners will largely close a major avenue for the avoidance of the sanctions. 'Associated person' will mean spouse, brother or sister, child, parent, person living in the same household, persons in partnership, person in trust relationships as well as related companies. A transfer of vehicle registration to a non-associated person will clear all speeding incidents from the register.

Suspension will not alter the expiry date of the vehicle's registration, nor will registration be able to be cancelled, transferred or renewed during the period of suspension.

There is provision for recognition of corresponding schemes operating in other jurisdictions so that an offence in another jurisdiction will count as an offence here and the Registrar will report offences committed by vehicles registered in other jurisdictions to the appropriate registration authority.

This scheme will replace existing measures in the *Road Traffic Act 1961* dealing with the fitting of speed limiters to speeding heavy vehicles. Members may be aware that the provisions of the *Road Traffic Act* dealing with that matter are affected by amendments contained in the *Road Traffic (Road Rules) Amendment Bill* which is before the Parliament. That Bill is to be dealt with in this session whereas, due to the need to pass other high priority legislation, consideration of the present Bill will carry over to the Spring session. As a consequence of these timing issues I will introduce an amendment to the present Bill to remove the speed limiter provisions in the Spring session.

There will be a publicity campaign directed to the road transport industry advising it of the details of the scheme. The scheme targets what might be called the rotters in the industry—responsible sectors of the industry have already indicated their support.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Insertion of Part 2A

PART 2A

HEAVY VEHICLES SPEEDING CONTROL SCHEME

71C. Interpretation

This proposed new section contains definitions of terms used in the proposed new Part 2A.

'Heavy vehicle' is—

- a bus with a GVM over 5 tonnes
- any other motor vehicle with a GVM over 12 tonnes
- a motor vehicle of a prescribed class.

'Bus' is a motor vehicle built mainly to carry people that seats more than 9 adults (including the driver).

For the purposes of the new Part, a heavy vehicle is to be taken to have been involved in a relevant speeding offence if—

- a person has been convicted of an offence in this State of driving the vehicle at a speed 15 kilometres or more over the speed limit applying to the vehicle
- a person has expiated an offence in this State in respect of which an expiation notice has been issued alleging that the vehicle was driven at a speed 15 kilometres or more over the speed limit applying to the vehicle
- the registration authority under a corresponding law has notified the Registrar of an offence in another State or Territory involving the driving of the vehicle at a speed 15 kilometres or more over the speed limit applying to the vehicle and a person has—
  - been convicted of the offence or
  - paid the amount payable under a traffic infringement notice, expiation notice or other similar notice issued in respect of the offence under the law of that State or Territory.

71D. Registrar to register relevant speeding offences

The Registrar of Motor Vehicles is to register in the register of motor vehicles details of each relevant speeding offence in which a heavy vehicle registered under the principal Act has been involved.

An exception to this will be made for vehicles that were stolen or otherwise unlawfully taken from the control of the registered owner or operator when the offence occurred.

71E. Notice to be served on registered owner

When an offence is registered in relation to a heavy vehicle, the Registrar is to send a notice to the registered owner that—

- describes the entry made in the register; and
- if the vehicle is not already required to be fitted with a speed limiting device, contains a statement of the Registrar's obligations under the new Part with respect to the fitting of speed limiting devices; and
- contains a statement of the Registrar's obligations under the new Part with respect to the suspension of vehicle registration; and
- advises of the right to apply for the review of decisions under the new Part.

71F. Removal of entries relating to offences on certain change in registered ownership

The Registrar is to remove from the register any entry relating to an offence registered in relation to a heavy vehicle if the registered ownership of the vehicle changes completely and no newly registered owner is an associate of a previously registered owner.

71G. Correction of register

The Registrar may correct the register at any time on application or on the Registrar's own initiative. A decision of the Registrar on such an application will be taken to be a decision on a review under Part 3E and hence may be appealed against to the District Court under that Part.

71H. Requirement to fit speed limiting device

The Registrar is to require the fitting of a speed limiting device to a heavy vehicle if the register records that the vehicle has been involved in a second speeding offence in three years. This applies only to heavy vehicles not already required to be fitted with such a device under the vehicle standards. It will be an offence punishable by a maximum fine of $2 500 if such a vehicle is subsequently driven on a road without there being an effectively operating device fitted to the vehicle in accordance with the Registrar's requirement.

71I. Requirement to satisfy Registrar as to fitting and effective operation of speed limiting device

The Registrar is empowered to require the registered owner of a heavy vehicle to satisfy the Registrar that a speed limiting device is fitted to the vehicle as required under the vehicle

standards or by the Registrar and that the device is operating effectively.

The registration of the vehicle may be suspended by the Registrar if the owner fails to comply with the Registrar's requirements under this provision.

71J. Suspension of registration

The registration of a heavy vehicle is to be suspended if the register records that the vehicle has been involved in multiple speeding offences during a three year period.

The number of speeding offences that will trigger the suspension is—

- three (including the last offence) in the case of a vehicle required to be fitted with a speed limiting device under the vehicle standards
- four (including the last offence) in the case of a vehicle that has been required by the Registrar under the new Part to be fitted with a speed limiting device.

The period of suspension varies according to whether the vehicle's registration has previously been suspended in the three year period as a result of a speeding offence—

- 28 days if the vehicle's registration has not previously been so suspended
- three months if the vehicle's registration has previously been so suspended.

71K. Registration not to be renewed, transferred, cancelled, etc., during period of suspension

The registration of a heavy vehicle cannot be renewed, transferred or cancelled during a period of suspension under this scheme nor can the vehicle be re-registered during such suspension.

71L. Notification of relevant speeding offences to other registration authorities

The Registrar is required to notify the registration authority under a corresponding law if a heavy vehicle registered by that authority is involved in a relevant speeding offence in this State.

Clause 4: Amendment of s. 98Z—Review by Registrar or review committee

Section 98Z which allows for the review of various specified decisions of the Registrar is amended so that the review and appeal process will apply to decisions of the Registrar under the proposed new Part 2A.

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

SUPERANNUATION (VOLUNTARY SEPARATION PACKAGES) AMENDMENT BILL

The Hon. R.I. LUCAS (Treasurer) obtained leave and introduced a Bill for an Act to amend the Superannuation Act 1988. Read a first time.

The Hon. R.I. LUCAS: 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.

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

POLICE SUPERANNUATION (INCREMENTS IN SALARY) AMENDMENT BILL

The Hon. R.I. LUCAS (Treasurer) obtained leave and introduced a Bill for an Act to amend the Police Superannuation Act 1990. Read a first time.

The Hon. R.I. LUCAS: 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.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

APPROPRIATION BILL

Received from the House of Assembly and read a first time.

The Hon. R.I. LUCAS (Treasurer): 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.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for the Bill to operate retrospectively to 1 July 1999. Until the Bill is passed, expenditure is financed from appropriation authority provided by the *Supply Act*.

Clause 3: Interpretation

This clause provides relevant definitions.

Clause 4: Issue and application of money

This clause provides for the issue and application of the sums shown in the schedule to the Bill. Subsection (2) makes it clear that the appropriation authority provided by the *Supply Act* is superseded by this Bill.

Clause 5: Application of money if functions etc., of agency are transferred

This clause is designed to ensure that where Parliament has appropriated funds to an agency to enable it to carry out particular functions or duties and those functions or duties become the responsibility of another agency, the funds may be used by the responsible agency in accordance with Parliament's original intentions without further appropriation.

Clause 6: Expenditure from Hospitals Fund

This clause provides authority for the Treasurer to issue and apply money from the Hospitals Fund for the provision of facilities in public hospitals.

Clause 7: Appropriation, etc., in addition to other appropriations, etc.

This clause makes it clear that appropriation authority provided by this Bill is additional to authority provided in other Acts of Parliament, except, of course, in the *Supply Act*.

Clause 8: Overdraft limit

This sets a limit of $50 million on the amount which the Government may borrow by way of overdraft.

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE (PENALTIES) AMENDMENT BILL

Received from the House of Assembly and read a first time.

STATUTES AMENDMENT AND REPEAL (JUSTICE PORTFOLIO) BILL

In Committee.

Clauses 1 to 4 passed.

New clause 4A.

The Hon. K.T. GRIFFIN (Attorney-General): I move:

Page 2, after line 2—Insert (in Part 3) new clause as follows:

Amendment of s.3—Interpretation

4A. Section 3 of the principal Act is amended by inserting after the definition of 'child' in subsection (1) the following definition:

'community corrections officer' means—

(a) in relation to a child—an officer or employee of an administrative unit of the Public Service whose duties include the supervision of young offenders in the community;

(b) in any other case—an officer or employee of an administrative unit of the Public Service whose duties include the supervision of adult offenders in the community;.

This is an amendment to the Bail Act. In order to properly explain the need for this amendment, it is necessary for me to give a general background explanation for this amendment and a number of amendments to follow. I recollect that these amendments were circulated to the Opposition, the Australian Democrats and the Independents, with the relevant explanatory notes to which I am now referring, in the hope that that would help them to appreciate the nature of the amendments.

Currently, the Bail Act, the Children's Protection Act, the Criminal Law (Sentencing) Act, the Correctional Services Act and the Young Offenders Act make various references to people who are given responsibility for the care and management of various types of offenders or young offenders. For example, under the Correctional Services Act, there is reference to parole officers, who are defined as employees of the Department of Correctional Services holding or acting in the position of parole officer. Under the Bail Act, there is simply reference to officers of the Department of Correctional Services or, in the case of a child, an officer of the Department of Community Welfare.

There are two things wrong with these references, and both are to do with consistency. First, the Bail Act reference refers to departments that no longer exist. This amendment, and the next amendment that I intend to move, will delete these outdated references. The phrase 'an officer of the Department of Correctional Services' or in the case of a child 'an officer of the Department of Community Welfare' will be replaced by the term 'community corrections officer'. The term is simply a drafting device that is inserted to prevent constant reference to an officer of a particular department. Also, the terms have been refined in such a way that the Act will not need amendment with each and every restructure of the departments or relevant administrative units.

More specifically, this new clause will amend section 3 of the Bail Act to insert the definition of 'community corrections officer'. Such an officer is defined in relation to a child as 'an officer or an employee of an administrative unit of the Public Service whose duties include the supervision of young offenders in the community' and in any other case as 'an officer or an employee of an administrative unit of the Public Service whose duties include the supervision of adult offenders in the community'.

Secondly, some references refer to 'employees' and some to 'officers'. There is no good reason for this distinction. References should be consistent, particularly since, as is the case, the same person may undertake a role under more than

one Act. It is therefore in the interests of commonsense and consistency to change the references from merely 'employees' to include 'officers' as well.

The Hon. CAROLYN PICKLES: The Opposition supports the amendments.

New clause inserted.

Clause 5 passed.

New clauses 5A, 5B, 5C and 5D.

The Hon. K.T. GRIFFIN: I move:

Page 2, after line 6—Insert (in part 3) new clauses as follows:

Amendment of section 11—Conditions of bail.

5A. Section 11 of the principal Act is amended—

(a) by striking out subsubparagraph (D) of subsection (2)(a)(ia) and substituting the following subsubparagraph:

(D) any other purpose approved by a community corrections officer; or;

(b) by striking out subparagraph (iii) of subsection (2)(a) and substituting the following subparagraph:

(iii) to be under the supervision of a community corrections officer and to obey the lawful directions of the officer; or;

(c) by striking out paragraphs (a) and (b) of subsection (6) and substituting the following paragraph:

(a) if the person is under the supervision of a community corrections officer—without the permission of the Chief Executive (or his or her nominee) of the administrative unit of which the community corrections officer is an officer or employee;;

(d) by striking out from subsection (7a) 'an officer of the Department of Correctional Services or the Department of Community Welfare' and substituting 'a community corrections officer';

(e) by striking out from subsection (7b) the penalty provision and substituting the following penalty provision:

Maximum penalty: $2 500.;

(f) by striking out from subsection (8) 'an officer of the Department of Community Welfare or the Department of Correctional Services' and substituting 'community corrections officer';

(g) by striking out subsections (11) and (12) and substituting the following subsection:

(11) Where a bail authority imposes a condition requiring a person—

(a) to remain at a particular place of residence while on bail; or

(b) to be under the supervision of a community corrections officer,

the bail authority must ensure that a copy of the bail agreement is furnished to the relevant responsible Minister.

Amendment of section 17—Non-compliance with bail agreement constitutes offence

5B. Section 17 of the principal Act is amended by striking out the penalty provision and substituting the following penalty provision:

Maximum penalty: $10 000 or imprisonment for 2 years.

Amendment of section 17A—Guarantor must inform member of police force if person fails to comply with bail agreement

5C. Section 17A of the principal Act is amended by striking out the penalty provision and substituting the following penalty provision:

Maximum penalty: $1 250,

Amendment of section 22—False information on bail applications

5D. Section 22 of the principal Act is amended by striking out the penalty provision and substituting the following penalty provision:

Maximum penalty: $1 250.

These new clauses are consequential on the previous amendment.

The Hon. CAROLYN PICKLES: The Opposition supports the new clauses.

New clauses inserted.

Clause 6.

The Hon. K.T. GRIFFIN: I move:

Page 2, line 15—Leave out 'a Public Service employee' and insert 'an officer or employee of an administrative unit of the Public Service'.

This amendment is consequential on the previous amendments. It is aimed at ensuring a consistent approach to the definition of 'community corrections officer'.

Amendment carried; clause as amended passed.

Clauses 7 to 19 passed.

Clause 20.

The Hon. K.T. GRIFFIN: I move:

Page 4—

Line 23—Before 'employee' insert 'officer or'

Line 24—Insert new paragraph as follows:

(b) by striking out from subsection (1) the definition of 'parole officer'.

The first amendment is consequential on the previous amendment. Regarding the second amendment, the term 'community corrections officer' is being inserted in the Act to describe all persons who are responsible for supervising offenders in the community. The Bill already amends a number of Acts to reflect this change in designation of these officers. I have already moved a number of amendments to the Bill to further reflect this change in designation. Currently, the Bill does not replace the term 'parole officer' with the generic title 'community corrections officer'. This amendment and the following three amendments will amend the Correctional Services Act to reflect this change in nomenclature.

The Hon. CAROLYN PICKLES: The Opposition supports the amendments.

Amendments carried; clause as amended passed.

New clauses 20A, 20B, 20C, 20D and 20E.

The Hon. K.T. GRIFFIN: I move:

Page 4, after clause 20—Insert new clauses as follows:

Amendment of s. 39A—Delivery of property and money to prisoner on release

20A. Section 39A of the principal Act is amended by striking out 'parole officer' twice occurring and substituting in each case 'community corrections officer'.

Amendment of s. 68—Conditions of release on parole

20B. Section 68 of the principal Act is amended by striking out from subsection (1)(a)(iii) 'parole officer' twice occurring and substituting in each case 'community corrections officer'.

Amendment of s. 71—Variation or revocation of parole conditions

20C. Section 71 of the principal Act is amended by striking out from subsection (4) 'parole officer' twice occurring and substituting in each case 'community corrections officer'.

Amendment of s. 72—Discharge from parole of prisoners other than life prisoners

20D. Section 72 of the principal Act is amended by striking out from subsection (2) 'parole officer' twice occurring and substituting in each case 'community corrections officer'.

Amendment of s. 74—Cancellation of release on parole by Board for breach of conditions other than designated conditions

20E. Section 74 of the principal Act is amended by striking out from subsection (2) 'parole officer' twice occurring and substituting in each case 'community corrections officer'.

These are consequential to the previous amendment.

The Hon. CAROLYN PICKLES: The Opposition supports the new clauses.

New clauses inserted.

Clause 21.

The Hon. K.T. GRIFFIN: I move:

Page 4, after line 27—Insert new paragraph as follows:

(aa) by striking out from subsection (3) 'parole officer' twice occurring and substituting in each case 'community corrections officer'.

This amendment is consequential to the previous amendment.

The Hon. CAROLYN PICKLES: The Opposition supports the amendment.

Amendment carried; clause as amended passed.

New clause 21A.

The Hon. K.T. GRIFFIN: I move:

Page 4, after line 31—Insert (in Part 5) new clause as follows:

Amendment of s. 89—Regulations

21A. Section 89 of the principal Act is amended by striking out from subsection (2)(l) 'parole officers' and substituting 'community corrections officers'.

This is consequential to the previous amendment.

New clause inserted.

Clause 22 passed.

Clause 23.

The Hon. K.T. GRIFFIN: I move:

Page 5, line 7—Before 'employee' insert as follows:

officer or

The amendment is consequential to the previous amendments that ensure that there is some consistency in the approach to defining 'community corrections officer'.

The Hon. CAROLYN PICKLES: The Opposition supports the amendment.

Amendment carried; clause as amended passed.

Clauses 24 and 25 passed.

New clause 25A.

The Hon. K.T. GRIFFIN: I move:

Page 5, after clause 25—Insert new clause as follows:

Amendment of s. 38—Suspension of imprisonment on defendant entering into bond

25A. Section 38 of the principal Act is amended by striking out from subsection (2c) 'probation officer' twice occurring and substituting in each case 'community corrections officer'.

The Bill as introduced amends the Statutes Amendment (Sentencing) (Miscellaneous) Act 1999, referred to as the amendment Act, so that references to 'probation officer' in section 38 of the Criminal Law (Sentencing) Act, referred to as the principal Act, will be replaced by the term 'community corrections officer'. Since the Bill was introduced, the amendment Act has come into operation and the provisions of the amending Act are now part of the principal Act. As a result, it is necessary for this Bill to amend section 38 of the principal Act directly rather than the amendment Act. This amendment will ensure that section 38 of the principal Act is amended.

New clause inserted.

Clauses 26 to 29 passed.

New clauses 29A, 29B, 29C and 29D.

The Hon. K.T. GRIFFIN: I move:

Page 5, after clause 29—Insert (in Part 7) new clauses as follows:

Amendment of s. 49—CEO must assign community corrections officer

29A. Section 49 of the principal Act is amended—

(a) by striking out from subsection (1) 'probation officer or a community service officer, as the case my require' and substituting 'community corrections officer';

(b) by striking out from subsection (2) 'probation officer or community service officer' and substituting 'community corrections officer';

(c) by striking out from subsection (3) 'each probation officer and community service officer' and substituting 'a community corrections officer'.

Amendment of s. 50—Community corrections officer may give reasonable directions

29B. Section 50 of the principal Act is amended—

(a) by striking out from subsection (1) 'probation officer' and substituting 'community corrections officer';

(b) by striking out subsection (2) and substituting the following subsection:

(2) If the person is required to perform community service, the community corrections officer may also give reasonable directions to the person—

(a) requiring the person to report to a community service centre or other place at certain times; or

(b) requiring the person to perform certain projects or tasks as community service; or

(c) requiring the person to undertake or participate in courses of instruction at a community service centre or other place; or

(d) requiring the person to behave in a particular manner while undertaking community service.

Amendment of s. 50AA—Powers of community corrections officer in the case of home detention

29C. Section 50AA of the principal Act is amended by striking out from subsections (1), (2) and (3) 'probation officer' wherever it occurs and substituting in each case 'community corrections officer'.

Amendment of s. 51—Power of Minister in relation to default in performance of community service

29D. Section 51 of the principal Act is amended by striking out from subsection (1) 'community service officer' and substituting 'community corrections officer'.

In part this amendment is consequential to the previous amendment. In addition, it will have the effect of replacing a number of other references to 'probation officer' and 'community services officer' in the Criminal Law Sentencing Act with the term 'community corrections officer'. It was merely an oversight that these amendments were not included in the Bill originally.

New clauses inserted.

Clauses 30 to 35 passed.

New clause 35A.

The Hon. K.T. GRIFFIN: I move:

Page 7, after line 7—Insert (in Part 10) new clause as follows:

Amendment of s.22

35A. Section 22 of the principal Act (which inserts new section 56A) into the Criminal Law (Sentencing) Act 1988) is amended by striking out subsection (1) of new section 56A and substituting the following subsection:

(1) The Administrator may appoint—

(a) members of the staff of the State Courts Administration Authority; or

(b) persons appointed by the Sheriff to be deputy sheriffs or sheriff's officers,

as authorised officers.

The fines enforcement legislation works by giving powers to authorised officers. The definition of 'authorised officer' includes a number of nominated officers, plus a person appointed by the administrator under Part 9 as an authorised officer. The reference to Part 9 is a reference to section 56A of the Criminal Law (Sentencing) Act and section 22 of the Statutes Amendment (Fines Enforcement) Act, which provides that the Administrator may appoint members of the staff of the State Courts Administration Authority as authorised officers. Staff of the State Courts Administration Authority include the Sheriff and any deputies and the other non-judicial officers and staff of the participating courts. Sheriff's officers are appointed under the Sheriffs Act and the Law Courts (Maintenance of Order) Act. Officers appointed under the latter Act are clearly members of the staff of the council. Officers appointed under the Sheriffs Act may be appointed under sections 6(1) or 6(3). Those appointed under section 6(1) are appointed as staff of the council. However, those appointed under section 6(3) are not necessarily staff of the council, because of section 6(4), which states that a person is not a Public Service employee because of that appointment. Therefore, such officers cannot be appointed authorised officers.

There is the potential that officers appointed Sheriff's officers pursuant to section 6(3) will be necessary, particularly in country areas, in order to carry out enforcement tasks which under the scheme can only be carried out by authorised officers. Therefore, it is appropriate that officers appointed under section 6(3) be eligible for appointment as authorised officers in relation to the fines enforcement legislation. This amendment will ensure that such officers can be appointed as authorised officers.

New clause inserted.

Clause 36 passed.

Heading.

The Hon. K.T. GRIFFIN: I move:

Page 7, lines 31-33—Leave out all words in these lines.

The amendment is consequential to the amendments on page 5 that have the effect of amending the Criminal Law (Sentencing) Act directly rather than through the Statutes Amendment (Sentencing—Miscellaneous) Act.

Amendment carried.

Clauses 37 and 38.

The Hon. K.T. GRIFFIN: I oppose these clauses, for the same reason as for the previous amendment.

Clauses negatived.

Clauses 39 to 41 passed.

New clauses 41A and 41B.

The Hon. K.T. GRIFFIN: I move:

Page 9, after line 2—Insert (in Part 14) new clauses as follows:

Amendment of s.36—Detention of youth sentenced as adult

41A. Section 36 of the principal Act is amended—

(a) by striking out subparagraph (iv) from subsection (4)(b) and substituting the following paragraph:

(b) a reference to a community corrections officer will be taken to be a reference to an officer or employee of the Department whose duties include the supervision of youths in the community.;

(b) by striking out from subsection (5)(c) 'parole officer' and substituting 'community corrections officer'.

Amendment of s.63B—Application of Correctional Services Act 1982 to youth with non-parole period

41B. Section 63B of the principal Act is amended by striking out paragraph (b) and substituting the following paragraph:

(b) a reference to a community corrections officer will be taken to be a reference to an officer or employee of the Department whose duties include the supervision of youths in the community.

The amendment is consequential to previous amendments replacing the term 'parole officer' with the term 'community corrections officer'.

New clauses inserted.

Clauses 42 to 44 passed.

Long title.

The Hon. K.T. GRIFFIN: I move:

Page 1, line 10—Leave out 'the Statutes Amendment (Sentencing—Miscellaneous) Act 1999,'.

This amendment is consequential; it removes reference in the long title to the Statutes Amendment (Sentencing—Miscellaneous) Act.

Amendment carried; long title as amended passed.

Bill read a third time and passed.

RESIDENTIAL TENANCIES (MISCELLANEOUS) AMENDMENT BILL

In Committee.

Clauses 1 and 2 passed.

New clause 2A.

The Hon. CARMEL ZOLLO: I move:

Page 1, after line 16—Insert new clause as follows:

Amendment of section 90—Tribunal may terminate tenancy where tenant's conduct unacceptable.

4. Section 90 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

(2) If the tribunal terminates a tenancy and makes an order for possession under this section—

(a) the tribunal must specify the day as from which the orders will operate, being not more than 28 days after the day on which the orders are made; and

(b) the tribunal must order that the landlord must not enter into a residential tenancy agreement with the tenant in relation to the same premises for a period of at least six months from the date of the order (any agreement entered into in contravention of such an order is void).

The Opposition amendment refers to section 90 under the heading 'Tribunal may terminate tenancy where tenant's conduct unacceptable'. I understand that at the moment a lease can be terminated under the provisions of section 90 when the premises are used for illegal purposes or when they interfere with the reasonable peace, comfort or privacy of immediate neighbours. Under the Act as it now stands it is possible, after termination of the residential tenancy under this provision, that a tenancy could be entered into with the same tenants soon after the termination. This is clearly an undesirable and unintentional effect of the provision. The Opposition's amendment seeks to provide a six month exclusion to the same tenants entering into that residential tenancy.

The Opposition has had brought to its attention the case of a constituent who on 26 September 1996 appeared before Tribunal Member A.P. Moore of the Residential Tenancies Tribunal under section 90. The determination in part states:

The applicant recognised that the tribunal's powers were limited in that it could only terminate a tenancy and the landlord and tenant could immediately create a new tenancy.

The Attorney-General in his second reading response indicated that the Government could not support the Opposition's amendment. Surely, if the Tribunal terminates a tenancy, it has good reason for so doing, and the matter should not be dismissed outright in the manner the Attorney-General suggests. I think that, essentially, it makes a mockery of the tribunal's decision and affords no protection for the aggrieved parties. Tenants have rights as well as landlords. The Opposition believes that its amendment takes into consideration such rights and gives clear direction as to how the tribunal should interpret section 90. I urge all members to support the new clause.

The Hon. IAN GILFILLAN: I indicate that the Democrats will support the amendment—and the Attorney-General can have his say.

The Hon. K.T. GRIFFIN: I am happy to speak to my amendment. I do not think the amendment will be controversial, but I do think that there will be controversy in relation to the Hon. Carmel Zollo's amendment. I move:

Page 1, after line 16—Insert new clauses as follows:

Amendment of section 3—Interpretation

2A. Section 3 of the principal Act is amended by inserting after subsection (3) the following subsection:

(4) For the purposes of this Act, a residential tenancy agreement includes an agreement granting a corporation the right to occupy premises that are occupied, or that are intended to be occupied as a place of residence by a natural person.

Amendment of section 5—Application of Act

2B. Section 5 of the principal Act is amended by inserting in subsection (2) 'or the South Australian Aboriginal Housing Authority' after 'South Australian Housing Trust'.

The first amendment concerns issues which arise when a corporation is a tenant. This situation most commonly occurs

when a company rents premises to be used as a residence by an employee. A private person lives in the residence and, for all intents and purposes, a residential tenancy agreement is in existence. A security bond is lodged with the Commissioner of Consumer Affairs but the tenant's name on the agreement happens to be that of a company. In those situations, the Residential Tenancies Tribunal is bound by a decision of the Supreme Court, *The Shell Company of Australia versus Kenpark Pty Ltd* (1985 38 South Australian State Reports page 297), which has determined that a company is not capable of residing in premises to which the Act applies, and that an agreement under which a company rents premises to be used as residential premises is not a residential tenancy agreement under the Act.

There is a contrary decision of the Western Australian Supreme Court on the same issue. If the landlord applies for vacant possession of the premises or for a refund of all or part of the bond money lodged by the corporate tenant, the tribunal has to decline jurisdiction and the matter has to be sorted out in other courts.

The Presiding Member of the tribunal has suggested that this matter is best dealt with by an amendment which is similar to the provision in the New South Wales Act which in determining jurisdiction looks at whether the premises are used or are intended to be used as a residence by a natural person.

The CHAIRMAN: I am advised that the lettering of the Attorney's new clauses should be 2A and 2B, and the Hon. Carmel Zollo's amendment then becomes new clause 2C.

The Hon. CARMEL ZOLLO: The Opposition supports the Attorney-General's amendments. Can he give some examples of corporate tenants?

The Hon. K.T. GRIFFIN: I cannot off the top of my head, except to say in general terms that there may be a company which buys a residential property for the purpose of accommodating a manager or a salesperson. That is the sort of situation: it is used for residential purposes but the tenancy is actually in the name of the corporation.

The Hon. Carmel Zollo: Are you thinking of the Aboriginal Housing Authority?

The Hon. K.T. GRIFFIN: No. That is a different issue. This deals with purely business type arrangements where the company provides the residence and is named as the tenant party but the company puts the employee into the residence as a term and condition of employment. That is the situation that is sought to be dealt with by the amendment.

The Hon. Carmel Zollo: Who then is liable?

The Hon. K.T. GRIFFIN: The tenant is still the corporation but the landlord can gain access to the bond because the corporation is deemed to be the tenant and this is deemed to be a residential tenancies agreement. That is one of the issues.

The Hon. T.G. CAMERON: I support the new clauses moved by the Attorney-General. They sound like plain commonsense to me.

The Hon. K.T. Griffin's amendments carried; new clauses 2A and 2B inserted.

The Hon. K.T. GRIFFIN: I vigorously oppose the Hon. Carmel Zollo's amendment, proposed new clause 2C. I said in my second reading reply that the honourable member's amendment concerns section 90 of the principal Act. It allows a landlord or a third party to make application to the Residential Tenancies Tribunal for the termination of a tenancy if the tenant has used, caused or permitted the premises to be used for an illegal purpose, caused or permitted a nuisance or permitted an interference with the reasonable peace, comfort or privacy of another person who resides in the immediate vicinity.

The Hon. Carmel Zollo's amendment will prohibit a landlord entering into a new tenancy with the tenant in relation to the same premises for a period of six months. The present situation with respect to section 90 applications is that, when a landlord joins with third parties or is the applicant under section 90, the landlord clearly wants the tenancy to end and, in the usual course, if the tribunal orders the termination of the tenancy, the landlord will enforce the order to vacate the premises.

However, if the landlord is not a party to the proceedings or does not want the tenancy to terminate, in the event that an order to terminate is made, the landlord can choose not to enforce the order. If the landlord is satisfied with the tenant, or if the landlord is satisfied that the tenant's future behaviour will be different, the landlord is not to be placed in a situation where he or she is forced to end the tenancy. The honourable member's amendment will, in fact, force the end of the tenancy. It is the Government's view that the tribunal should not make an order under section 90 at the very least without hearing the landlord. The Government is further of the view that, if the landlord wants the tenancy to continue, that should be the right of the landlord.

I know this is a controversial issue. I can remember when we were debating this Bill in 1995 that there was concern about what one does with a tenant who might be causing disruption in a block of units or in rental premises, or when someone next door is creating a disruption. How do you deal with that? In the ordinary laws of nuisance and breaches of the peace, both the civil law and the criminal law can deal with those matters, but I acknowledge that they are difficult issues for adjoining tenants to have to cope with.

In the circumstances which were discussed in 1995—and I think it was against my better judgment at the time—the majority of the Council did insert section 90 into the Residential Tenancies Act. Let me just refresh members' memories of section 90. It provides:

> The tribunal may, on application by an interested person, terminate a residential tenancy and make an order for possession of the premises if it is satisfied that the tenant has used the premises or caused or permitted the premises to be used for an illegal purpose, or caused or permitted a nuisance—

that is, noise next door—

> or caused or permitted an interference with the reasonable peace, comfort or privacy of another person who resides in the immediate vicinity of the premises. If the tribunal terminates a tenancy and makes an order for possession under this section, the tribunal must specify the days from which the orders will operate, being not more than 28 days after the day on which the orders are made.

An interested person means the landlord. That means that, if you own premises, if you are the landlord and if you have tenants who are disruptive, rather than going through the processes of terminating the tenancy, you can apply for an order under section 90.

But it also involves a person who has been adversely affected by the conduct of the tenant on which the application is based. So it can be another landlord of other premises within the vicinity; it can be a tenant in other premises in the vicinity, not necessarily a block of flats; or it can be a row of tenanted cottages or houses. Someone else can make the application. If it is your tenant and you are the landlord, you may never get to appear in the Residential Tenancies Tribunal if someone else has made the application to get rid of your tenant. That is a very difficult position.

What the Hon. Carmel Zollo's amendment seeks to do is to say that, if the court makes an order in respect of those tenants against a landlord, that landlord, without having any right to say 'Yes' or 'No' or to be involved—

The Hon. Carmel Zollo: He is not the offending party.

The Hon. K.T. GRIFFIN: I know. But he or she is the person or the company that owns the premises. It is the landlord's premises. If the landlord is not a party to the proceedings and the Residential Tenancies Tribunal has heard from some interested persons who have complained about the behaviour of the landlord's tenant—and the Residential Tenancies Tribunal says that it is satisfied that the tenancy ought to terminate—the Hon. Carmel Zollo is saying, even without the landlord ever having had a chance to put a point of view, that the tenancy is terminated and that the landlord cannot enter into a tenancy agreement with that tenant for six months. The landlord has no say in it.

The Hon. Carmel Zollo interjecting:

The Hon. K.T. GRIFFIN: I just think that is a pretty extreme view. You are taking away the rights of the landlord who has had no right of appearance before the tribunal and saying that even if the landlord says, 'Look, I think the tenant is all right' or 'I think the tenant has learnt the lesson and I want to continue earning income from these premises,' the landlord should not be entitled to re-let to the same tenant. That is the dilemma we have. I understand the situation to which the Hon. Carmel Zollo is referring; we faced the issues back in 1995. But I still think that it is fundamentally unfair for a tribunal, court, whatever you like, to say to a landlord who is not a party, who has not been able to participate in the proceedings, 'You are not to deal with your property in this way for six months.'

The Hon. T. CROTHERS: I was going to support the Zollo amendment, but having listened to the explanation proffered by the Attorney-General I can well understand that when one puts things in the scales of balance, in spite of my suspicion of some of the bloodsucking landlords, it comes down in favour of the Hon. Mr Griffin's amendment. If someone is charged with an offence, for example, manufacturing drugs on leased premised, and the police know that they are as guilty as sin, the police as an interested party could perhaps make an application to the tribunal so as to stop the premises being used for the manufacture of amphetamines or drugs. I may be drawing a long bow, but that is one example. Another example may be the recent mass murder case in this State where those people were certainly suspected by the police to be guilty and have since been charged; but the premises they occupied could not have been touched, if they were rented, under the terms of the Residential Tenancies Tribunal. I understand that those are extreme cases. When one puts things into the scales of balance, the Attorney-General's amendment makes more sense to me, and I shall vote accordingly with the Government on this issue. I have changed my mind.

The Hon. IAN GILFILLAN: I do not believe the Attorney's amendment conflicts with the Hon. Carmel Zollo's amendment; I think there are different areas. I am quite content to support both. I do not think they conflict, but I am concerned that there is not support for the Hon. Carmel Zollo's amendment, because I can see the situation where the landlord has no personal concern for the disruption and stress that can be caused by a fractious tenant who has been found so by the tribunal. Either we have confidence in the determination of the tribunal or we do not. For the purpose of judging my support or otherwise for the Hon. Carmel Zollo's amendment, I am assuming the fact that a ruling has been made in a proper hearing that a tenant was found to be unacceptable to continue tenancy in these circumstances. Where you have the connivance of a landlord and tenant and where the landlord is totally uninterested in the impact on the neighbours of that tenant, the re-institution of that tenancy can be quite soon, if not immediate.

It appears to me that some very real human consideration can flow from the Hon. Carmel Zollo's amendment which, if it is not supported, could leave a farcical situation where the tribunal has considered in its judgment that a tenancy should be terminated because it is causing stress and disruption and is deemed to be unacceptable to the situation where it exists. In many cases, of course, the landlord may be very happy to see that tenant go.

The Hon. K.T. Griffin interjecting:

The Hon. IAN GILFILLAN: That is what I say. But the particular case we are talking about is where there can be a disinterested, unconcerned landlord who does not really care.

The Hon. Carmel Zollo interjecting:

The Hon. IAN GILFILLAN: I am persuaded by that; therefore, the intention of section 90 can be frustrated by the connivance between a landlord and a disapproved tenant in just renewing a tenancy after a token severance through the breaking of the tenancy for a limited, perhaps very short, period. My feeling is that the amendment is worthy of support. I cannot believe that it can cause any particular problem and it may very well prove a source of relief to people who are locked into living situations where a tenant has been found to be quite disruptive of their lifestyle, they have sought and obtained relief through the tribunal but it is denied them because the landlord does not care about the consequences of that interface between the tenants and renews a tenancy. Therefore, I see substantial justification for supporting the Hon. Carmel Zollo's amendment.

The Hon. T.G. CAMERON: I will not be supporting the amendment, since I have not been persuaded by the argument put forward so far. What troubles me about the debate on this issue is how we actually end up in a situation where the tribunal can hear an application by a third party to remove a tenant from a property without the landlord being notified and being present at the hearing. As I understand it, these situations occur very rarely, but it would seem to me that an amendment should be moved or someone should have a look at making it mandatory for the tribunal to notify the landlord. For anyone to argue that he or she is not an interested party in the matter is ludicrous, and for anyone to argue that a third party should be able to apply to terminate a tenancy without the landlord either being notified or invited to attend the hearing creates a circumstance for problems to occur; it is as simple as that.

I do not have an amendment prepared to give effect to that, but I would ask the Attorney-General, the Hon. Ian Gilfillan and the Hon. Carmel Zollo to look at whether or not it can be made a mandatory part of the procedure for the landlord, first, to be notified that there is an application to interfere with the tenancy, which I believe interferes with the landlord's rights; and, secondly, to be invited to attend the hearing. If the landlord decides not to attend, or ignores a request, then let it be on his head. As I said, I have not had a close look at it, but I cannot support the amendment as currently moved. However, I recognise that there is the potential for problems to occur in the future and that the matter ought to be looked at.

The Hon. CARMEL ZOLLO: I am a little surprised at some of the logic that has been spoken here this evening. Section 90 is essentially a provision applying between two neighbours most of the time, or two tenants; it is not the landlord.

The Hon. T.G. Cameron: It could be anybody.

The Hon. CARMEL ZOLLO: But the landlord is not living on that property: he has leased that property to a tenant. The tenant is the person who presumably is offending the neighbour, the community or whatever, so the dispute is between not the landlord but two other parties. So that is the issue as I see it. If we have a tribunal which makes the decision that the tenant is found to have offended, then surely the landlord cannot turn around and re-enter into the same lease pretty much straightaway. Why have a tribunal if it cannot settle disputes between two people who have nothing to do with him? Okay, it is his property but he is not the person who has offended. That is the logic as I see it. I am not even sure that we need another amendment like the Hon. Terry Cameron has suggested. This is quite plain. You have a tribunal, somebody offends under this section, the aggrieved party goes to the tribunal, and the tribunal makes a decision. At present, the landlord can turn around and just flout that decision. It is totally illogical.

The Hon. T. CROTHERS: You can get a position where a tenant is, for whatever reason, paying a very high level of rent and causing difficulties with other neighbours in the area. As a consequence of that, the landlord might well enter into a new lease, because he has a bit of a lust for the additional money that he knows can be generated by that tenant. I have some sympathy with that which the Hon. Mr Cameron said in having some provision which ensures that the landlord is present if he or she so wishes so as to listen to what is occurring at the tribunal. I can see a weakness there.

Once, many years ago as a young man, I was in that position. Two elderly ladies shared a half house with us with Sydney. Four young fellows shared the other half the house, paying six times as much rent. The landlord desperately wanted them to go, which was wrong, harsh and unfair, but nonetheless he was not in a position to be the sole party involved in that. So, for every proposition that has been put up so far, there is a counter proposition. It would be a sin if the intention of the Hon. Carmel Zollo was lost simply because we cannot take an extra five or 10 minutes to try to reach some arrangement satisfactory to all the parties involved in this debate, and most of the different components are not so far apart and common ground can be found so as to discharge both the aims of the Hon. the Attorney and the Hon. Ms Zollo.

The Hon. K.T. GRIFFIN: The problem is that, if a person owns a property, rented that property, is receiving a return by way of rent and the tenants are not breaching the tenancy agreement, so far as the landlord is concerned, the landlord may wish to have the tenancy continue. They may be rowdy, so it may be that there is a neighbour who says, 'They're rowdy and I want them to go; they're creating disruption,' but so far as the landlord is concerned, there has been no breach of the tenancy agreement, because the landlord will not be a party. So what you have is other people making an application to the tribunal where the so-called potentially disruptive tenants are the other parties and the landlord who has a contract with them is left out in the cold. If the landlord wants to get rid of them, that is another matter, because the landlord himself or herself can take action, but the landlord is not a party. There is a fundamental question here about what are the contractual rights. Should we be giving some another party a right through a tribunal to terminate those contractual rights without the landlord having a say in it?

The Hon. Carmel Zollo: You have no faith in the tribunal system; is that what you are saying?

The Hon. K.T. GRIFFIN: That is not the point. It is a matter of contract law. It is also a matter of what are the rights of the landlord in relation to his or her property.

The Hon. T. Crothers: Should additional information be led to the tribunal that might achieve that point of view?

The Hon. K.T. GRIFFIN: This was acknowledged to be a difficulty in 1995. It was not my idea. I think it was the Hon. Anne Levy who promoted this at the time, and it was a matter of considerable concern. On the one hand, I can sympathise with neighbours who say, 'These tenants are disruptive; we want to get rid of them', but, on the other hand, I have a lot of sympathy for a landlord who says, 'I have entered into a contract. They are not breaching the tenancy agreement. If you terminate my tenancy, I might have vacant premises for three, four, five or six months and I have no recourse against anyone.' That is the dilemma we have to confront in dealing with this.

The Hon. Carmel Zollo: You should not be sympathising with anyone: surely it is up to the tribunal to make the decision.

The Hon. K.T. GRIFFIN: What the member is doing is overriding contractual rights. One has to be very careful about overriding contractual rights. There are very rare occasions where Parliaments do that because, provided they are lawfully entered into, we respect a person's rights in relation to both their property and the contracts they enter into. That is the problem we have: how to resolve it. The civil law deals with that by way of noise control legislation, public nuisance legislation and that sort of thing. What is sought to be done by section 90 is to bring some other body into it to try to resolve it, but not necessarily without prejudice to the landlord. I acknowledge what the Hon. Trevor Crothers and the Hon. Terry Cameron have said in relation to at least giving a landlord notice, but that may still not solve the problem.

The problem I have is a fundamental objection to a mandatory provision which says, 'If the tribunal says that tenancy is at an end, you, the landlord, even if you have not been a party—and even if you have been a party—cannot enter into another tenancy agreement with those persons or that person for six months.' You are saying to the landlord, 'Look, the premises will be vacant for six months. You wear it.' I think there is a fundamental injustice in that. I am prepared to give a commitment that, between the time that this matter is dealt with in this place and in the House of Assembly, if there is a way in which we can at least ensure that the landlord is entitled to make representations, I am happy to try to find some additional words that will accommodate that. However, I can tell the member that I will not support a prohibition on a landlord re-entering a contract with a tenant for the purpose that the Hon. Carmel Zollo indicated.

If there is a way in which we can ensure that, in the current circumstances in which section 90 applies, we can give notice to the landlord in particular and have the landlord at least able to be represented, then I am happy to look at that and, before it is dealt with in the other place, come back to all who have expressed an interest in it. I would like to get it through, so it can go to the House of Assembly—it has run out of business—

The Hon. T.G. Cameron interjecting:

The Hon. K.T. GRIFFIN: That is my position. I understand the dilemma, but with respect to the Hon. Carmel Zollo I do not believe that this is the way in which we can deal effectively with this. It may be that, ultimately, there is no solution. Talking to members of the Residential Tenancies Tribunal, these are the most difficult cases with which the tribunal has to deal. It is often a room full of people all yelling at each other, all complaining that the tenants are unsatisfactory or that they are unsatisfactory neighbours and therefore they have to get rid of the tenancy; and, of course, the tenants blame the other side and say that they are the ones causing the problem. It is a handful, judging from the information that has come to me. I do not believe that putting this prohibition on the landlord is a proper way in which to deal with that issue.

The Hon. IAN GILFILLAN: I was not here when the Act was previously amended. What are the powers of the tribunal in relation to the effect on a tenancy where it determines that the tenancy is unacceptable? Does it have the power to influence the conditions or the continuation of the tenancy? I will give the Attorney a chance to think about that while I go through a couple more points.

I do not see that the Hon. Carmel Zollo's amendment hangs on the words 'the tribunal must order'. I think that it can well be improved by giving the tribunal the discretion so that it can, under certain circumstances, make an order. However, as the wording is, as I interpret it, it is almost a mandatory condition. So, I think that we are moving progressively—

The Hon. K.T. Griffin interjecting:

The Hon. IAN GILFILLAN: Yes.

The Hon. K.T. Griffin interjecting:

The Hon. IAN GILFILLAN: Maybe. But I was prepared to support it because it was looking as a measure for relief. I would say that we have the chemistry here for quite a productive way (as is the wont of this House) of gaining some cooperation. And I know how the Attorney works: one looks anxiously for a sign that he may move marginally to one side or the other—and he has given an undertaking that he will revisit the question of having the landlord present. In fact, I am surprised to hear that the landlord does not have automatic information that a hearing relating to his or her property is to take place in the tribunal and has the right of standing in that tribunal hearing. To me, that just seems to be commonsense and fair play.

If, at the end of the day, the tribunal is so persuaded that that tenancy should not continue, it appears to me that it is reasonable to look at the opportunity being in the Act for the tribunal to make a recommendation. However, it should not be a mandatory recommendation that there is this particular period of time. I am not sure what procedure the Attorney is suggesting we follow: whether we resolve this before it goes to the other place or whether we pass it in some form, transfer it down there and then have it come back. I am not sure of his timetable with respect to that procedure. However, that is my opinion of it.

The Hon. K.T. GRIFFIN: To answer the question asked by the honourable member, under section 90 as it stands at the moment the tribunal may terminate a residential tenancy and make an order for possession of the premises if it is satisfied that certain things occur. If one looks at the way in which it is structured, the tribunal can order the termination of a tenancy. But what else can it do? It can only make an order for possession, and that is an order for possession by the landlord.

It is a curious position where the landlord may not have been a party and the Residential Tenancies Tribunal terminates the tenancy: the landlord can then go back and take possession of the premises—and the order must specify the date from which the orders will operate, being not more than 28 days after the day on which the orders are made. So, the tribunal says that it is satisfied that the tenant is a nuisance, terminates the tenancy in 14 days' time and orders the tenant to give possession to the landlord. The landlord may not have been a party to that and says, 'I am perfectly happy with the tenant. The tenant might be rowdy, but I am perfectly happy; there is no breach.'

The Hon. IAN GILFILLAN: That is in the current Act.

The Hon. K.T. GRIFFIN: That is what I am saying.

The Hon. IAN GILFILLAN: You are describing the situation in the current Act.

The Hon. K.T. GRIFFIN: That is what I am telling the honourable member. That is why it is impossible to enforce in any event, because a landlord might say, 'I do not want to take possession of it.' So, in those circumstances, the landlord may, in some circumstances, enter into a new agreement with the tenant, starting afresh.

Under the Hon. Carmel Zollo's amendment, if the tribunal terminates a tenancy, it must specify the date from which the order operates and then it must order that the landlord cannot say to the tenant, 'You can stay there; we'll enter into a new tenancy agreement.' The tribunal must order that prohibition for a period of at least six months from the date of the order and, if another agreement is entered into, it is void. So, presumably, if the landlord leaves the tenant there on a week by week tenancy, that is void: the landlord has no right to collect the rent. With respect, it is a nonsense.

The Hon. Ian Gilfillan: I do not have any problem with the tribunal having that power to use at its own determination. I think the amendment is too prescriptive: it does not give the tribunal the option.

The Hon. K.T. GRIFFIN: I have a fundamental problem with it in principle. If you make it discretionary, the tribunal may order—

The Hon. Carmel Zollo: Why do you have a tribunal if you can't—

The Hon. K.T. GRIFFIN: You have a tribunal because it has to sort out all sorts of other problems which genuinely arise between—

The Hon. T.G. Cameron interjecting:

The Hon. K.T. GRIFFIN: You genuinely have a need for a tribunal to sort out problems between landlords and tenants. That is what it is for.

The Hon. Carmel Zollo: But if the tribunal is being used in this instance to look at disputes between tenants, surely it will not look at nonsense matters such as, 'He played his stereo too loudly.' Surely it must be something that is fairly serious and ongoing.

The Hon. K.T. GRIFFIN: It must have 'caused or permitted a nuisance'. That can mean making a bad smell in the backyard. It must have 'caused or permitted an interference with the reasonable peace, comfort or privacy of another person who resides in the immediate—

Members interjecting:

The CHAIRMAN: Order!

The Hon. K.T. GRIFFIN: This has always worried me, even back in 1995, and I did not win the day then. The problem is that it creates a fundamental interference with the

basic contractual rights of the landlord in respect of a dispute between tenants, not a dispute between landlord and tenant.

The Hon. Carmel Zollo interjecting:

The Hon. K.T. GRIFFIN: With respect, the honourable member has a funny idea of what are property rights and contractual rights if that is her position.

In answer to the Hon. Mr Gilfillan, I was saying that I want to see this Bill passed. I am in the hands of the Committee. If it decides to hold it up, that is a matter for the Committee, but this is an important piece of legislation that I would like to see passed by both Houses before the end of the session. There are only two weeks remaining, and everything seems to be getting crowded into those two weeks.

As I have said, there are two issues involved. First, the Hon. Carmel Zollo wishes to have included the power to make orders. I am fundamentally opposed to that, and I would prefer to get that out of the way. The second question is whether we can finetune the provision to identify that, in any circumstance, the landlord has a right to appear and be heard but that the rights of the landlord are not to be compromised if the landlord has no dispute with the tenant.

In that regard, I am prepared to give it some consideration before it is considered in the House of Assembly. I am not prepared to do that on the run, but I undertake that, before this matter is dealt with in the House of Assembly at the end of the session, I will inform members about the outcome of that consideration. I know that that is open-ended, but that is all I can do. Perhaps there will have to be some consultation with interest groups and also with the presiding member of the tribunal about how we will handle this issue. There is no way that I can do that between now and tomorrow. If we do not get it down to the Assembly this week, the prospects of dealing with it in the last two weeks are even more remote. That is the offer that I am making to members of the Committee. I am in your hands. I oppose the amendment but I am prepared to look at the narrower issue about the right of the landlord in respect of the way in which the current section operates.

The Hon. T.G. CAMERON: What the Attorney-General has put is acceptable to me.

The Hon. IAN GILFILLAN: An effective adjustment of the legislation would be to legislate so that landlords have a right of appearance and a right to be heard before the tribunal in this context. I also believe that, under the Act already, the tribunal has the power to terminate a tenancy. This is not new. People who are jumping up and down opposing the Hon. Carmel Zollo's amendment—

The Hon. T. Crothers interjecting:

The Hon. IAN GILFILLAN: You were there, so you are an expert. That part of the Hon. Carmel Zollo's amendment that deals with the power to terminate is not new. That is already in the Act. I believe that it is sensible that, in that power to terminate, the tribunal is given the discretion to allocate a period of time in which a tenancy which has been terminated by the tribunal cannot be entered into again by the parties involved. That seems to be logical, otherwise I cannot see any point in giving the tribunal the power to terminate a tenancy when, the day after that termination has been accepted through the power of the current legislation, the two parties can get together and the tenancy is renewed.

I do not believe it should be mandatory. There is scope for people of goodwill to achieve both those aims, first, to ensure that the landlord has fair access to the tribunal and, secondly, to give the tribunal the option, in its wisdom, to set down a period of time in which a tenancy which has been terminated cannot be entered into again. The Attorney-General can wag his head as much as he likes, but I am telling him what I feel about it.

The Hon. K.T. Griffin: I am just wagging my head because I don't agree with you.

The Hon. IAN GILFILLAN: As long as it is not some sort of nervous tic.

The Hon. K.T. Griffin: I certainly would not have a nervous tic when you are speaking.

The Hon. IAN GILFILLAN: I am very glad to hear that. In spite of the body language of the Attorney at the present time, I was hoping to work out how we could deal with this expeditiously.

The Hon. K.T. Griffin: I have made my proposition.

The Hon. IAN GILFILLAN: That proposition is very vague and I am not sure how much faith one can put in it. If the Bill is passed through this Chamber, unless there is a chance for some dialogue and an amended amendment to come up, we will support the Hon. Carmel Zollo's amendment because we believe it is important that there is a signal in the legislation that a time frame should be put in place. I repeat that I am not happy with a mandatory time frame and I hope that further thought will be given by all of us to getting the balance right. That can be done informally so that amendments can be moved in the other place. The Opposition is free to move amendments in the other place, as is the Government. We will not determine it here tonight and we would hope that the expressions of goodwill from the Attorney-General mean that one measure will be addressed and that we might be able to get this balance in place so there is fairness on both sides. We will support the Hon. Carmel Zollo's amendment.

The Hon. T. CROTHERS: I really do not see the commonsense in the approach indicated by the last speaker. The Attorney has said—and this is a practice with which we are all familiar—that, where there is a gap to be bridged, the Bill will carry here, go down to the Lower House and in the meantime the Minister (in this case, the Attorney) will have meaningful discussions with interested parties and will endeavour to bridge that minute gap by some form of amendment. He has already given that guarantee on several occasions. If the Hon. Mr Gilfillan's Party supports the Carmel Zollo amendment I believe that my colleague and I will support the Griffin proposition, and that will lead to the loss of the Zollo amendment in its totality. By handling it in that way, you are saying, 'We don't trust the Attorney; we would rather go down. Three quarters of a loaf is no good to us; we want either the whole loaf or get nothing.' If you persist in doing what you have said you will do, you will go down, because nine and two are 11.

The Hon. CARMEL ZOLLO: This is not getting us anywhere; it may be best to put the Opposition's amendment. I agree with the Hon. Mr Gilfillan that it may best be revisited in the other House with the compromise he suggested.

New clause 2C negatived.

An honourable member interjecting:

The CHAIRMAN: Clauses 2A and 2B were dealt with together.

The Hon. K.T. GRIFFIN: Because I did not deal with the second amendment, I think it is fair that I put on the record that the second amendment concerns the application—

The Hon. Carmel Zollo interjecting:

The Hon. K.T. GRIFFIN: No, I am sorry; I misunderstood. The second amendment concerns the application of the Act to premises owned by the Aboriginal Housing Authority.

The South Australian Aboriginal Housing Authority was established as a statutory corporation under the Housing and Urban Development (Administrative Arrangements) Act 1995 by the Housing and Urban Development (Administrative Arrangements)—South Australian Aboriginal Housing Authority regulations 1998. The regulations were gazetted on 22 October 1998. The creation of an Aboriginal Housing Authority has been discussed since 1973 and I am pleased that the Aboriginal Housing Authority has at last come into existence and is able to have vested in it approximately 1 800 properties which until now have been owned by the South Australian Housing Trust and operated by the trust's Aboriginal funded unit.

The Residential Tenancies Act requires amendment to enable the Aboriginal Housing Authority to have the same status under the Act as has the Housing Trust. The amendments involve section 5(2) of the Residential Tenancies Act. That subsection now provides that only certain provisions of the Residential Tenancies Act apply to residential tenancy agreements under which the Housing Trust is the landlord, to residential tenancies arising under those agreements and to related tenancy disputes. The amendments proposed provide that the same provisions of the Act will apply to residential tenancy agreements under which the Aboriginal Housing Authority is the landlord, to residential tenancies arising under those agreements and to related tenancy disputes. The amendments to section 5(2) of the Residential Tenancies Act will assist the Aboriginal Housing Authority to commence operation as a landlord.

The CHAIRMAN: I apologise to the Committee if there was any confusion, but I thought I made it reasonably clear that we needed to put new clauses 2A and 2B, then renumber the Hon. Carmel Zollo's as 2C. The question I put was for new clauses 2A and 2B.

The Hon. CARMEL ZOLLO: I indicate that the Opposition has no objections to the amendment.

The CHAIRMAN: It has already been passed; I apologise for that.

Remaining clauses (3 to 6) and title passed.

Bill read a third time and passed.

ROAD TRAFFIC (ROAD RULES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 July. Page 1548.)

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank all members for their contribution to this important piece of legislation. The Hon. Carolyn Pickles asked what the Government proposed to do in terms of the RAA's request that section 174a be amended to include a defence for an owner of a vehicle that had been stolen. I advise that section 174a is a re-enactment of the current section 789d of the Local Government Act. These provisions provide for an owner onus for parking offences, similar to section 79B of the Road Traffic Act, which provides an owner onus for offences recorded by camera. I advise, too, that these provisions in the Local Government Act have been there since December 1990. I think it is important to recognise, too, that the matters raised by the RAA were raised by the Hon. Jamie Irwin in 1990, when he referred to section 79B(2)(c)(ii) defence which, by the recent Road Traffic Act amendment, has been added to section 79B. In response the then Minister for Local Government (Hon. Anne Levy) referred to the Private Parking Areas Act provision and said:

> I am not sure if it is necessary to limit owner onus further in relation to offences under the Local Government Act given that the penalties are less serious than those for speeding—

therefore those in the Road Traffic Act—

> and that councils' administrative resources are more limited than those of the police.

I advise that last month, upon receipt of the RAA letter by Transport SA, to which the Hon. Carolyn Pickles referred, Transport SA did consult with the Local Government Association and confirmed that councils considered that they had insufficient resources to comply with the formal administrative burden of the section 79B defence, as the RAA was contemplating for inclusion in this Act, and that it would clearly be disadvantageous to councils if these evidentiary provisions were not reinstated.

Essentially, the view of the Local Government Association has not changed from that which was presented by the Hon. Anne Levy in 1990 when the Hon. Jamie Irwin asked similar questions to those which the RAA is posing today. The Government, together with the Local Government Association, would not support the RAA's position in this matter.

The Hon. Carolyn Pickles also noted that the Local Government Association has raised issues regarding road closures, parking regulations, ordinary regulations, small wheeled vehicles, traffic control devices, the Minister's delegations, the marking of tyres, vehicle owners and expiation and evidentiary provisions. I highlight that the Local Government Association has advised Transport SA that it no longer has concerns on those matters: it is satisfied that all concerns have been addressed to its satisfaction. However, it has raised two new matters in a letter to me on 6 July last which are as follows: first, it has advised me that many councils have inquired as to the feasibility of allowing infrastructure changes to be implemented progressively as part of their ongoing infrastructure maintenance program. I will refer to that matter later, but that is certainly possible.

The Local Government Association has also asked that the Bill be amended to require that the association be consulted prior to the making of the regulations. The Government does not support that specific request that only the association be consulted. I highlight that the association has two representatives already on the Australian Road Rules Steering Group that has been established under the chairmanship of Transport SA, and it has been closely consulted in terms of the making of the regulations; and it is because of that close consultation that the matters raised by the honourable member in this place are no longer matters of concern.

The Hon. Carolyn Pickles also said that she understood that South Australia would be the first State to bring in this legislation and she asked me to report on progress in other States. I am pleased to do so. I advise that, when approving the Australian road rules, Ministers agreed that the ARR is to be implemented no later than 1 December 1999. Earlier, Queensland nominated 1 July (a few days ago) and New South Wales nominated 1 September. However, they have changed their minds on that matter and are now also committed to 1 December 1999.

South Australia was the first jurisdiction to introduce amending legislation. New South Wales has since introduced legislation to its current session of Parliament, and that was passed two weeks ago. Jurisdictions have formed a National Implementation Committee that meets regularly by telephone

conferencing to ensure that, wherever possible, there is national coordination and implementation of the Australian road rules.

The Hon. Carolyn Pickles also asked me to outline the process by which subordinate legislation will take place and asked whether there will be widespread consultation. The subordinate legislation will comprise two sets of regulations. First, the Australian road rules will be made into regulations that mirror the rules approved by Ministers. There was extensive consultation on the draft rules in 1995 when more than 460 submissions were received Australia wide. The Australian road rules approved by Ministers is the result of that consultation.

South Australia is the first jurisdiction to make the Australian road rules readily available through Transport SA on the Internet site. In fact, my understanding is that, even with the passage of legislation through New South Wales, we remain the only State with the road rules on the Internet. In addition, Transport SA will soon print the Australian road rules on compact disc, and this will be made available to every council and public library in the State. I understand that there has been discussion about the explanation to the road rules being put on the Internet. I would be very pleased for that to happen after the legislation is passed. I would not wish that to assume the passage of this legislation.

As noted by members, the ARR provides that jurisdictions may modify some rules. These rules refer to 'another law of this jurisdiction' and can be divided into three categories, the first of which are rules that refer to another law that is already existing in South Australia. Examples of these include rules 216(3) and 227(2) which refer to the type of warning placard or warning triangles that must be carried by heavy vehicles. There is already national agreement on these definitions and they are contained in other parts of the Road Traffic Act or in other South Australian legislation. In these types of matters there will not be significant further consultation within South Australia as the relevant South Australian laws have not been changed.

The second category is those rules that provide for minor variation. In these matters subordinate legislation will be drafted in consultation with relevant stakeholders in order to maintain minimal change in South Australia. Examples of these include defining who is an emergency worker or road worker in South Australia. These are matters that are unlikely to attract public comment. The third category contains matters that are likely to generate significant, or at least more significant, public interest, and there will be considerable consultation with the public and stakeholders before any regulations are made.

The honourable member has already highlighted many of these rules, including rule 250, related to footpath cycling; rule 268 about how a person must travel in a vehicle, such as in the rear of utilities; and rule 300, the prohibition of the use of hand held mobile phones. Matters referred to in the foregoing categories two and three will be contained in ancillary regulations made under the Road Traffic Act and will accompany the Australian road rules. These regulations will also include details of matters in the first category that are located in other legislation. This will assist readers to refer quickly to these other laws.

In order to illustrate how the Australian road rules will be made into South Australian legislation, drafted copies of these two sets of regulations have already been supplied to honourable members. I note the concerns of members that the provisions that are currently contained in the Road Traffic Act are to be contained in subordinate legislation. However, I would say in relation to this matter that South Australia is currently unique in Australia in having much of its minor traffic legislation contained in the Road Traffic Act.

This has had severe resource implications for the Parliament, if not for members themselves, because all honourable members would know of the large number of road traffic amendments that come before the Parliament at any given time. It has also resulted in many provisions remaining unaltered for many years.

In contrast, where these matters are contained in regulations they must be reviewed at least every 10 years, and we think that that would be advantageous in terms of implementation of the road law in future. I appreciate that the Parliament may choose to disallow all 351 Australian road rules. However, such an action may—I suggest would—risk competition payments due to South Australia.

Regardless of this, I trust that although the Australian road rules represent compromises by all jurisdictions and may not please everyone in this place Parliament will in fact see that significant advantages are contained in the Australian road rules and that it has taken us some 48 years to reach this position.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! There is too much audible conversation in the Chamber.

The Hon. DIANA LAIDLAW: Although there is little scope to alter the Australian road rules, there will be significant widespread consultation before the ancillary regulations. Also, I would assure honourable members that, when approving the Australian road rules, Ministers also approved a maintenance strategy in order to maintain uniformity. Part of this has seen the establishment of a national maintenance group that will examine any problems identified, seek to maintain enhanced uniformity and investigate new policy matters. This group will make recommendations to the Australian Transport Council, which must approve any amendments to the Australian road rules.

The Hon. Carolyn Pickles asked me to detail the publicity campaign, and I advise that this is in progress under the umbrella of Transport SA. A communication strategy will detail a comprehensive education and publicity campaign. It is important that the campaign not simply advise road users of the Australian road rules but also seek to educate drivers generally. This will be the first major exercise across the State to bring to people's attention the Australian road rules. Many that are in place now will not be changed, but people do not even know they exist today, so we will have a major exercise in increasing everybody's understanding, knowledge and practice of the road rules generally. The State is strongly committed to conducting a high profile campaign that will make a significant contribution to road safety but, as the strategy has not been fully prepared at this stage, it is not possible to indicate the exact level of funds that are involved.

The Hon. Terry Cameron sought reassurances that the Australian road rules would not contain any obligation to vary the 110 km/h speed limits in South Australia—and that is so—or impose demerit points for speed camera offences—and that is not addressed in this Bill.

The Hon. Sandra Kanck notes that clause 35 of the Bill inserts new section 82 which provides a maximum speed limit of 25 km/h when passing a stationary school bus. I advise that this is not a new provision. It is currently contained in section 49(1)(b) of the Road Traffic Act and is

merely being relocated as part of the restructuring of the Act. This is another example where the road rule is not known—

The Hon. Sandra Kanck: Or policed.

The Hon. DIANA LAIDLAW: —or policed, and this is why the education campaign will bring to light many road laws which are in place in this State but which have not been recognised in the past. It is one reason why I keep saying there will be minimum change to our road laws: it will just seem there is considerable change because people do not know the current road rules.

The Hon. Sandra Kanck interjecting:

The Hon. DIANA LAIDLAW: That is another matter, too. South Australia has for many years prescribed a maximum speed limit of 25 km/h when passing either a stationary school bus or a school zone. Queensland may impose a maximum speed limit of 40 km/h past a school bus. It also provides a maximum speed limit of 40 km/h in a school zone.

The issue of school bus safety is currently being considered by the Australian Transport Council and is to be discussed at the next meeting of the council on 12 November this year in Perth. Therefore, while it is in the road rules, whether or not we thought it was wise to have a change, we have decided not to touch that current provision, to relocate it in the Act and to look at the issue nationally as part of the agenda items for the next Australian Transport Council meeting. If the honourable member wants to discuss this matter with me further or to suggest that I speak with other people about it, I would be pleased to do so.

The Hon. Sandra Kanck interjecting:

The Hon. DIANA LAIDLAW: It is on the agenda. Papers in terms of the whole school bus safety issue are being prepared for the next Australian Transport Council meeting.

The Hon. Carolyn Pickles suggested that rule 132 may cause problems in local government areas where there are narrow streets and residents are allowed to park on either side. This issue was considered in the development of the Australian road rules. While rule 132 prohibits a driver from overtaking across a single, continuous dividing line, rule 139(4) permits a driver to cross a continuous dividing line in order to avoid an obstruction. However, it must be safe, the driver must have a clear view and must consider the degree of hazard. In the rules the dictionary defines an obstruction as including a parked car.

The Hon. Carolyn Pickles asked what cost implications there are for local government. I advise that Transport SA is, as I indicated earlier, working closely with local government to identify the cost implications for local government. An Australia road rules steering group has been formed in South Australia. It comprises the Local Government Association, police, Attorney-General's Department and Transport SA officers.

A series of tables have been given to each council that separately detail changes which must occur before 1 December this year and others that must occur over a longer period through regular maintenance of the road system. Transport SA has provided training on the implications of the road rules for every council and today in fact commenced a series of follow up sessions in order to answer questions that councils may have as a result of the training and the detailed examination of the rules. This process allows a detailed analysis of the cost implications for local government which have not been gathered as a whole at this stage.

There will be a few infrastructure costs necessary before 1 December 1999. Most will be able to be undertaken as part of ongoing maintenance. In short, Transport SA is working with local government to minimise any significant costs. Where identified, means of minimising these costs will also be investigated. I was asked about what persons will be exempted from wearing seat belts. The reference in this regard was made to rule 226 but, in fact, the reference should be to rules 265, 266 and 267. Rule 265 applies to passengers 16 years and older. It requires that, where a vehicle has more than one row of seats, an unrestrained passenger must not sit in the front row of the seats of the vehicle. No comparable provisions are currently contained in the Road Traffic Act. The rules allow jurisdictions to vary this requirement.

At this stage, I would consider that vehicles not fitted with seat belts, such as vintage vehicles, will be exempted from this provision. Road safety stakeholders, however, will examine this issue further. Rule 267, relating to passengers 16 years and over, and rule 266, passengers between one year and under 16 years, permit jurisdictions to exempt persons from the requirement to wear seat belts or to prohibit the carriage of unrestrained passengers. There is no doubt that the mandatory wearing of seat belts is the largest single cause in reducing road death and injury, together with speed and drink driving. Current exemptions are very few and are based on medical grounds. This issue will be subject to further consultation, but I anticipate that few extra persons will be exempted or that the grounds will be expanded.

In relation to rule 300, I was asked whether there are any exemptions from prohibition on the use of hand-held mobile telephones when driving. My assessment of the situation at this time is that there would be no exemptions, but that is to be confirmed. Administratively, it would be impossible for the police and could completely undermine the initiative overall. I was asked about the cost of hands free conversion packages in terms of mobile telephones. I am advised that there are many mobile telephones on the market, and the preliminary investigation has indicated that many telephones are sold including a free bonus with a portable, hands free kit. Separate hands free kits have been advertised at $69 to $89.95. I was asked about the total cost of implementing this package, and Transport SA has undertaken a detailed analysis of the infrastructure costs.

It is clear that there will be few significant costs and that the public education and publicity campaign will probably be the largest cost. The final question I was asked was about there being a moratorium so that people can get used to the Australian road rules, and I acknowledge, as members have, that there are in fact few changes for South Australian road users. However, there are changes that will need to be broadcast widely, and Transport SA has commenced discussions with the police on their participation in an extensive public education campaign. Part of this will involve a moratorium on the enforcement of the new rules.

We do not envisage a widespread moratorium when anyone can do whatever they wish at any time, but simply a moratorium on the new rules. Those new rules would be crossing a single continuous dividing line or the hand held phones issue, examples such as that. Again, I sincerely thank members for working with me and officers from Transport SA over some months (and almost a year in many cases) as we have worked through the Australian road rules to the stage we have reached today. I thank them for their support over that time and in the Parliament.

This is major legislation. As I said, it has taken nearly half a century to gain uniform road rules in Australia. As we head into the new century and millennium it is encouraging to think that we will have an almost uniform set of road rules.

Bill read a second time.

In Committee.

Clauses 1 to 28 passed.

Clause 29.

The Hon. DIANA LAIDLAW: I move:

Page 11, line 29—After 'element' insert:
(excluding an offence of a prescribed class)

Section 47E of the Road Traffic Act 1961 enables police to require an alcotest or breath analysis from any driver they suspect, on reasonable grounds, has committed an offence under Part 3 and certain other provisions of the Act. Section 47E was amended in the Road Traffic (Road Rules) Amendment Bill to ensure that police retain the authority to require breath tests in appropriate circumstances. The Attorney-General's Department has suggested that this part of the Bill could have the effect of enabling police to require a person who commits a parking offence to undertake an alcotest or breath analysis. The amendment removes any doubts as to the intention of the Bill. I do not think that any member of Parliament would want to see such a circumstance arise unwittingly.

The Hon. CAROLYN PICKLES: The Opposition supports the amendment. I must say that we have been alerted to this inconsistency of difficulty and, if the Minister had not moved the amendment, we would have done so.

Amendment carried; clause as amended passed.

Clauses 30 to 33 passed.

Clause 34.

The Hon. A.J. REDFORD: This provision deals with offences in relation to the heading 'machines' described as photographic detection devices, more commonly described in our community as speed cameras. Speed cameras have occupied the minds of a lot of people throughout South Australia. Indeed, the Hon. Terry Cameron has spent some considerable time on it and, I must say, unfairly criticised by the Leader of the Opposition in another place as not laying a glove on the Minister for Transport. My observation is that, if he did not lay a glove on the Minister for Transport, then I do not know what the current shadow Minister for Transport is doing, because we just do not see anything. Be that as it may, it has also occupied the mind of the Hon. Julian Stefani, who has asked some questions on it.

The Hon. Carolyn Pickles interjecting:

The Hon. A.J. REDFORD: The Leader of the Opposition is probably one of the most sensitive human beings that we have in this place, with some of her inane interjections.

The Hon. Carolyn Pickles interjecting:

The Hon. A.J. REDFORD: It was just that I contrasted the Hon. Terry Cameron's performance with the current shadow Minister's performance—and emphasis is on the word 'current' and, in response, she has called me a twerp three times. I think that that is unduly sensitive. I look forward to a substantive contribution somewhere down the track explaining why she is a better shadow transport Minister than the Hon. Terry Cameron, who was so roundly criticised by the Leader of the Opposition in another place. I am sure we will get that contribution. Be that as it may, the question of speed cameras—

The Hon. Carolyn Pickles interjecting:

The Hon. A.J. REDFORD: You're tired and distraught, I think.

Members interjecting:

The CHAIRMAN: Order! The Hon. Mr Redford has the floor.

The Hon. A.J. REDFORD: I think the Hon. Legh Davis is probably a tad over the top saying she is a powder puff.

Members interjecting:

The Hon. A.J. REDFORD: Well, we were.

The CHAIRMAN: Order! The Hon. Mr Redford is addressing clause 34, I understand.

The Hon. A.J. REDFORD: This is an issue that has occupied the minds of many members in this place on many occasions. I must say I do not recall the Leader of the Opposition actually being involved in this, but it has occupied the minds of other people. I have a draft Bill on the Notice Paper described as the Road Traffic (Notification of Use of Photographic Detection Devices) Amendment Bill. I have made a contribution, and I have received fulsome support in relation to my Bill from the Hon. Sandra Kanck. I must say I am very grateful to and thank the Sandra Kanck for her fulsome support.

An honourable member interjecting:

The Hon. A.J. REDFORD: Well, she obviously treats the issue on its merits. I know the Hon. Terry Cameron will be equally fulsome in his support when he gets around to dealing with the Bill. I did contemplate saving everyone the time and trouble of moving an amendment to this clause to reflect the Bill, and I am grateful to Parliamentary Counsel for suggesting that as the appropriate course. I also spoke to the Opposition, albeit briefly, and was advised that it believes that it needs more time to deal with my Bill; and, as is the wont of this place, I am happy to give the Opposition more time to deal with the three clauses in my Bill.

The Hon. T.G. Cameron: It is a pretty complicated Bill.

The Hon. A.J. REDFORD: The honourable member interjects and says, 'It is a pretty complicated Bill', and I suppose I would have to say that that would be in the eye of the beholder. To some it is simple, while to others it is very complex. At the end of the day, what my Bill suggests is that, in the interests of ensuring proper road safety and that the public are fully aware of how these devices are used and when they go through them, it be compulsory to put a sign after them. I know Standing Orders prevent me from commenting on anything that is before a committee—and I will make some comments at the appropriate time—but this morning the Legislative Review Committee heard some very interesting evidence about the use of speed cameras and signs.

I understand that it is a practice now in every case to put signs out, and indeed the officers who are responsible for putting these signs out fill out a form designating that they have put the sign out. They also say in the form where they have put the sign and at the bottom they sign an acknowledgment that everything above it is true and correct. My Bill will give that a little bit of legislative force and I cannot see any problems with it. There are some who might say that this will be difficult and beyond the wit of those who are charged with the responsibility of putting out speed cameras.

The gentleman to whom I spoke this morning and who is in charge of putting these things out said that there was absolutely no difficulty; and I understand that, to his knowledge, the signs are always put out. He assured me that those who go through speed cameras always see a sign or always have the potential to see the sign if they are looking carefully (as we all should be if we are driving) and perhaps even, as I said in my second reading explanation of the Bill, patting themselves on the back because they were not speeding.

In any event, I contemplated moving the amendment, but then I thought that perhaps it would be unfair to the Opposi-

tion and some others who are still contemplating what we should do with my Bill. I do this in the interest—and I sacrifice the interests of the road user of South Australia in this respect, but hopefully not for long—of satisfying those members who are having trouble dealing with the fact that all this legislation seeks to do is to prescribe legislatively what is now done administratively and, I am told, quite simply and easily and without any difficulty.

I am sure that those who have some misgivings about a legislative requirement to put these signs out after speed cameras will find—and be assured by those who are in charge of putting them out—that this is not a particularly onerous or difficult requirement and that there is a great deal to be said for this Parliament acknowledging the administrative process and encouraging its use and compliance by supporting my legislation.

I have spoken now because I do not want to be accused of missing an opportunity. I did see the opportunity. However, as I said, I am mindful of the fact that it does take some people in this place a considerable time to come to grips with two relatively simple clauses in my Bill and, being the sort of person I am, I am prepared to give those people more time to consider those relatively simple clauses. I have absolutely no doubt in the world that, once in the cold, hard light of day and with the considerable time that they have had to consider this point, they will come to support my position.

I would also like to think (and the Hon. Terry Cameron would, no doubt, join with me) that neither I nor the Hon. Terry Cameron nor the Hon. Sandra Kanck is playing politics with this, and I hope that, in the true tradition of the Legislative Council, those others who are still contemplating the benefits and the advantages of my Bill will come to that conclusion. It is for those reasons that, at this stage of the debate, I will not move amendments requiring signs to be put out after speed cameras, because I have innate confidence in the commonsense and the lack of political point scoring that will be adopted by all members in this place in what I would suggest is a very simple, straightforward and uncontroversial amendment.

Finally, I have to respond to the Hon. Terry Cameron, because he did say something about the signs. I have to say that—

The Hon. T.G. Cameron: The latest thing is that after the speed camera they put a sign up saying 'Speed cameras save lives,' but it is all chained and bolted to the Stobie pole.

The Hon. A.J. REDFORD: The Hon. Terry Cameron explains the position, as I understand it, quite accurately.

The Hon. T.G. Cameron interjecting:

The CHAIRMAN: Order! The Hon. Mr Cameron can make a contribution if he wants to.

The Hon. A.J. REDFORD: I think that, as members of Parliament, we need to come to some realisation that we cannot, through simple statements such as that, inflame public opinion by attempting to insult the intelligence of members of the public. I believe that we could have been far more innovative and clever in relation to the use of those signs. As I understand it, the tragedy of those signs is that they cause motorists to become more irate than they currently do. I understand that there have been a number of incidents where people have driven past those signs and have been so insulted by them that they have turned around and either stolen them or smashed them up or, indeed, returned to the poor old operator of the device and engaged in—

The Hon. T.G. Cameron: And now they have chained and padlocked them.

The Hon. A.J. REDFORD: Yes. I understand that there was a recent incident where some poor operator carrying out his normal duties indeed had rocks thrown and the windscreen was smashed, and that is very unfortunate. I urge the Minister to relook at that sign and come up with something that does not insult the intelligence of the South Australian road user.

The Hon. DIANA LAIDLAW: I thank the honourable member for mentioning to me some weeks ago the amendments that he had had drawn up with respect to clause 34. We spoke about the issues and he determined that, because this Bill is discrete, in a sense, in terms of road rules arising on a national basis, we did not want to introduce further matters, and new matters such as this that would be relevant only in South Australia—especially when the private member's Bill is before this place and there will be an opportunity within the next four weeks for that private member's Bill to be debated and voted on—and that matter should be treated as a discrete matter. So, I thank the honourable member for determining not to introduce amendments to this Bill when he had the option to do so. I understand that the honourable member wishes to explore with the Minister for Emergency Services his concerns about and his dislike for the current signs.

The Hon. A.J. Redford interjecting:

The Hon. DIANA LAIDLAW: No. I am saying that the honourable member wishes to explore that. That issue is separate from the fact that the police are now putting out signs—and I think that is particularly useful. I would also like to show the honourable member the latest advertisement, which was released today and shown on television tonight, addressing this issue of speed cameras and fines. The advertisement is definitely different. I am sure that it will generate some views. It says to people strongly, and rightly so, 'You don't need to pay a fine with credit card or cash if you don't speed.' It is a simple message and it is clearly put.

The Hon. J.F. STEFANI: Will the Minister say whether the signs that depict a little camera and describe the saving of lives are consistent with signs used interstate, and will they be standard use throughout Australia in these situations?

The Hon. DIANA LAIDLAW: I do not know the answer to that question, but I will find out for the honourable member. This is one of the reasons why it was considered that we would not introduce the matter of signs into this legislation: this Bill does not seek national uniformity. The signs that we use in this State are blue and white and display the chequered international code. I will obtain that information for the honourable member. I assume that he does not require me to hold up the passage of this Bill.

The Hon. J.F. Stefani: No.

The Hon. DIANA LAIDLAW: In that case, I will obtain the information for the honourable member by tomorrow.

Clause passed.

Clauses 35 to 57 passed.

New clause 58.

The Hon. CAROLYN PICKLES: I move:

After clause 57—Insert new clause as follows:

Report on operation of amended Act and Australian road rules.

58. The Minister must, within six sitting days after the first anniversary of the date of commencement of this Act, cause a report on the operation of the principal Act as amended by this Act and the Australian road rules to be laid before each House of Parliament.

During the second reading stage, I indicated that, as this is very wide sweeping legislation and may cause some confusion and disquiet in some sections of the community more

than others—most law-abiding people, including some members of this place, will not have any problems with this provision but others will have many problems—I think the Minister should, within six sitting days after the first anniversary of the date of commencement of this Act, bring a report to the Parliament on the operation of this measure dealing with any problems that might have arisen and how they have been dealt with. This amendment seeks to insert that provision in the legislation. I understand that the Government will support it.

The Hon. DIANA LAIDLAW: The Government definitely supports the amendment. I think it is particularly important, considering the fact that the substance of the Australian road rules will be introduced through regulations under the subordinate legislation process. A lot of information has been provided to members about the explanations of all the new road rules. Notwithstanding that, a degree of faith has been shown by members of this place—and will be shown, I hope, by members of the other place—because of the substance of this measure being attained through regulation. Therefore, I think it is completely reasonable—in fact, desirable—that we report to the Parliament within a year of its implementation to determine whether we have done it well, whether the education campaign has worked and what are the cost implications. I hope that report will be positive in every sense.

New clause inserted.

Schedule.

The Hon. DIANA LAIDLAW: I move:

Page 22, after line 21—Insert:

PART D—AMENDMENT OF MOTOR VEHICLES ACT 1959

Amendment of s. 98T—Permit contents, conditions and entitlements

8. Section 98T of the principal Act is amended—

(a) by striking out subsection (1) and substituting the following subsections:

(1) A disabled person's parking permit may be used for the purposes of obtaining the benefit of parking exemptions or concessions conferred by the Australian road rules under the Road Traffic Act 1961 or by any other Act.

(1a) A disabled person's parking permit must include a people with disabilities symbol as defined in the Australian road rules.

(1b) It is a condition of use of a disabled person's parking permit in relation to a vehicle that—

(a) the vehicle must be being used—

(i) in the case of a permit issued to a disabled person—for the transportation of the disabled person; or

(ii) in the case of a permit issued to an organisation—for the transportation of a disabled person to whom the organisation provides services; and

(b) the permit must be displayed on the inside of the windscreen on the side opposite to the driver's position (or, if the vehicle does not have a windscreen, in some other prominent position) so that the permit is easily legible to a person standing beside the vehicle.

(1c) A disabled person's parking permit is not to be taken to be lawfully displayed in a vehicle for the purposes of any other Act unless it is displayed in the vehicle in accordance with the condition referred to in subsection (1b)(b).;

(b) by striking out subsection (4) and substituting the following subsection:

(4) A council must, for the purposes of giving effect to an arrangement under subsection (3), grant such an exemption under section 174C of the Road Traffic Act 1961 (whether conditional or unconditional) as may be necessary.

Section 98T of the Motor Vehicles Act 1959 deals with the issue of disabled persons' parking permits. Amendment to this section will make it clear that holders of disabled persons' parking permits can continue to receive exemption from certain parking provisions under the Road Traffic Act when the control of parking matters is transferred to the Act from the Local Government Act. This issue was not identified initially but, fortunately, it has been picked up at this time, and the amendment is an important one.

The Hon. CAROLYN PICKLES: The Opposition supports the amendment.

Amendment carried; schedule as amended passed.

Long title.

The Hon. DIANA LAIDLAW: I move:

Page 1, line 7—Leave out 'and the Local Government Act 1934' and insert:

, the Local Government Act 1934 and the Motor Vehicles Act 1959

Amendment carried; long title as amended passed.

Bill read a third time and passed.

MOTOR VEHICLES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 July. Page 1551.)

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank all members for their contribution. The Hon. Carolyn Pickles again raised matters highlighted by the RAA in terms of the defence issue for a registered owner of a vehicle and I outlined the same issue in relation to the earlier road traffic rules. I did not support the defence in that case because it was a minor parking offence. However, on this occasion I support the arguments presented by the RAA, which I know are supported by the Opposition.

I know from discussion with the Hon. Carolyn Pickles that if I were not moving amendments and did not have them on file the Opposition would have done so. The Bill extends the existing offences of driving an unregistered vehicle and driving an uninsured vehicle on the road to parking such a vehicle on the road. As a parking offence is created, the registered owner of the vehicle is made liable as well as the driver. It is not considered appropriate to apply the defence from section 79(b) of the Road Traffic Act ('Speeding offences detected by speed camera') to the case of unregistered and uninsured vehicles. The consequences for the public of an accident involving an unregistered and uninsured vehicle are much more serious than those involving an insured vehicle. In addition, speeding is a driving offence, and section 79(b) of the Road Traffic Act is designed to find the alleged offender if possible. New sections 9 and 102 create offences against the owner of the vehicle, because it is the owner who is responsible for registering and insuring the vehicle.

The only defences allowed under the national scheme are that the vehicle is one to which the Act does not apply or that the use is permitted under the regulations. While the scheme provides no other defences, it is possible for the State to provide additional defences, provided these are not inconsistent with the national scheme. In this case it is considered reasonable to introduce the defence that, as a consequence of some unlawful act, the vehicle was not in the possession or control of the owner at the time it was driven or left standing.

This will cover stolen vehicles and unauthorised use of a vehicle. It is also consistent with the defence currently provided to registered owners whose vehicles have infringed parking regulations under section 7(8)(9)(d) of the Local Government Act 1934, which is transferred to the Road Traffic (Road Rules) Amendment Bill, and I have prepared an amendment to address these matters.

The Hon. Ms Pickles also raised the RAA suggestion that probationary licences be subjected to the same condition with demerit points as provisional licences, that is, four demerit points. This concern focuses on the difference in the number of demerit points a provisional and probationary licence holder are permitted to incur before breaching the conditions of their licence. The Bill provides that a probationary licence holder must not incur two or more points. A probationary licence is given to a person returning to driving after a period of cancellation of a licence. Cancellation, as distinguished from suspension, can result from the following:

- exceeding blood alcohol content by .08 or more;
- refusing to take a breath test or a blood test for the purposes of determining blood alcohol content;
- driving under the influence;
- failing to stop after an accident and render assistance;
- causing death or injury arising from reckless driving; and
- the determination of the Consultative Committee that the previous offences of a driver indicated that he or she is not a fit and proper person to hold a licence.

Nationally, these situations are considered to pose a sufficiently serious risk to the public safety to warrant only very minor evidence of bad driving behaviour, indicated by the accrual of more than two demerit points, before withdrawing the privilege of holding a licence. The national scheme does not address novice drivers to any degree covered by provisional licences or learners' permits, so the existing provisions in the Motor Vehicles Act have not been changed to make them consistent with the national requirements. So, they remain at four points for provisional licences and learners' permits. The higher limit of demerit points for these licence holders is reasonable when one considers that a person could be on a provisional licence for up to 2½ years, while a probationary licence is only for 12 months, unless a court orders a longer period.

The Hon. Sandra Kanck asks how demerit points will be handled when we move from a State to a national scheme, especially the carrying forward of State points to the national level. I advise that the demerit points scheme has been a national scheme since July 1992. The demerit point schedule of the Act contains a list of nationally agreed offences and the demerit points associated with them. This is called the national list.

There is already an administrative arrangement between the jurisdictions to exchange demerit point information (the demerit point exchange or DPX). South Australia notifies another licensing authority about any driver from that jurisdiction who has been found guilty or expiated an offence on the national list. The appropriate number of demerit points is added to the person's record in that jurisdiction. If this takes the person over the 12 point limit the person is disqualified. The Bill formalises these arrangements. There is also a much smaller list of offences in the schedule that incur demerit points only in South Australia; for example, reckless driving and the offence of driving with a blood alcohol content over .05 but under .08. The Registrar does not notify these offences to other jurisdictions.

The Hon. Ms Kanck also asked who is responsible for demerit point and licensing records and the coordination of information at a national level. I advise that each jurisdiction will continue to keep registration and licensing records relating to people who are resident in that jurisdiction. If a person moves interstate or tries to obtain another licence, a check will be made on their licence to ensure they are eligible for a licence in their State of origin before a new licence is issued and the old licence must be surrendered.

Under the Bill, all licensing authorities will be required to notify another authority if a person from that jurisdiction is disqualified from driving by order of a court. The person will be unable to obtain a licence until the disqualification has ended. Within the next year all the registration and licensing authorities around Australia will be linked to the National Exchange of Vehicle and Driver Information System (NEVDIS). This will make obtaining and exchanging this type of information much more convenient. South Australia was to be a part of the NEVDIS system already but we had to defer as a result of changes to the national road rules, drivers' licences and a range of matters which monopolised the computer and the programmers. South Australia should be involved in the NEVDIS system this year.

The Hon. Terry Cameron indicated his intention to oppose the relocation of the demerit point schedule from the Act to the regulations. I advise that this has been done because the road rules which establish the offences to which the demerit points relate will exist as subordinate legislation. In order for the offences and the demerit points to be kept aligned in a convenient way and without undue delay, both need to be contained in subordinate legislation. As the demerit points apply nationally all Transport Ministers will have to approve changes to the schedule. This should filter out arbitrary decisions by any one Government.

That certainly is what we have tried to do in the national road rules to date. Some exemptions still exist but in future we will try to move in unison across Australia. As far as the practice in other jurisdictions is concerned, I advise that New South Wales, Western Australia and Queensland have their demerit points schedule in regulations, while Victoria, Tasmania and the ACT have theirs in their respective Acts. There is a division of opinion across Australia in this regard.

The Hon. Terry Cameron, the Hon. Caroline Schaefer and the Hon. Sandra Kanck all asked about the long-term intentions of the Government and me in regard to the introduction of demerit points for camera detected speeding offences. I know that there is divided opinion in this place with respect to that matter. There is certainly interesting debate within my own Party about the extension of demerit points to speed camera offences. I would say that there is strong support, however, for demerit points for red light camera offences. It may be that we can consider this in stages because I think that my Party would support demerit points for red light camera offences. I am keen to have that matter considered by my Party again, hopefully, for introduction before the end of this year.

The Hon. Mr Cameron asked what public relations or public awareness campaigns will be undertaken to ensure that all drivers are fully informed of the changes and when they will take effect. This is a major task. The publicity that will be undertaken is targeted to a particular group of owners and drivers, and this is to ensure maximum benefit from the resources used. The bulk of the amendments to the Bill are minor administrative matters which will affect the contents of registration and licensing forms and the processing of

information by Transport SA; such examples require the same information on application for transfer of registration of a vehicle as for the application for registration or, for example, notifying interstate licensing authorities of demerit points incurred in South Australia by interstate drivers.

Changes affecting the demerit point system will be sent by the Registrar of Motor Vehicles in the warning letters that the Registrar sends to drivers when they have incurred six or additional demerit points. Information about internal and external review rights for a probationary licence will be sent out with the licence and the registration renewal notices with notification of decisions as required by the legislation and will be available at customer service centres.

It will be a broad ranged but also targeted campaign in terms of information, and I would highlight to all members, particularly the Hon. Terry Cameron, that I am acutely aware of my responsibility to ensure that there is an effective public relations campaign. This is such important legislation, which implements big changes. When there have been changes to road traffic laws and motor vehicles laws in the past we have sometimes underestimated community response. I am very conscious of that and I will be keeping a keen eye on the public relations campaign to ensure that it is done as effectively as possible so that the changes are understood and respected.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Clause 7.

The Hon. DIANA LAIDLAW: I move:

Page 6, after line 35—Insert new subsection as follows:

(4a) It is a defence to a charge of an offence against subsection (3) to prove that, in consequence of some unlawful act, the vehicle was not in the possession or control of the defendant at the time it was left standing on the road.

Clause 7, amongst other things, makes the owner of a vehicle guilty of an offence if the vehicle is unregistered and found standing on a road. The amendment creates a defence for the owner of an unregistered vehicle left standing on a road by some person who had stolen it or who was driving it as a result of some unlawful act, for instance, a joyrider. I gave a longer explanation in summing up the second reading in response to questions asked by the Hon. Carolyn Pickles.

The Hon. CAROLYN PICKLES: The Opposition supports the amendment. It was raised with the Opposition by the RAA and, certainly, by some members of my own Party. They were concerned that people whose cars had been stolen would be unjustifiably prosecuted if their cars were left unlawfully on a road without their knowledge. It seems to me that this is a sensible amendment. I think that the consequential amendments throughout the Bill relate to the same issue and I support the whole package.

Amendment carried; clause as amended passed.

Clauses 8 to 22 passed.

Clause 23.

The Hon. DIANA LAIDLAW: I move:

Page 14—

Line 29—Leave out 'subsection' and substitute 'subsections'.

After line 33—Insert new subsection as follows:

(1b) It is a defence to a charge of an offence against subsection (1a) to prove that, in consequence of some unlawful act, the vehicle was not in the possession or control of the defendant at the time it was driven or left standing on the road.;

I appreciate the comments of the Hon. Carolyn Pickles and her support of the package.

Amendments carried; clause as amended passed.

Clauses 24 to 26 passed.

Clause 27.

The Hon. DIANA LAIDLAW: I move:

Page 15, after line 36—Insert new subsection as follows:

(3) It is a defence to a charge of an offence against subsection (2) to prove that, in consequence of some unlawful act, the vehicle was not in the possession or control of the defendant at the time it was driven or left standing on the road.

My explanation of clause 7 is again relevant.

Amendment carried; clause as amended passed.

Clause 28.

The Hon. DIANA LAIDLAW: I move:

Page 16, after line 15—Insert new paragraph as follows:

(f) by inserting after subsection (4) the following subsection:

(5) It is a defence to a charge of a defence against subsection (3a) to prove that, in consequence of some unlawful act the vehicle was not in the possession or control of the defendant at the time it was driven or left standing on the road.;

The explanation for this amendment is the same.

Amendment carried; clause as amended passed.

Clauses 29 and 30 passed.

Clause 31.

The Hon. DIANA LAIDLAW: I move:

Page 17—

Line 12—Leave out 'subsection' and substitute 'subsections'.

After line 16—Insert new subsection as follows:

(1b) It is a defence to a charge of an offence against subsection (1a) to prove that, in consequence of some unlawful act, the vehicle was not in the possession or control of the defendant at the time it was driven or left standing on the road.

Amendments carried; clause as amended passed.

Clauses 32 to 65 passed.

Clause 66.

The Hon. DIANA LAIDLAW: I move:

Page 35, after line 33—Insert new paragraph as follows:

(ab) by striking out subsection (4);

This amendment is designed to amend the Motor Vehicles Act 1959 so that compulsory third party insurance for forklifts and self propelled lawn care machines, rollers and soakers will operate only whilst those vehicles are used on the road. Pursuant to the Motor Vehicles Act 1959 a vehicle must be registered if it is driven on a road. A person applying to register a vehicle must obtain CTP. The Act also provides for the conditional registration of vehicles that require only limited access to the road network. These vehicles include special purpose vehicles (SPVs). An SPV is a vehicle that has been constructed for the specific purpose which does not involve the carriage of loads or passengers. Forklifts and self propelled lawn care machines, rollers and soakers are SPVs.

Pursuant to section 99(3) of the Motor Vehicles Act, CTP covers deaths or bodily injury caused by or arising out of the use of a motor vehicle but only if it is the consequence of a driving of a motor vehicle or the vehicle running out of control, or a person travelling on a road colliding with the vehicle where the vehicle is stationary. It is not necessary for the vehicle to be driven on a road. The CTP premium for most conditionally registered SPVs is $200 per year—$60 if the garage address of the vehicle is in the country. However, section 99(4) makes an exemption for conditionally registered tractors and self-propelled farm implements. It restricts the CTP to occasions where the vehicle is driven on the road, and

the premium is lower to reflect the lower risk—$25 in this instance for both metropolitan and country areas.

There has been a lot of discussion with the Employers Chamber of Commerce and Industry. The Royal South Australian Bowling Association has also made representations to the Minister for Transport and Urban Planning on behalf of registered owners of fork lifts and self-propelled lawn care machines, rollers and soakers regarding the registration of these vehicles. First, they were concerned that, as a consequence of the broad definition of 'road', they must conditionally register vehicles that are driven only on private roads and car parks in order to move from one area of work to another. Secondly, given their infrequent use on these areas and their low accident rate, the CTP premiums were too high. It is not possible to insure against risk by way of public liability insurance, as public liability policies generally exclude accidents involving a vehicle that should have been registered.

It is my understanding that the Third Party Premiums Committee has considered this matter and may be prepared to lower the CTP premium on fork lifts and self-propelled lawn care machines, rollers and soakers on the same basis that currently applies to conditionally registered tractors and self-propelled farm implements. This would mean that CTP would operate only while those vehicles were driven on the road. Section 99(4) of the Motor Vehicles Act would have to be amended for this to occur, and that is what I am seeking to do.

Mr President, I realised that I was giving the explanation to the wrong clause but, rather than cease giving the explanation, I decided to give it in its entirety although it is not to this clause but to the next one. I have moved the amendment, but I have just given the wrong explanation. The amendment is moved for exactly the same reasons that I moved all the earlier ones, which the Opposition supported, so I presume it is agreed.

Amendment carried; clause as amended passed.

Clauses 67 to 75 passed.

Clause 76.

The Hon. DIANA LAIDLAW: I move:

Page 39, lines 24 and 25—Leave out all the words after 'amended' and substitute:

—

(a) by inserting after the definition of 'insured person' in subsection (1) the following definition:

'mobile fork lift' means a motor vehicle fitted with an apparatus of the kind commonly known as a fork lift and constructed or adapted solely or mainly for lifting and moving goods by means of the fork lift;;

(b) by inserting after the definition of 'policy of insurance' in subsection (1) the following definition:

'self-propelled lawn care machine' means a motor vehicle constructed and used for rolling, watering or otherwise maintaining lawn or grass, but does not include a self-propelled lawn mover.;

(c) by striking out from subsection (4) 'tractor or farm machine' and substituting 'tractor, agricultural machine, mobile fork lift or self-propelled lawn care machine'.

I have already given the detailed explanation. I do not intend to do it again, mercifully for everybody.

The Hon. CAROLYN PICKLES: The Opposition supports the amendment. Notwithstanding the lateness of the hour, I think we got the Minister's drift on this one.

Amendment carried; clause as amended passed.

Clause 77.

The Hon. DIANA LAIDLAW: I move:

Page 40, after line 6—Insert new subsection as follows:

(3aa) It is a defence to a charge of an offence against subsection (2) to prove that, in consequence of some unlawful act, the vehicle was not in the possession or control of the defendant at the time it was left standing on the road.

This is similar to all the earlier amendments about defence provisions.

Amendment carried; clause as amended passed.

Clauses 78 to 96 passed.

New clause 97.

The Hon. CAROLYN PICKLES: I move:

After clause 96—Insert new clause as follows:

Report on the operation of amended Act

97. The Minister must, within six sitting days after the first anniversary of the date of commencement of this Act, cause a report on the operation of the principal Act as amended by this Act to be laid before each House of Parliament.

This is similar to the amendment we moved in the other Bill that we have just dealt with. Because of the nature of this new legislation and its complexity, it seems very reasonable for a report to be brought back to Parliament after 12 months' operation of this Act. I understand the Government will support this.

The Hon. DIANA LAIDLAW: Yes, I do support the amendment.

New clause inserted.

Title passed.

Bill read a third time and passed.

CONTROLLED SUBSTANCES (FORFEITURE AND DISPOSAL) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 March. Page 858.)

The Hon. M.J. ELLIOTT: I rise to speak briefly in support of this legislation. In simple terms, the Act aims to ensure that seizure of property and forfeiture can be achieved. As I understand it, there has been an interpretation of the law such that when people involved in amphetamines factories have been prosecuted the equipment has been taken from them, but there is now some risk that the glassware, etc. would have to be returned to them later on. I suppose that creates a couple of issues: first, why would you want to return what was something being used for a criminal purpose so that they can use it again for the same purpose? Also, there are safety issues involving the storage of materials. On the face of it, that seems very reasonable.

At the end of the day, we will need to concede that it will not make one iota of difference in terms of the actual quantum of amphetamines manufactured. The US experience these days is that the manufacturers of amphetamines can actually buy off the shelf a full kit to make amphetamines. When I say 'off the shelf' I do not mean from the average supermarket but from whatever the criminal supermarket is, in other words, they can go to it and get off the shelf the equipment which has all the glassware and all the chemicals. They go to a motel room, do a 'cook' and just leave. They leave behind the glassware with the residue chemicals and sell their amphetamines. They get another kit next time they want to do a 'cook' and do it in another motel room elsewhere.

We would realise that passing this legislation will not make one iota of difference to the availability of amphetamines. It is also worth noting that the heroin syndicates operating in Asia have now moved into the amphetamine market and are using exactly the same networks to push

amphetamines into the Australian market as they have been using for heroin. As I said, this is all about making sure that those people who are committing crimes are not in a position to profit from it, and to make it somewhat more difficult—or perhaps not quite so easy—for them to commit another crime farther along the track, as well as the occupational health and safety issues for those people involved in storage, if that had to happen.

I indicate support for the legislation but would ask the Minister at the closure of the second reading to give further explanation in relation to amendments to this Bill that have been tabled. From my reading of it, the second reading explanation did not anticipate further amendments that have been tabled by the Minister for Transport and Urban Planning in relation to section 13 of the Act. Whilst I have indicated the Democrats' preparedness to support the Bill as initially tabled, at this stage I wish to keep my powder dry in relation to these amendments that have been filed, because there has been no argument about them at this stage. Frankly, the principal parts of the amendments are almost as long as the Bill before us. There are significant amendments to the schedule of the Act which, again, the second reading explanation has not looked at much, although it appears on the face of it largely to be improvements of language, adding 'or she' to 'he'.

The Hon. T. Crothers interjecting:

The Hon. M.J. ELLIOTT: Absolutely. I ask the Minister to give some detailed explanation about the amendments, at the end of the second reading stage. I do not want to have to handle the amendments on the run without a detailed explanation beforehand, because on the face of it they look to be significant further amendments. While we are talking about controlled substances and our attempts to control, I note that the Government in recent times has changed the regulations in relation to cannabis laws and the number of plants that may be grown by an individual before facing an expiation notice. Previously, 10 or fewer plants would have led to expiation, and the Government has changed that to three. I imagine that that would also lead to the seizure of equipment, etc., which is relevant to this Bill.

I received correspondence from Trinity College at Gawler dated 3 May, signed by both the Headmaster of the college and the Chair of the college council. In that letter they referred to the three plant rule and said:

> The proposal to limit plant growth to three plants may increase the criminality of the trade. It will not stop it or alter it at all. It may, in fact, increase the price a little, making it even more profitable for the criminal element to prey upon young people in our community.

I think that the Government will actually rue the day when it reduced the number of plants from 10 to three. I know that the stated reason for going from 10 plants to three was that this was creating a loophole for organised crime. Organised crime does not need loopholes: organised crime will perhaps change the way it sources its plants. But what we will do is ensure that we will see that more of the cannabis going into the market will be coming from organised crime than it is currently. Whilst some people growing between three and 10 plants are part of organised syndicates, most of them are not. Most of them are small—

The Hon. T. Crothers interjecting:

The Hon. M.J. ELLIOTT: Yes. Most of the small-time dealers who are growing between three and 10 are really growing and supplying a circle of friends. The important thing is that they are supplying them with one drug only, and that is cannabis. However, the organised suppliers of cannabis, those who will stay in the market, sell not just cannabis. They also supply amphetamines, LSD, heroin, and so on. The Government is now guaranteeing that a greater percentage of the supply of cannabis will be coming from organised crime, as distinct from disorganised crime and, at the same time, guaranteeing that their profits will go up, guaranteeing that people selling cannabis will be selling other drugs as well.

While the Government may have done it for the best of intentions on the advice of the police, because the police could be see that perhaps it was being used as a loophole, one always has to ask, 'What will be the practical impact of that?' I note that my first reaction when I heard of the change in rules was that I thought it was likely to be negative. It is interesting that a private school wrote a very detailed submission to me, and this school has a very strong drugs policy and, I must say, a very sophisticated drug policy. It is more sophisticated than I have seen in any other school in our State. Its goal is to try to ensure that cannabis is not being used by its students. In fact, it claims that it is having a great deal of success.

However, its whole policy is based within practical realities. It realises that, despite its attitude towards cannabis and students' use of it, the change from 10 to three plants has increased the criminality of the trade and will have a negative impact on the young people of our State. I can guarantee that the Government's actions here have actually helped the crooks, even though the stated purpose was the exact opposite. With those words, I indicate again the Democrats support for the second reading and for the Bill as tabled. We are waiting for the Minister's detailed explanation on amendments, hopefully at the end of the second reading stage rather than during the Committee stage, so that we can give due consideration to them.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

LOCAL GOVERNMENT BILL

Adjourned debate on second reading.

(Continued from 6 July. Page 1567.)

The Hon. T.G. ROBERTS: I concluded my remarks last night by paying tribute to those elected members of local government who sacrificed all those hours, and all the time, energy and effort into making sure that their communities benefited from the decisions that were made at a local government level in carrying out the policies as determined by the elected members and administered by the CEOs. Chapter 5 contains provisions relating to the roles and responsibility of elected members of councils. It aims to clarify the roles of principals and other elected members in relation to policy development, resource allocation and performance management to revise provisions relating to professional conduct so that these reflect best practice in the public sector. Other accountability measures in this chapter include clarification of the right of access of elected members to council documents, and requirements for each council to develop a code of conduct covering such matters as standards of behaviour which will be available to the public.

Many of the changes indicated in the Bill are improvements and certainly recognise and gives respect to the elected members at a local government level. There are strict definitions in respect of the registers of interest of elected

members which legitimises their roles and responsibilities and makes transparent the decisions and the aims for elected members.

As I indicated in my earlier contribution, the days of members of local government being elected for their own interest are gone. However, I must pay tribute to some members of local government who did put in a lot of time, energy and effort on behalf of communities and sacrificed their family lives. We must pay tribute to those people, who, over the course of their involvement in local government, have done that. The other people who put in a lot of time, energy and effort over and above what would be expected of them are the CEOs and the council employees. There are provisions in the Bill for duties, powers and responsibilities of employees and the way in which negotiations are carried out by CEOs in relation to staffing.

I am one of the people who believe that local government should maximise the number of staff within its jurisdiction and take responsibility for organising those staff within the local councils rather than contracting out all services. Although I understand and agree with contracting out some services, I suspect that, as the tendering processes are examined at a later date, it will be found that local employees can perform the jobs as well as and as cheaply as some of the contractors, even though people believe that they are saving local government money.

I pay tribute to the CEOs who put in a lot of time, energy and effort, as I said. They are adequately remunerated, but they certainly perform a lot of work at home. For example, many telephone calls are made to CEOs during all times of the day and night, particularly in regional areas and outer metropolitan areas and, in some cases, they (like members of Parliament) are certainly accessible 24 hours a day.

The Hon. Carmel Zollo interjecting:

The Hon. T.G. ROBERTS: As the Hon. Ms Zollo says, 'They are better paid than us', and that is certainly the case. Most of them have packages that include cars which we as members of Parliament do not have as part of our salary package. I conclude my remarks by saying that the Opposition will be moving a number of amendments. We are still negotiating with the LGA and with other bodies, including the Government, in relation to the final definition of some of those amendments. I look forward to the Committee stage of the Bill.

The Hon. J.F. STEFANI secured the adjournment of the debate.

AUSTRALIA ACTS (REQUEST) BILL

Adjourned debate on second reading.
(Continued from 26 May. Page 1197.)

The Hon. M.J. ELLIOTT: The Democrats support the second reading of the Bill, which relates to the consideration whether or not Australia might become a republic. It is neutral in itself in that it does not support or oppose such things happening, but it does recognise that, should a decision be made at a national level for Australia to become a republic, the question will need to be addressed separately within each State.

There are, apparently, some legal impediments that need to be overcome. I understand that one solution has been proposed by the Federal Government, but that is believed to be legally flawed. I understand, too, that this Bill is one that will be passed in somewhat similar form in all States and will seek to enable each State to make separately a decision about how it will sit within the overall system—whether or not, indeed, its own Governor will continue to be a representative of the Crown or will be chosen in some other way.

As I said, the Bill is neutral with respect to the question of the republic, but it is recognised that a decision at national level for Australia to become a republic will necessitate decisions to be made at a State level, and it overcomes some legal difficulties that must be addressed to ensure that that is capable of happening. The Democrats support the second reading.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

ADJOURNMENT

At 11.58 p.m. the Council adjourned until Thursday 8 July at 2.15 p.m.