LEGISLATIVE COUNCIL

Tuesday 19 October 1999

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

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

Reports, 1998-99—
- Construction Industry Training Board
- Department of Treasury and Finance
- ElectraNet SA
- ETSA Capital Pty Ltd
- ETSA Corporation
- ETSA Power
- ETSA Utilities Pty Ltd
- Flinders Power Pty Ltd
- Gaming Supervisory Authority
- Office of the Liquor and Gaming Commission
- Optima Energy
- Parliamentary Superannuation Board
- Police Superannuation Board
- SA Generation Corporation
- South Australian Asset Management Corporation
- South Australian Government Captive Insurance Corporation
- South Australian Government Financing Authority
- South Australian Superannuation Board
- State Supply Board—Report on Licences held under Gaming Machines Act
- Superannuation Funds Management Corporation of SA (Funds SA)
- Synergen
- Terra Gas Trader Pty Ltd

Regulations under the following Act—
- Electricity Act 1996—Industry Regulator

By the Attorney-General (Hon. K.T. Griffin)—

Reports, 1998-99—
- The Advisory Board of Agriculture
- Courts Administration Authority
- Director of Public Prosecutions
- Justice Portfolio (Incorporating the Department of Justice and the Attorney-General's Department)
- Legal Services Commission of South Australia
- Public Trustee
- South Australian Classification Council
- State Electoral Office

Regulations under the following Acts—
- Agricultural Chemicals Act 1955—Prescribed Standards
- Fisheries Act 1982—
  - Lobster Pots Age Restriction
  - Prawn Licence
- Fisheries (Gulf St.Vincent Prawn Fishery Rationalization) Act 1987—Principal
- Land and Business (Sale and Conveyancing) Act 1994—Forms
- Liquor Licensing Act 1997—Short-term dry areas—
  - Port Augusta
- Real Property Act 1886—
  - Fees Land Division
  - Fees Variation

Office of Film and Literature Classification—Guidelines for the Classification of Publications

Police Act 1998 and Police (Complaints and Disciplinary Proceedings) Act 1985—Agreement—Conduct constituting minor misconduct

Rules of Court—Supreme Court—Supreme Court Act 1985—Federal State Jurisdiction

By the Minister for Transport and Urban Planning (Hon. Diana Laidlaw)—

Reports, 1998-99—
- Animal Welfare Advisory Committee
- Land Board
- Onkaparinga Catchment Water Management Board
- Reserve Planning and Management Advisory Committee
- South Australian National Parks and Wildlife Council
- State Heritage Authority
- Wildlife Advisory Committee

Regulations under the following Acts—
- Harbors and Navigation Act 1993—
  - Goolwa Area
  - Guichen Bay
- Nurses Act 1999—Principal

South Australian Harness Racing Authority—Rules of Harness Racing

TransAdelaide—Corporation Charter

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

The Hon. J.S.L. DAWKINS: I seek leave to table the 36th report of the committee, annual report 1998-99, and the 35th report of the committee on rail links with the eastern states.

Leave granted.

JET SKIS

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I seek leave to make a ministerial statement on the jet ski regulation review.

Leave granted.

The Hon. DIANA LAIDLAW: I also seek leave to table a copy of the jet ski regulation review.

Leave granted.

The Hon. DIANA LAIDLAW: In December 1998, the Government introduced regulations under the Harbors and Navigation Act 1993 to restrict the speed of personal watercraft (commonly referred to as jet skis) to four knots when operating within 200 metres of the shoreline along the metropolitan coast between the southern breakwater, Outer Harbor, and the southern end of Sellicks Beach. In addition, a four knot speed restriction was placed on jet skis operating in all creeks, tributaries, lakes, lagoons and other bodies of water along the River Murray between Wellington and the South Australian border. At the time, I advised that these arrangements would be monitored and reviewed, with any necessary amendments made before the 1999-2000 summer season.

In June 1999, Transport SA engaged an independent consultant (Hassell) to review the effectiveness of the regulations. As part of this review extensive public consultation was undertaken, including six public meetings, a public call for written submissions, a survey of 100 registered jet ski owners, a 'hot line' telephone service, and specific meetings with jet ski owners, metropolitan seaside councils and River Murray area councils. The consultant's report was presented in September 1999. It has now been noted by Cabinet and today will be released.

I have tabled a copy of this report but I note that, in the intervening period between receipt of the report and today, initial discussions have been held with representatives of the Metropolitan Seaside Councils Committee and CEOs of

councils along the Murray River with broad agreement reached on a number of recommendations. However, the complexity of the issues raised by the consultant demands further discussion on a range of recommendations with both seaside and Murray River councils in particular. Against this background, I advise that the government endorses a key finding of the report that the four knot speed restriction on jet ski operators along the metropolitan coast and the backwaters of the Murray River remain.

The government will also act immediately on the following recommendations in order to enhance the existing regulations for the 1999-2000 summer period:

1. The current speed restriction of four knots within 30 metres of a swimmer or diver will be increased to 50 metres and the definition of 'swimmer' will be broadened to include other groups such as surfers and sailboarders. This move will improve safety for all people engaged in aquatic activities.
2. Local councils will be assisted in enforcing the regulations, initially, through Transport SA covering the administration fee on expiation notices that have been issued. Later, it is proposed that an amendment will be made to the Harbors and Navigation Act to provide for local councils to receive a portion of the expiation fee.
3. Enforcement will be enhanced through improved detection techniques, further training of council officers and cross-authorisation of government officers with responsibilities relating to the coast and inland waterways.
4. An education campaign will be conducted for both jet ski riders and the general community.
5. A code of conduct will be prepared and provided to all registered jet ski operators. In line with this move, the regulations are to be amended to require that the code be affixed to a jet ski, as is already the case in Queensland, New South Wales and Western Australia.
6. An information package relating to the regulations, safety and use of jet skis will be developed and made available with each new jet ski purchased and when transferring ownership. Transport SA will distribute this information to retailers and to new owners at the time of registration.

While not forming part of the recommendations, the report identified considerable support for limiting the hours of operation of jet skis. The government considers that such a move has merit. Accordingly, we will introduce restrictions on the use of jet skis that are similar to those that already apply under the Environmental Protection Authority legislation relating to the use of power tools and lawn-mowers, namely that the use of jet skis will be restricted to a period between 8 a.m. and 8 p.m. Monday to Saturday and 9 a.m. and 8 p.m. on Sundays.

The report recommended the establishment of zones which exclude all powered watercraft at popular swimming beaches. Members should note that a number of 'swimming only' zones already exist along our metropolitan coast, and this summer these zones will be reinforced. The government has severe reservations about regulations restricting operators of other powered watercraft in the backwaters of the Murray River and proposes further consultation with river councils on this issue.

The consultant's report made a number of recommendations which require further consideration and, if deemed necessary, further legislative changes will be implemented before the 2000-2001 summer season. These matters include:

- Where practicable, all powered watercraft, both jet skis and motor boats, be treated the same under the legislation except in the backwaters of the Murray River.
- A number of designated 'powered watercraft only' zones should be established along the metropolitan coast.
- Zones which exclude all powered watercraft should be established at popular swimming beaches.
- 'No Go' zones should be established in environmentally sensitive areas, both along the coast and in the backwaters of the Murray River.
- Photo licences for all boat owners should be introduced.
- Interpretive signs should be installed to explain the importance of environmentally significant selected areas.

In addition, the report noted support for but did not make a recommendation in relation to the following issues which will be further investigated before the 2000-2001 summer season:

- More conspicuous registration numbers on jet skis be provided to aid in their identification.
- Restrictions on jet ski operations at Victor Harbor, Goolwa and other regional areas where there are significant jet ski activities.

I wish to thank all the many groups and individuals who have contributed to this review. The issue is one which does excite strong views for and against the use of jet skis. Accordingly, I wish to make it very clear today to jet ski operators that compliance with the restrictions that I have outlined will be monitored very closely. Non-compliance or abuse will require consideration of further restrictions, including the possibility of a total ban on use in areas where the current and proposed restrictions apply.

QUESTION TIME

ALICE SPRINGS TO DARWIN RAILWAY

The Hon. CAROLYN PICKLES (Leader of the Opposition): I seek leave to make a brief explanation before asking the Minister for Transport a question about the Darwin to Alice Springs railway.

Leave granted.

The Hon. CAROLYN PICKLES: Yesterday the Premier and the Northern Territory Chief Minister met to discuss additional funding needed for the Darwin to Alice Springs railway. Under the current arrangements, the South Australian, Northern Territory and commonwealth governments have committed a total of $300 million, with the remainder to come from the private company Asia Pacific Railway Consortium. However, industry sources have for some time advised that, in order for private investment in the railway to be profitable, the government contribution that is required is of the order of $500 million.

During the 1998 federal election, the federal Labor opposition pledged up to $300 million of commonwealth funding to the railway, bringing the total public contribution up to as much as half a billion dollars. Under repeated questioning, the Premier has maintained that existing public funding will be sufficient to see completion of the railway. After the announcement of the Howard commitment of just $100 million in 1997 prior to the state election, the Olsen government spent more than $90 000 on a promotional campaign, including $22 000 for balloons. That promotional material carried messages such as, 'It is on track' and 'We

have made the Adelaide to Darwin railway a reality'. By contrast, on 23 September, the Northern Territory Chief Minister stated that the consortium was after more money and that, 'If we don't get to the figure that we're after, we're walking away from the project.' My questions to the minister are:

1. Have any additional South Australian funds yet been committed to the Darwin to Alice Springs railway as a result of yesterday's meeting and, if so, how much?

2. If not, can the minister rule out the possibility that the South Australian taxpayer will be forced to find additional funds for the railway?

3. Can the minister assure the parliament that the state's case for more money from the Howard federal government has not been compromised in any way or weakened by the Premier's previous assurances that the railway would go ahead with only $100 million from each of the commonwealth, Northern Territory and South Australian governments?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): It is a very confusing scenario that the honourable member has outlined. At one moment she is quoting the need for $500 million—

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: At one point she quoted the need for $500 million from taxpayers. This government has always negotiated from a position that it wants the railway and that, as much as possible, we should reduce the contribution of taxpayers to the railway. That has always been our position and, as the Premier said very clearly yesterday, that position may have been compromised by the Leader of the Opposition's comments, which have certainly been unhelpful, in arguing for an additional $200 million from the federal government.

The Hon. R.I. Lucas interjecting:

The Hon. DIANA LAIDLAW: He is arguing for $300 million, that is, another $200 million above what has already been pledged. Why would you argue that case so publicly and so strongly when you are negotiating with the private sector to leverage up as much as possible the private sector contribution towards this long-awaited and most important piece of infrastructure, the Adelaide to Darwin railway? As the negotiations are continuing between all the parties, I am not in a position to fuel the situation and undermine the state case to leverage up—

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: —and maximise the government contribution.

Members interjecting:

The PRESIDENT: Order! The minister is on her feet.

The Hon. DIANA LAIDLAW: I am not prepared to compromise the state government position, which is to seek to maximise the private sector contribution in this railway. Therefore, at this stage, I will not be answering the honourable member's questions about any additional taxpayer funds required for this project.

RALPH, Mr D.

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Treasurer a question concerning Mr Dennis Ralph.

Leave granted.

The Hon. P. HOLLOWAY: The Treasurer was Minister for Education when Mr Dennis Ralph was appointed chief executive officer of his department in January 1995 for a term of five years. Previously, Mr Mike Schilling had been appointed CEO of the premier's department following the 1993 election. Subsequently, Mr Schilling's appointment was terminated and earlier this year Mr Ralph tendered his resignation conditional upon his being immediately appointed to the position of Director of the South Australian Centre for Lifelong Learning and Development.

In his recent report, the Auditor-General expressed concern at the termination of the position of these two chief executive officers, which he cited as case examples. In relation to Mr Schilling's termination, the Auditor-General commented:

> This episode is at loggerheads with the avowed aim of the Public Sector Management Act 1995 to achieve accountability in the public sector.

In relation to Mr Ralph's replacement as chief executive officer, the Auditor-General commented:

> This is a further example of conflict with the avowed aim of the Public Sector Management Act to achieve accountability in the public sector.

The Auditor-General also observed in his report:

> Mr Ralph's contract provided for a fall-back right to an appointment in the public service.

In this respect, his situation was different from that of Mr Schilling. My question to the Treasurer is: did the contract with Mr Ralph, negotiated when the Treasurer was Minister for Education, provide for a fall-back right to an appointment in the public service for Mr Ralph and, if so, why, given that this provision was not contained in other CEO contracts such as that of Mr Schilling?

The Hon. R.I. LUCAS (Treasurer): I will need to refer that question to my colleague the Minister for Education. I do not have current details of Mr Ralph's last contract with the Minister for Education's department. My understanding is that an original contract was signed at the time I was the minister but, on my recollection—which I will check—a subsequent contract was signed by Mr Ralph with the new Minister for Education, of which I have no knowledge.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: I will need to check the contract that relates to the current arrangements for Mr Ralph. It was a contract not signed by me and I had no knowledge of it because it was a contract negotiated with, I assume, the Premier and the new Minister for Education and Mr Ralph at some stage in the past two years. I would need to take advice on that and seek further information from the Minister for Education to see whether I can provide any detailed response to the member. I do not know the circumstances of Mr Schilling's past but I do know that Mr Ralph was originally a career public servant here in South Australia. He was then—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: I do not know what his previous arrangements were. He then moved to New South Wales, I think at the time of the previous Labor government, and part of his contractual arrangements were that he could return, I think, to the public sector in South Australia. I am going on memory on that; again, I would need to have that checked. If my recollection on that is incorrect, I will be happy to place the correct information on the public record.

It may be that when he moved from South Australia to New South Wales he had some arrangement that, should he return to South Australia, certain contractual conditions needed to be met. I will take advice on that. As I said, I have not seen Mr Ralph's original contract for four or five years. I have not seen his most recent contract at all: I was not involved in it. Therefore, I would need to take advice on his position when he originally left the South Australian public sector; whether or not he had any arrangement if he returned to the South Australian public sector in relation to superannuation, for example, and other provisions; and seek further information on the specific questions the member has raised about his most recent contract.

MURRAY BRIDGE MEATWORKS

The Hon. T.G. ROBERTS: I seek leave to give a brief explanation before asking the Attorney-General a question about urine sampling.

Leave granted.

The Hon. T.G. ROBERTS: It has been reported to me that videotaping of urine sampling for job applicants has taken place in a meatworks at Murray Bridge. It has been reported to me that hair sampling was used as a testing method for various substance abuses, and perhaps for other medical reasons, and no explanation was given to the applicants. It has also been reported to me that the hoops that these individuals have to go through to get a position of employment with the new management of the meatworks at Murray Bridge are most unreasonable, but I do not expect governments to do anything about that.

The Hon. A.J. Redford: That wouldn't be an opinion either, Terry, would it? Nearly an opinion, but not quite.

The Hon. T.G. ROBERTS: It has been reported to me that the methods used to interview and employ people at the new establishment are unreasonable. As I said, it is not a matter for government to work that out.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: No, it's other people's opinions. I might share them, but I would not express them in this Council because that is against standing orders. The problem that the meatworks faces is that it is having trouble, as I understand it, meeting the labour requirements for the start-up of the new meatworks, and I understand that there is a shortage of skilled labour in that start-up. The questions I have for the Attorney-General, and he may want to share the information with the minister for industrial relations, are as follows:

1. What is the Government's position on hair and urine sampling for job applicants by employers?

2. What is the Government's position on videotaping of urine sampling, I suspect, to check authenticity?

The Hon. K.T. GRIFFIN (Attorney-General): It is very difficult to give an off-the-cuff answer on fairly scant information. It raises some interesting questions. If the honourable member has more information and can give me an identity of the location it may be possible to gather together more information upon which a much more definitive response can be given. It does, I suppose, to some extent, depend upon consent, circumstances and a whole range of issues which one would have to know before giving a definitive response. If the honourable member can give me more information I will be prepared to consider it.

RIVER MURRAY FERRIES

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation prior to asking the Minister for Transport and Urban Planning a question about River Murray ferries.

Leave granted.

The Hon. J.S.L. DAWKINS: Following the completion of the Berri bridge in 1997 the two large ferries at that crossing were removed for maintenance and upgrading, I think at the Berri depot of Transport SA.

The Hon. Diana Laidlaw: Morgan.

The Hon. J.S.L. DAWKINS: Can the Minister indicate any progress in the upgrading and subsequent deployment of these ferries at other river crossings?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I can comment on the Hindmarsh Island ferry as well. I can advise the honourable member that on 27 September one of the large ferries from Berri was installed at Wellington, where there had been for some years an increasing build up of queues waiting to use that ferry. That is because from the South-East to the city and the Fleurieu Peninsula there has been increasing success of business and horticulture, economic activity and tourism. We had also been getting a lot of calls on how to reduce those delays. So after a major upfit that bigger ferry has been installed. The bigger ferry is actually 30 metres, replacing an 18 metre ferry. It is 90 tonnes in capacity, compared to a 50 tonne limit with the earlier ferry. It also accommodates B-double traffic, which is a real bonus for the area. It is an all steel construction, compared to the old wooden construction, rather romantic but hardly practical with the demands being asked of it, and it is easier to operate because of electronic screens. So it is the most modern type of facility in operation now at Wellington. As to the other Berri ferry, called the *Heron*, work is under way on that now to modernise it. That work will be completed in January and it is anticipated that that ferry will operate at Waikerie.

In terms of the Goolwa ferries, at 2 o'clock today the tenders closed for the operation of that ferry. The current operator did not choose to extend the contract and tenders were called. It is anticipated at this stage that when the Hindmarsh Island bridge is completed the Goolwa ferry will be refitted and relocated, and it will be located up river. There are a number of candidates: Mannum, Tailem Bend, Morgan, Cadell and Lyrup. I am unable to advise at this stage where it will finally operate, but certainly at any one of those five sites they can anticipate a bigger ferry following the completion of the Hindmarsh Island bridge.

AMBULANCE SERVICE

The Hon. IAN GILFILLAN: I seek leave to make an explanation before asking the Attorney-General, representing the Minister for Emergency Services, a question about the SA Ambulance Service.

Leave granted.

The Hon. IAN GILFILLAN: In 1998 the state government approved a massive rise in charges for use of the ambulance service. Pensioner membership of ambulance cover rose more than 33 per cent, to $52 per couple or $26 per single, and non pensioner membership went up 8.1 per cent to $72 for families or $36 per single. The rises hit hard at the people in the community least able to afford them. However, the government attempted to justify the rises by pointing out that the non viability of the ambulance cover

subscription scheme was a drain on the service's financial resources. Therefore, it is interesting to note what effect these fee increases have had on the financial performance of the scheme.

After it has pushed up costs for pensioners by more than 33 per cent and the cost for families by over 8 per cent, the Auditor-General notes in his annual report that the performance of the ambulance cover subscription scheme has improved after losing—and I emphasise this—$3.9 million in 1997-98: it turned around—possibly one would regard it as dramatically—and in 1998-99 it lost only $3.4 million, so the improvement is marginal in the amount of actual loss. In other words, the massive impost to pensioners and families has reduced the scheme's losses only marginally.

It appears from the Auditor-General's Report that the Ambulance Service is haemorrhaging financially. Before the end of the previous financial year it had to receive a $2 million advance on its 1999-2000 funding allocation. The extent of government subsidy to the SA Ambulance Service has increased 144 per cent since 1994-95—an annual average of 36 per cent—up to $22.9 million in the financial year just ended. It is not surprising that in these circumstances the Government is looking for additional sources of funding for the Ambulance Service. The minister stated in a media release dated 25 May this year:

> The emergency services levy will not fund ambulance functions of the South Australian Ambulance Service.

However, a select committee of the House of Assembly has found that, in fact, over $774 000 is to be paid this year to the ambulance services from the emergency services levy fund. I ask the Attorney, representing the minister:

1. Does the government intend to allow the Ambulance Service to keep on steadily increasing its reliance on taxpayer subsidy at the same rate of growth, that is, a growth rate of 36 per cent a year?

2. Will the government allocate funding from the emergency services levy in future to cover the ambulance funding shortfall?

3. To enable that to happen, does the government have a Crown Law opinion on whether ambulance services may be funded under the Emergency Services Funding Act, or are pensioners and families who subscribe to ambulance cover about to be hit with another increase in the vicinity of 33 per cent or more?

4. Finally, will the government consider a move to a full user-pays scheme for ambulance services?

The Hon. K.T. GRIFFIN (Attorney-General): I will refer the question to my colleague and bring back an answer. It is not clear exactly what course of action the honourable member might be prepared to support in relation to ambulance services. It seems that, by reference to only $3 million, he is maybe somewhat supportive of that. It may be that he is not supportive of that, if he talks about increases in the amount which can be charged to those who participate in the ambulance cover scheme. It is a bit hard to discern where he is coming from.

He makes a reference to the levy. My recollection is that, on the legal advice we received, only about $700 000 of the work which the Ambulance Service does could be brought within the ambit of the emergency services levy under the statute, and there was no more than that which could be categorised as emergency services for the purposes of the levy. I can be fairly comfortable in saying that I do not know of any intention to recover any more of the deficit incurred by the Ambulance Service from the emergency services levy. Obviously, any deficit that is occurring within the Ambulance Service has to be met from consolidated revenue or from fees. The way in which the government has dealt with it in the current budget is to give it a quite substantial increase.

The Hon. IAN GILFILLAN: As a supplementary question, is the Attorney able to give the authority upon which the estimated emergency services levy of $750 000 was based? Is it a crown law opinion? Who made the determination?

The Hon. K.T. GRIFFIN: There has been Crown Solicitor's advice on a number of these sorts of issues, and that was given in relation to the Ambulance Service and on the scope that was allowed by the emergency services funding act. There was Crown Solicitor's advice. He has indicated that that was all that could be recovered from the fund.

GOVERNMENT LAND

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Police, Correctional Services and Emergency Services, a question about the responsibility of government in relation to government owned vacant land.

Leave granted.

The Hon. J.F. STEFANI: Through the introduction of the emergency services levy, the South Australian government will apply a charge to privately owned vacant land. I have been contacted by a number of constituents who believe that the government has an obligation to ensure that vacant land owned by the government and abutting private property is cleared of vegetation prior to the commencement of the bushfire season.

The bushfire season is only a few weeks away, and overgrowth of vegetation on vacant land has, in the past, been the initial cause of major fires which have spread to adjacent privately owned property. My questions are:

1. Will the minister detail the precautions taken by the government to clear vegetation on its own vacant land prior to the commencement of the bushfire season?

2. Will the minister detail the audit procedures instituted by the government to inspect all vacant land that is owned by the government to ensure that it is clear of all fire hazards?

The Hon. K.T. GRIFFIN (Attorney-General): The honourable member refers to some examples in general terms. If he can provide those examples, that would be helpful to identify the particular issue. I will refer the honourable member's questions to the appropriate minister and endeavour to bring back a reply. However, I might say that there are different agencies of government which own land, and it may not be possible to bring back a package of information dealing with the land that belongs to every agency across South Australia. I will take the honourable member's questions on notice.

STUDENTS, FOREIGN

The Hon. T. CROTHERS: I seek leave to make a precied statement before asking the Treasurer, representing the Minister for Education, Children's Services and Training, a question about foreign students.

Leave granted.

The Hon. T. CROTHERS: I refer to an article published in the *Advertiser* of Wednesday 1 September 1999. The

article states that Australia is third behind the United States and the United Kingdom as a study destination for foreign students and that in 1998 there were 147 130 foreign students studying in Australia. It is estimated that spending by these students has earned the country over $3 billion, comprising $1.5 billion in fees paid directly to Australian universities and $1.5 billion for accommodation, food and transport.

According to the article, Adelaide's share of international students is 4 per cent. Current revenue from that source is $110 million compared with Western Australia, $393 million; Queensland, $476 million; Victoria, $765 million; and New South Wales, $1.44 billion. I note a report in the *Advertiser* of 13 October which stated that the Premier was in Asia opening Adelaide education offices in Hong Kong, Singapore and South Korea in an attempt to attract Asian students to South Australia. My questions are:

1. What other initiatives are currently being employed by the state government to encourage and attract a more significant proportion of overseas students who choose to study in South Australia than is currently the case?

2. I refer to the recent reports in the media about Dr Kemp's proposal to increase university charges. I note that those reports have been denied but, if that assertion is correct, what impact is that likely to have on attracting overseas students bearing in mind that the competition to attract these students is very fierce not only between Australian States but other countries as well?

The Hon. R.I. LUCAS (Treasurer): I will refer the honourable member's questions to the minister and bring back a reply.

STOCK GRIDS

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Transport a question about road grids in the north-east pastoral areas.

Leave granted.

The Hon. CAROLINE SCHAEFER: I am sure that, at some time, most members have suffered the frustration of having to open a series of stock gates when travelling in the back areas of South Australia. Over many years those stock gates have been located on public roads as well as on private properties. I understand that Transport SA has embarked on a project to replace a number of the gates on public roads with stock grids. I have even heard, anecdotally, that, to this stage, that replacement has saved one family 60 minutes in a round trip to take their children to school each day. My question to the minister is: is that to be an ongoing project and, if so, how many more grids are proposed and when will they be installed?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): The honourable member has taken a keen interest in this issue for some years being involved with the Isolated Parents Association and other activities in the Far North.

The Hon. T.G. Roberts: The slow gate association.

The Hon. DIANA LAIDLAW: It was the slow gate association: it was also known as the Eastern Districts Pastoral Association. I understand that the President also has family members associated with that organisation. It is hard to envisage, when we live in the city, what it is like to be confronted by 13 gates, no matter the heat, the weather, the dust and the flies, simply to get to school, as the honourable member has highlighted. The fact that this allocation, through Transport SA, has enabled 13 stock grids to be installed over the past year to replace those gates is terrific news.

The roads on which the 30 grids have been installed over the past financial year and which involve an investment of $100 000 are the following: Woolgangi to Poison Gate; Canegrass to Morgan; Morganvale to Canegrass; and Canegrass to Parcoola. The time saved is invaluable to pastoralists, stock agents and transport operators. I would like to commend Transport SA officers who work in this Far North region for the cooperative way in which they have worked with the Eastern Districts Pastoral Association. I also acknowledge members of the association, because the 30 grids that have been installed over the past year at such a reasonable investment of taxpayers' funds—$100 000—were installed by the pastoralists themselves, and that is to be highly commended.

In this financial year, 12 further grids will be installed. The taxpayers' investment is $45 000 but, again, these grids will be installed by pastoralists therefore saving taxpayers a lot of money and pastoralists a lot of time. The 12 grids will be installed on the following roads: Sturtvale to Pine Valley; Yunta to Sturtvale; and Lilydale to Hogback.

ALICE SPRINGS TO DARWIN RAILWAY

The Hon. G. WEATHERILL: I seek leave to make a brief explanation before asking the Treasurer a question about the Alice Springs to Darwin rail link.

Leave granted.

The Hon. G. WEATHERILL: Will the Treasurer rule out the possibility of additional funding from the South Australian Treasury being made available to guarantee the completion of the rail link?

An honourable member: The question has been asked already.

The Hon. G. WEATHERILL: I have some additions to the question; I was not present for the original question. What services does the Treasurer propose to relieve the burden of funding, such as transport or other infrastructure; the Environment Protection Agency; or the tens of millions of dollars worth of emergency services levy which the government thinks, for the moment, may not be asked of South Australian landowners?

The Hon. R.I. LUCAS (Treasurer): I am disappointed that Labor members have set up the Hon. Mr Weatherill in this way. They should have advised him that that question had been asked earlier in question time by his leader.

The Hon. G. Weatherill: I was doing the whip's things.

The Hon. R.I. LUCAS: That is right. The Hon. Mr Weatherill was doing his job, whipping on behalf of his party, but his colleagues were not even prepared to talk to him and left him exposed without any semblance of trying to work as a team. It is an indication of the lack of teamwork amongst the six members of the Labor Party on the other side of the chamber.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I will defend the Hon. Mr Weatherill because it is disappointing that he has been set up in this way. I refer the honourable member to the answer given earlier by my colleague the Minister for Transport. If getting the Alice Springs to Darwin railway means that some additional money has to come from government, it is interesting to note that the Labor Party in South Australia has adopted the position that, if John Howard will not fund it, it

would prefer to see the project fail. That is the position of the Labor Party. If John Howard will not pay, the Labor Party would prefer to see the project fail, and Labor members are urging the government not to agree to one extra dollar from South Australian taxpayers to go into the scheme. The Minister for Transport indicated that Mike Rann has been talking about the need for extra funding of $200 million, and I thought my colleague was being very generous to Mr Rann because I recall him saying $300 million extra.

The Hon. Diana Laidlaw: $200 million in addition to the $100 million already promised.

The Hon. R.I. LUCAS: It does not matter whether it is $200 million or $300 million, the point is that the Leader of the Opposition has been calling for additional moneys to be provided by governments at a time when, as the Minister for Transport indicated, we are trying to conduct sensitive negotiations with private sector operators. The supposedly alternative leader has been saying that an extra $200 million or $300 million has to be provided by the government, whether federal or state.

The Hon. Diana Laidlaw: By taxpayers.

The Hon. R.I. LUCAS: Yes, by taxpayers. That was the deliberate strategy of Mike Rann and the Labor Party in South Australia. It is interesting to see replicated here in question time today that the Labor Party has made quite clear that, if the project requires an additional dollar and if John Howard and the federal government will not provide it, that is the end of the project. That is the policy on this project that the Labor Party has put on the record in this place this afternoon.

The Hon. T. CROTHERS: I have a supplementary question for the Treasurer. Assuming that the state government is prepared to put up with the necessary shortfall in funding, will it have to borrow the funding at prevalent interest rates or does it have sufficient money within its own Treasury to fund it from state revenue?

The Hon. R.I. LUCAS: I noted the honourable member's interjection earlier referring to his amendment to a recent, significant piece of legislation in this chamber in which he raised the issue—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I, along with all members, will listen to his contribution with interest. At this stage, to be fair to the Hon. Mr Crothers, I do not think it is productive for me to make any further comment than the Minister for Transport has made in relation to the government's negotiating position.

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Crothers of course can make comments, because nothing will stop him from standing up in this chamber and fearlessly speaking on behalf of the workers of South Australia, the many workers who might get jobs if this project could go ahead, workers who might get jobs and whose prospects of jobs are being jeopardised by some of the politics being played by some members of parliament.

The Premier is conducting the negotiations. I do not intend to say anything publicly in relation to the Government's negotiating position. He is handling them most ably on behalf of the government, and I have nothing further to add publicly at this stage than the comments my colleague the Minister for Transport has already placed on the record.

PARTNERSHIPS 21

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Treasurer, representing the Minister for Education, a question about students with special needs and Partnerships 21.

Leave granted.

The Hon. M.J. ELLIOTT: My question relates to concerns raised by the parents of students with special needs over proposed changes to school governance under Partnerships 21. While the Partnerships 21 documentation makes it clear that curriculum delivery will remain the responsibility of the school principal, it also makes clear that the responsibility for funding services will be shifted to governing councils. I have been informed that Partnerships 21 draft services agreements place responsibility on school councils to implement appropriate intervention strategies for students with special needs. This has raised some concern as many parents fear that hard-won services will be lost in the transition. They also fear that these services may be hard to reclaim once they have to negotiate with individual schools rather than on a broader system basis.

Within an individual school, there may be only one family with a student with a particular special need, while across the system there is a far greater potential to lobby for and provide services. Further, due to significant time and energy demands made on parents of students with special needs, it is unlikely that they will be able to volunteer for the extended responsibilities of school council and guarantee that the services necessary are provided. The sorts of needs to which I refer vary greatly.

In the case of severe disabilities, the demands are often of a physical rather than an academic nature. It is of great concern that schools may not appreciate that currently more time of SSOs is often used in toileting and not teaching and that this will do little to redress this situation. In the case of more moderate disabilities, there is the problem of recognition as many are not recognised within current policy or the categories of disadvantages in Partnerships 21. This will make it even more difficult for parents to ensure that their child receives the support they need.

Of major concern are the grievance procedures that are available to parents if governing councils make a decision that is not in the interests of their child. There is no clear process detail, no time frame for resolution and no statement of who is ultimately responsible. Neither is there any indication of availability of independent advice to parents on their rights under the Disability Discrimination Act. With these things in mind, I ask the following questions:

1. What does the minister plan to do to protect the rights of students with special needs in schools that choose to sign on to Partnerships 21?

2. What equity assurances and grievance procedures were put in place for parents who are not satisfied with decisions made by school councils?

The Hon. R.I. LUCAS (Treasurer): I will refer the honourable member's question to the minister and bring back a reply.

GAMBLING INQUIRY

The Hon. NICK XENOPHON: My question to the Treasurer is as follows: further to my questions of 10 March and 3 June this year, when will the Government respond to

the findings of the parliament's Social Development Committee inquiry into gambling handed down in August 1998?

The Hon. R.I. LUCAS (Treasurer): Cabinet has discussed these issues this week and I have advised the presiding member that the Government would hope to be formally corresponding with the presiding member and her committee in the very near future.

ANTIBIOTICS

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Primary Industries and Natural Resources, a question on the use of antibiotics.

Leave granted.

The Hon. R.R. ROBERTS: I also address the question to the Minister for Human Services because it touches on both portfolios. Recently I was made aware of the alleged overuse of antibiotics in Australia with respect to the feedlotting industry in particular. I quote some of the work done by Mr Peter Collignon from the Infectious Diseases Unit in Canberra, who recently pointed out the dangers of the overuse of antibiotics and the consequences that they are having on the effectiveness of antibiotics currently used in the health system in Australia to the detriment of human health.

He pointed out that the drug vancomycin, which is used to treat golden staph in humans, comes from the same group of antibiotics as avoparcin, which is used to promote growth in chickens and pigs. Without reading everything that he had to say, I note that he points out that in Europe it has had a devastating effect and has caused a great deal of concern for authorities in those countries. He points out that, in this country, we have used and are using the drug avoparcin in exactly the same way as it was used in Europe. He concluded that 'the link between avoparcin in animals and antibiotic resistance in humans is as strong as that between smoking and lung cancer'.

I also draw from a contribution by a microbiologist, Professor Lyn Gilbert, who says that the growing resistance to antibiotics means that there is an urgent need for hospitals and health systems to have some uniform approach to protect the effectiveness of the current set of antibiotics in Australia. My questions to the Minister for Human Services and the Minister for Primary Industries are:

1. What steps have been taken to regulate, control or monitor the use of antibiotics such as avoparcin in the food industry, in particular in the feedlot industry?

2. Does the minister for health have any strategy in place to protect the effectiveness and the safety of antibiotics in our current health care system?

The Hon. K.T. GRIFFIN (Attorney-General): I will refer those questions to my colleague in another place and bring back replies.

WOOL INDUSTRY

In reply to **Hon. A.J. REDFORD** (30 June).

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

1. The Government is supporting the development of the Sheep Industry Development Centre at the Roseworthy Campus of the University of Adelaide. Through a grant of $570 000 over 3 years the Centre will be developed as a hub for training and education in the wool and sheep industry throughout the State.

The position of Project Manager at the Centre is about to be called and this person will be responsible for developing a culture of life long learning in the sheep industries to assist it to improve its productivity and profitability.

This will be achieved by the brokering of education and training opportunities, promotion of best practice and continuous improvement programs, promotion of the adoption of research outcomes and through training, education and industry development opportunities arising from the maintenance of an extensive whole-of-industry network.

The Project Manager will work closely with the wide range of organisations involved in the sheep industries to ensure that education and training opportunities in the industry are well coordinated between organisations. There will be close links with the FarmBis training program to maximise the opportunity for sheep producers to receive funding for education and training across South Australia.

The Department of Primary Industries and Resources (PIRSA) will continue to support training and education programs through initiatives such as the proposed "Cost of Production" program. This program will be delivered in partnership with The Woolmark Company and South Australian Farmers' Federation.

The Wool Industry Development Board is also supporting training through its Wool Marketing 2000 project. Wool producer groups are being given the opportunity to develop their skills in wool marketing and price assessment, risk management and cost of production. Information transfer meetings between Wool Marketing 2000 wool producer members and early stage processors will be held this year to increase the level of understanding of both business operations. Also, open communication between processors and growers will be developed to enable the opportunity for increased efficiencies on farm as a result of feedback from early stage processors. Further training opportunities will be explored as the groups develop.

2. The Government believes that the wool industry should investigate not only the occupational health and safety related issues, but the effects and costs that the removal or lifting of the maximum bale weight will have on all bale handling businesses along the wool pipeline.

For example, a wool press is designed for the current size wool packs and maximum bale weight. The core and grab sampling machines predominantly used in wool brokers stores are also designed for the current specifications as well as most machinery in the early handling and processing stages of the pipeline.

Containers used to transport dumped bales will also be affected if the maximum weight is raised or abolished resulting in an inefficient usage of space and increased costs to the industry. All current transportation methods used whether they are for dumped or normal size farm bales would be affected due to a change in weight and size.

This issue cannot be answered without prior involvement and research by all stakeholders with particular emphasis given to a cost benefit/negative analysis carried out before any recommendations are given. Any occupational health and safety issues resulting from changes in bale weight would need to be factored into these analyses aimed at improving the efficiency of wool handling.

UNIT PRICING

In reply to **Hon. IAN GILFILLAN** (4 August).

The Hon. K.T. GRIFFIN (Attorney-General): I have been advised by the Acting Commissioner for Consumer Affairs that the matter of unit pricing of commodities predates current uniform trade measurement legislation. In late 1990 ministers from each State and Territory, with the exception of Western Australia, signed a Formal Agreement to implement Uniform Trade Measurement Legislation (UTML) in Australia.

On 1 October 1993 South Australia enacted the *Trade Measurement Act* 1993 which includes provision for the regulation of the marking of pre-packaged articles. This is not to say that each State and territory has always acted independently in the area of trade measurement (or weights and measures as it was once known). It has long been recognised that national uniformity in trade measurement is essential to the economy and for this reason the Formal Conference on Weights and Measures (FCWM) and the Standing Committee on Packaging (SCP) were established in the late 1950s with the aim of achieving national uniformity in trade measurement.

The UTML provides, amongst other things, for the marking of unit prices. These requirements arose from the development of model uniform Weights and Measures (Pre-Packaged Articles) Legislation in 1968.

The South Australian requirements for unit pricing are specified in section 27 of *the Trade Measurement (Pre-Packed Articles) Regulations* 1993 and mirror the uniform model. The unit pricing laws relate to certain prescribed food items that are usually sold in random weights and are often broken, cut or separated from bulk. These include such items as fruit and vegetables, cheese and cheese products, dressed poultry, meat, fish and smallgoods. Furthermore, the laws exempt items that are packed in specified weights, in rigid containers or if the total price or price per kilogram is adequately displayed as provided by the regulations.

Arguments for and against the extension of unit pricing have continued for many years. Even as far back as 1977, a report by the Trade Practices Commission to the Federal Minister for Business and Consumer Affairs indicated that generally consumer groups favoured an extension of unit pricing. Manufacturers and packers offered little comment since they saw the issue as one largely for retailers who would have to bear the cost of implementing any extension of existing laws. Retailers questioned whether the benefits likely to be achieved through extension of existing unit pricing laws in Australia would justify the increased costs and prices which would inevitably flow from such an extension.

Consumer groups such as the Australian Consumers Association have argued that extended unit pricing will simplify the price/quantity equation and allow consumers to make more informed decisions on their purchasing. However, it has not been convincingly demonstrated that consumers generally demand extended unit pricing and would be prepared to accept the associated costs that might result. I am advised that the Commissioner for Consumer Affairs has not received any consumer complaints or submissions in relation to the current unit pricing arrangements.

The process for making amendments to the UTML requires that there be appropriate consultation with all interested parties including consumer, industry and business representatives. The consultation is undertaken by the Trade Measurement Advisory Committee which is the body established by The Ministerial Council for Consumer Affairs to examine and advise on all trade measurement matters. All states and territories are represented on the committee. Unanimous agreement of all jurisdictions who are signatories to the Formal Agreement to implement UTML is then required before the legislation can be amended. Extension of unit pricing is a matter which would require legislative amendment and would therefore be subject to the above process.

Currently there is little evidence or empirical data to suggest that amendments to the UTML to extend unit pricing are either necessary or in fact called for by South Australian consumers. Prior to the airing of Channel Nine's *Money* program on Wednesday 14 July 1999, an invitation was extended to the producers of that program to refer all viewer inquiries to the TMAC Secretariat in Canberra. I am advised that to date, none have been received.

INTERNET DIVORCE

In reply to **Hon. CARMEL ZOLLO** by letter (4 August).

The Hon. K.T. GRIFFIN (Attorney-General): I refer to your Question Without Notice dated 4 August 1999, concerning Internet Divorce and provide the following information about access to Court forms via the Internet.

There have been preliminary discussions with the Business Centre in the Department of Administrative and Information Services about making the Court forms used by the public and the legal profession available on the Internet. The Business Centre has a product called Forms Wizard which scans and converts forms into the electronic format required for Internet access.

It is planned to make all court-user forms available via the Internet. The most frequently used forms will be put up first (eg. minor civil and general civil claims forms).

Having Court forms available on the Internet will improve access by the public and the legal profession to South Australia's Court system by removing the need for attendance at a registry to obtain forms. Electronic lodgement of forms is also being investigated.

It is envisaged that Court forms will be accessible through the Courts Administration Authority website and the Business Centre website. Evidently the latter site intends to provide access to all the public forms used by State Government agencies.

Before Court forms can be put onto the Internet there will have to be discussions with judicial heads and/or administrative heads to decide which forms should be put up and that Internet versions of forms comply with the relevant regulations.

A time line for making Court forms available on the Internet has yet to be determined.

PUBLIC OFFICERS

In reply to **Hon. A.J. REDFORD** (3 August).

The Hon. K.T. GRIFFIN (Attorney-General): I provide the following response: the provisions of the Criminal Law Consolidation Act were specifically designed to deal with the worst cases of offending. As members of a State instrumentality, the members of the board of the South Australian Housing Trust would be subject to those provisions.

The provisions of the South Australian Housing Trust Act which relate to board members are equivalent to provisions found in many other Acts which establish boards or other public authorities. These provisions are designed to deal with lesser instances of offending which, while serious, do not warrant the most serious action under the Criminal law Consolidation Act. Offences under the South Australian Housing Trust Act are dealt with summarily, whereas the offences relating to public office under the Criminal Law Consolidation Act are indictable offences.

Further, it is considered desirable that provisions imposing standards of honesty, due diligence and propriety are clearly set out in the Act establishing the board or authority. This should ensure that board members are clear about their obligations. I am sure that most board members understand their obligations, and carry out their duties in a manner befitting the trust which has been reposed in them. Nevertheless, experience has proved that at times, members of boards may lose sight of their responsibilities. The existence of these provisions in the Act establishing the board or authority should serve as a reminder.

For this reason, I do not propose to recommend any alterations to the South Australian Housing Trust Act, or any other legislation which contains similar provisions.

Given my answer to the first of the honourable member's questions, it is unnecessary for me to address the issue of inconsistency.

In relation to the issue raised by the Hon. T.G. Roberts, I do not believe that there is or should be any difference between the offering of a bribe and its receipt.

SEXUAL HARASSMENT

In reply to **Hon. CAROLYN PICKLES** (3 August).

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

1. Has the Government honoured its commitment to develop an educational program and introduce practices and procedures to enable the effective implementation of the Act?

Before the 1997 State election, discussions were held with the Clerks of both Houses of Parliament about the legislation and the process to be adopted at Parliament House. As a result, my office, in conjunction with the Commissioner for Equal Opportunity, prepared some information for Members of Parliament.

A document summarising the procedure in the Act for dealing with complaints against Members of Parliament was prepared and provided for inclusion in the Members of Parliament Handbook. I understand that a briefing was also given to new Members of the Parliament during the orientation seminar in the House of Assembly.

Consultation also occurred with the Chief Justice. I wrote to the Chief Justice about the proposed proclamation of the Act. I indicated that, if he required any assistance with the preparation of material and training of judicial officers, I would raise the matter with the Commissioner for Equal Opportunity.

Information about sexual harassment and a paper summarising the procedure under the Act for dealing with complaints against judicial officers was forwarded to the Chief Justice. It is understood that the document was distributed to all judicial officers through the relevant heads of jurisdiction.

I also wrote to the Local Government Association requesting that it assist councils to become familiar with the amendments so that councils could take the steps they consider appropriate to advise council members and staff of the extended coverage. I also forwarded an open letter to local councils advising of the amendments. The letter suggested that local councils should already have sexual harassment policies in place to protect their staff against sexual harassment by, for example, other staff members. However, modifications may have been required to reflect that members of councils were subject to the Act. I suggested that the matter could be brought to the attention of the council at its next meeting and that

the Office of the Commissioner for Equal Opportunity could provide assistance and training to councils, where necessary.

2. Given the second anniversary of this historic legislation, has the Government set in place the mechanism for its review?

The operation of the provisions has not yet been reviewed. Nor has a process been put in place yet. My understanding is that I undertook to cause an examination of the operation of the section on the second anniversary of the commencement of the section and that the report would be made available within six months of that date.

While it is two years since the Act was passed, the Act did not commence operation until April 20 1998. Therefore, the Act will not have been operating for two years until 20 April 2000. It is at time that the review would be undertaken.

3. Did representatives of the Equal Opportunity Commission at any stage offer to provide training for members of Parliament, judges and local government representatives and, mindful of the need to maintain privacy, can the Attorney advise the total number of allegations that have been made since the proclamation of the Bill?

I am advised that following the passage of the Act, the Commissioner for Equal Opportunity had discussions with representatives of the Speaker and the President. Training was offered by the Commissioner.

The Commissioner also met with the Chief Justice and discussed procedures to be adopted in investigations. The Office of the Commissioner for Equal Opportunity also worked with Courts Administration staff to produce information on this issue.

The Commission, in association with the Local Government Training Authority offered training for elected members of Local Councils throughout South Australia. The response to this offer was minimal although the Commissioner has responded to inquiries by individual councils to discuss the legislation

As follow up the Commissioner is sending letters directly to Mayors explaining the benefits of training and again offering the Commission's services to Councils.

Since the passage of the Act, the Commissioner has received no allegations/complaints from any of the areas covered by the legislation.

EMERGENCY SERVICES LEVY

In reply to **Hon. J.F. STEFANI** (27 July).

The Hon. K.T. GRIFFIN (Attorney-General): I refer to your Question Without Notice dated 27 July 1999, and advised the Minister for Police, Correctional Services and Emergency Services has provided the following information:

The figures quoted by the honourable member refer to the Budgeted Operating Statement for Emergency Services agencies as published on page 4.82 of Budget Paper 4, Volume 1, Portfolio Statements.

The scope of the Emergency Services financial statements published at pages 4.82 to 4.86 are not comparable with the Community Emergency Services Fund as the scope differs.

The Emergency Services financial statements represent a consolidation of the Country Fire Service, the South Australia Metropolitan Fire Service, State Emergency Services SA and the Emergency Services Administrative Unit. The Statements do not reflect the total amount of levy collected as the agencies only receive transfers of levy amounts as agreed to fund their operations. The statements also include for instance, various revenue and expenditure transactions peculiar to the individual agencies which are, as such, outside the scope of the Community Emergency Services Fund e.g. interest earned on deposit accounts operated by the CFS, MFS, SES and ESAU.

Budget Paper 4, Volume 1, Portfolio Statements included a Budgeted Operating Statement for the Community Emergency Services Fund at page 4.91. This was the Budgeted Operating Statement as at the time of finalisation of budget numbers for publication purposes. The Operating Statement, at the time of publication, reflected levy collection of $142.2 million. Further government decisions altered slightly the estimates (to $141.5 million) subsequent to the printing of the Budget papers.

In reply to **Hon. IAN GILFILLAN** (27 July).

The Hon. K.T. GRIFFIN (Attorney-General): The Minister for Police, Correctional Services and Emergency Services has advised of the following information—

The honourable member questioned whether the ad in the Mount Barker *Courier* was misleading and implied that only the CFS and MFS were to be funded by the levy. It does not. A suggestion that it does is mischievous.

One of the major messages behind the new levy is to inform people that the services funded by the levy go way beyond the services funded through the previous fire services levy which was a percentage of insurance premiums.

The purpose of these print ads is to bring home to people the different ways they may need the help of emergency services. To this end, five different ads were compiled on the different services provided.

POLICE, YORKE PENINSULA

In reply to **Hon. T.G. CAMERON** (8 July).

The Hon. K.T. GRIFFIN (Attorney-General): The Minister for Police, Correctional Services and Emergency Services has been advised by Police of the following response—

1. Port Victoria Police Station does not have a telephone answering machine. When stations on the Yorke Peninsula are unattended, calls are diverted to the mobile phone in the police vehicle. Because of the poor reception of signals in some areas, it is possible that some calls will be diverted to the message bank on the mobile phone. When stations are left unattended for longer periods, phones are diverted to the nearest country station where an officer is available.

2. The use of answering machines would be adequate for non-emergency calls. Information left on the machines would provide numbers where contact can be made with an officer. In an emergency situation the telephone numbers 000 or 11444 should be used.

3. Policing on Yorke Peninsula is adequate.

SPEED CAMERAS

In reply to **Hon. J.F. STEFANI** (6 July).

The Hon. K.T. GRIFFIN (Attorney-General): The Minister for Police, Correctional Services and Emergency Services has been advised by Police of the following response—

Main South Road at O'Halloran Hill has a history of vehicles travelling at high speeds. During the last financial year, 69 collisions occurred on that stretch of road, 50 involving property damage, and 19 persons were injured. In 1998-99 there were four Speed Dangerous speeds recorded (40 km/h or more above the posted speed limit).

The area described between the access road and the O'Halloran Hill shopping centre is a public road and not private property. Furthermore, there is a 60 km/h speed limit sign placed at this location. At this location, the new speed cameras cannot operate in the head-on mode as suggested.

The section of Port Road, Adelaide, adjacent to the Police Barracks, also has a history of vehicles travelling at excessive speed. During the past twelve months there have been 45 collisions, 39 of which involved property, and 6 persons were injured. In 1998-99 there were 14 Speed Dangerous speeds recorded (40 km/h or more above the posted speed limit).

There are few positions from which a speed camera can be operated safely in this particular area. The two positions described are used to ensure operator safety, which is of prime concern.

In reply to **Hon. T.G. CAMERON** (6 July).

The Hon. K.T. GRIFFIN (Attorney-General): The Minister for Police, Correctional Services and Emergency Services has been advised by Police of the following response—

1. Legislative changes to the Road Traffic (Photographic Detection Devices) Regulations 1988 appeared in the SA Government *Gazette* on 13 May 1999 to come into operation 1 June 1999.

The new speed cameras were introduced into operation on 1 June 1999. They were unable to be used prior to that date.

2. There are a few procedural issues involving operator familiarisation with new equipment. The Assistant Commissioner, Operations Support Services is addressing these issues. Members of the public are in no way adversely affected by the issues being addressed.

3. New South Wales have operated the same equipment as SA for approximately two years. Similar initial teething problems were experienced.

3. All speed cameras are operational, however, as with all such equipment they will be subject to periodic mechanical repairs, not related to their accuracy. Present evidence indicates that the cameras are reliable and operating in accordance with the manufacturer's specifications.

ADELAIDE REMAND CENTRE

In reply to **Hon. IAN GILFILLAN** (6 July).

The Hon. K.T. GRIFFIN: The Minister for Police, Correctional Services and Emergency Services has been advised by the Department for Correctional Services of the following response:

1. The United Nations Standard Rules do not apply in Australia. South Australian correctional practices are consistent with the correctional guidelines which have been developed for Australian conditions.

2. No. The decision to place dual status and remand offenders in the same institution has been made to satisfy their mutual need for legal services and the courts. It is considered that this need outweighs any guideline which suggests that these offenders should be kept separate.

3. I have explained this earlier in my response.

4. It is unnecessary for the Government to take any action regarding this matter.

In regard to the supplementary question asked by the honourable member, I refer to my original response on this matter.

RACIAL VILIFICATION

In reply to **Hon. CARMEL ZOLLO** (1 June).

The Hon. K.T. GRIFFIN: The Minister for Education, Children's Services and Training and the Minister for Police, Correctional Services and Emergency Services has provided the following information:

The Department of Education, Training and Employment records over the past 18 months indicate that there have been no reported incidents of the kind reported on the National Action website. The Department does have a record of two incidents that occurred at Enfield High School in 1997.

On 29 April 1997, two youths alleged to be of Asian appearance and dressed in grey clothing, resembling Enfield High School uniform, entered the grounds in the vicinity of the central yard near the Home Economics building. A senior student was assaulted with a section of wood and received first aid. The youths were seen to run from the premises, enter a vehicle and leave. This incident was reported by student witnesses. No school staff witnessed the incident. The District Superintendent contacted Holden Hill Police. Officers visited the school to appraise the situation and plan for police and school cooperation in incidences of trespass and loitering.

Discussions between senior officers in SAPOL and school principals in the Holden Hill Police area are ongoing with a view to reviewing and strengthening a police response for school issues relating to trespass and loitering.

The second incident occurred on 13 June 1997. Three male Asian youths entered the school grounds and assaulted three students. No weapons were reported on this occasion. Staff intervened and chased the youths. Police arrested two Asian youths for Common Assault. One student was conveyed to hospital to be treated for a head laceration and shock. One of the arrested persons was a student who was on suspension from the school.

Investigations regarding Underdale High School reveal that there has been no involvement with National Action. The allegations made by National Action are unsubstantiated and there is no evidence that incidents as described by National Action are on the increase.

The Department of Education, Training and Employment rejects racist behaviour and has a strong policy stance against racism of any kind. It has a commitment to eradicating racist discrimination and harassment in schools, has implemented programs to counteract the causes and redress the effects of racism and actively protects the right of students to achieve their full potential in an environment that affirms cultural identity.

VISY BOARD PTY LTD

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning, representing the Minister for Environment and Heritage, a question on recycling.

Leave granted.

The Hon. CARMEL ZOLLO: On two previous occasions I have raised the matter of investment in South Australia by Visy Board industries. The proposed investment was announced by the Premier before the 1997 election. In the announcement, the Premier predicted that a $90 million plant would be established to process 130 000 tonnes of paper and cardboard each year, and the plant would be running within two years. Minister Kotz was reported as saying in March 1998 that negotiations with Visy industries were nearing completion.

In the minister's first response in October 1998 regarding the proposed plant she indicated that, subject to resolution of several complex technical and commercial issues, it was hoped that construction could commence at the end of the year. The minister's further response in December 1998 advised that the state government had discussed incentives in a preliminary sense with Visy but no agreement had been reached. The minister also stated that Visy was still committed to building a plant in South Australia. Press reports have since suggested that, if Visy industries did not win a cost-effective agreement in South Australia, it would look elsewhere, including Victoria and Queensland.

A spokesperson for the Premier then claimed that the then stalled sale of ETSA was complicating negotiations. The government has, of course, since acceded in its wish to proceed with the long-term lease of South Australia's electricity assets. My questions to the minister are:

1. Will the promised construction of the plant proceed in South Australia and, if not, why not?

2. Has the government made any offers of incentives towards Visy industries, and what are these incentives?

3. What negotiations have occurred since February 1999, and is Visy still committed to building a plant in South Australia, and in what time frame?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I will refer the honourable member's question to the minister and bring back a reply.

RANDOM BREATH TESTING

In reply to **Hon. R.R. ROBERTS** (3 November 1998).

The Hon. DIANA LAIDLAW: The Minister for Police, Correctional Services and Emergency Services has been advised by the police that—

1. In relation to the Joint Legal, Policing and Scientific Committee—

What are their terms of reference?

To review all drink driving legislation and establish recommendations which will solve some of the legal issues and problems being experienced in the judicial system.

When was the committee established?

The committee was established under the Law Society SA. The first meeting was held on 3 June 1998.

When does the committee meet?

The committee does not meet at any regular intervals but meets on an ad hoc basis.

Who is on the committee?

The committee comprises the following members—

Mr David Peake	Chairman, Criminal Law Commission (Law Society)
S/Sgts McDonald and McAvaney	Police Prosecution
S/Sgt Laslett	Police Traffic Technical Resource Section
Mr Edwardson	Legal Fraternity
Mr Lokan	State Forensic Science
Mr D Smith	Private sector forensic chemist
Justice Bollen	Judiciary

2. With regard to duplicate breath samples, does this mean SAPOL are going to introduce this?

A paper was prepared by S/Sgt Laslett from Police Traffic Technical Resource Section and presented to committee members setting out the reasoning why duplicate breath samples should be taken. Both sides of the committee agreed to the details contained in this paper. However, a final meeting has not been arranged to consolidate implementation. Practical evaluations on duplicate breath

testing are still being conducted. Legislative amendment is required to facilitate implementation.

BOWDEN RAILWAY STATION

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about the Bowden train station.

Leave granted.

The Hon. SANDRA KANCK: Recently a barbed wire fence and padlocked gate has been erected around what was a public car park on the northern side of the Bowden train station. This has greatly restricted available parking around that station, and my informant suggests that it will reduce patronage at the station and undermine the long-term viability of the station and the Outer Harbor line. My questions to the minister are as follows. Who erected the fence? For what purpose? Has the land been purchased in the recent past? If so, by whom? If recently purchased, from whom was the land purchased? At what cost was the land purchased? Was Transport SA aware that the land was for sale? If not, why not?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I will seek information. Certainly, I have no advice to the effect that the property is TransAdelaide's or that it has been sold. It may well be TransAdelaide's property. An enormous amount of work is required to replace all the sleepers, wooden to concrete, and it may be that this site is being used as a compound for the protection of materials during the period of that work. I will get a prompt reply for the honourable member.

EQUAL OPPORTUNITY LEGISLATION

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Attorney-General a question about equal opportunity legislation.

Leave granted.

The Hon. CAROLYN PICKLES: Last session I asked the Attorney-General a number of questions about the application of the sexual harassment amendments which related to members of parliament, members of the judiciary and elected local councillors. In his response the Attorney revealed that the introduction of a new act was delayed by nine months; that is, it took the government from July 1997 until April 1998 to gazette the legislation. Apart from revealing the government's incompetence in handling the matter, the Attorney has thus far failed to provide any further responses to my questions and he did indicate that he would bring back a response either that week or by letter, and I have yet to get a response. Why was the introduction of the legislation delayed by nine months and when will the Attorney respond to my questions?

The Hon. K.T. GRIFFIN (Attorney-General): My recollection is that there had been a response. I will make some inquiries to see where it is, if the honourable member has not got it.

HOUSEBOATS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning, representing the Minister for Environment and Heritage, questions about Waikerie houseboat mooring fees.

Leave granted.

The Hon. T.G. CAMERON: As part of my regular visits to country South Australia, I recently met with Jan Cass, the Mayor of the District Council of Loxton Waikerie. Mayor Cass informed me that the Department for Environment, Heritage and Aboriginal Affairs has given the council notice that rent payable on the leased area for the Waikerie houseboat marina is to be increased from $200 to $300 per boat from 1 July 2000. Areas such as the houseboat mooring precinct at Waikerie are currently carefully maintained and cared for by the council at a substantial cost to keep it environmentally acceptable at no cost to the department. This is an ideal situation for the department as there is little or no risk of these leased areas being mistreated, as the general public has no access to them. However, certain areas of riverside outside the leased zone are used for houseboat mooring, and my understanding is that they pay no fee. Even worse, information has come to my attention of appalling occurrences of houseboats emptying raw sewage into the Murray River. My questions to the minister are:

1. Why is the rent payable on the leased area for the Waikerie houseboat marina increasing by 50 per cent?

2. Why does the department of environment insist on payment for moorings where they are tendered, cared for and maintained, yet makes no effort to collect fees from the many boathouse owners taking up the river frontage to which the public should have access and who do nothing to protect the environment in their vicinity?

3. Finally—and most importantly—is the minister aware that some houseboat users—and it may run into the hundreds—are emptying raw sewage into the river? If so, what is the government doing to prevent it?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I am aware that these same matters have been raised with the minister by the Hon. John Dawkins. These matters were addressed at a recent Local Government Association meeting in the Murray-Mallee, so the minister would be aware of the concerns. I will follow-up—

The Hon. T.G. Cameron: Is she aware of all that raw sewage going into the river?

The Hon. DIANA LAIDLAW: Yes, a whole new standard with regard to houseboats and effluent disposal has been undertaken in recent times, and I agree with the honourable member that it is a concern. I will refer the honourable member's questions to my colleague, and I am sure that she is promptly addressing the matters following earlier representations from the Hon. John Dawkins.

PETROL SNIFFING

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Aboriginal Affairs, a question about petrol sniffing.

Leave granted.

The Hon. T.G. ROBERTS: Petrol sniffing has become an endemic problem, particularly in the northern parts of this state—

The Hon. M.J. Elliott: John Cornwall fixed it up over 10 years ago!

The Hon. T.G. ROBERTS: As the honourable member interjects, many ministers in many governments over many years have indicated to this Council that the problems are in hand, and that the elimination of petrol sniffing as a social and a health problem, particularly amongst young Aboriginal people in the northern parts of our state and in the Northern

Territory, has been achieved. It is quite clear that that is not the case. It has been reported to me that not only has it not been fixed but it is getting worse. I make no judgments as to what governments are doing and have done, and what communities are doing and have done, because a lot of people with a lot of goodwill are trying to find solutions to the problem. However, a lot more effort needs to be put in to get on top of the issue. Certainly, the issues of unemployment, underemployment, education and certainly working with the communities to eliminate those problems need to be part of that solution.

I understand that the Federal Government has supplied two grants to Aboriginal groups to try to get on top of the problem, one of $800 000 and another of $850 000. I commend the Aboriginal organisations that have received these grants and are working in the field trying to find solutions. However, they need a lot more support. My questions are:

1. Is the minister aware of the continuing problem of petrol sniffing in central Australia and in northern South Australia?

2. What state funding and support has been made available to address this health and social problem?

3. What long-term strategies has the state government put in place to break the cycle of petrol sniffing and substance abuse?

4. Would the state government consider a joint South Australian-Northern Territory-Commonwealth project to try to eliminate petrol sniffing in regional and remote communities?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I will refer those questions to my colleague in another place and bring back a reply.

ELECTRICITY TRANSMISSION

In reply to **Hon. P. HOLLOWAY**, **Hon. NICK XENOPHON** and **Hon. T.G. CAMERON** (30 September).

The Hon. R.I. LUCAS (Treasurer): As advised in my response of 30 September 1999 a State Government Working Party has been established with representatives from the Electricity Reform and Sales Unit, Planning SA, PIRSA, the Crown Solicitors Office and the Environmental Protection Authority.

The Working Group was established to provide a single point of contact for TransEnergie within the South Australian Government in relation to the planning approval processes necessary for the project and to ensure effective coordination across the State Government agencies in relation to any other issues.

To date, the Working Group has met on two occasions, both at the request of TransEnergie. The purpose of the meetings was for TransEnergie to provide an update to the Working Party on the status of the project and to discuss the government approvals necessary for the development. The Working Party will continue to meet on an 'as needs' basis only.

It should be noted that the working party is at this stage only proposing issues that TransEnergie may wish to consider and referring TransEnergie to the relevant State Government contact. TransEnergie is responsible for obtaining its own formal advice for all feasibility studies and for meeting all the relevant statutory requirements.

The State Government sought extra capacity in South Australia of 150MW by 1 November 2000 and an additional 100MW by 1 November 2001. There are significant incentives for National Power to have this generation capacity available on time. The Government therefore still expects the Pelican Point Power Station to be completed to the extent contractually required.

You may also be aware that, although National Power is contractually obliged to commission at least 250MW, it has stated its intention to build 500MW by 1 November 2001.

The Government has not undertaken any specific modelling of the different impact a non-regulated interconnector and a regulated interconnector would have on the South Australian pool price.

The Government's analysis is that a regulated interconnector will provide few energy market benefits, given current prices in Victoria and New South Wales. Even in early 1998, when New South Wales and Victoria spot market prices were much lower than today, there was concern that any energy market benefits from a regulated interconnector would be short-lived.

A non-regulated interconnector will have an economic incentive to offer its capacity in the market so as to maximise the flow across its line when price differences exist between the regions it connects. Its impact on the South Australian pool price will be limited by the capacity of its line, and as such is similar to an equivalently sized regulated interconnector.

The main benefit of an unregulated interconnector lies in South Australian consumers not bearing transmission charges of $15 million to $20 million per year as is the case with a regulated interconnector.

The Government's studies show that Riverlink will impose transmission system charges of $15 million to $20 million per year.

An unregulated line places no costs on taxpayers or consumers of South Australia, with all the costs being borne by the proponents of the project.

Therefore, the difference in costs borne by either taxpayers or consumers has been forecast to be between $15 million to $20 million per year.

PLAYFORD POWER STATION

In reply to **Hon. P. HOLLOWAY** (7 July).

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

1. In late 1998, following protracted discussions and exchange of information, Flinders Power Pty Ltd (at the time trading as Optima Energy) applied to the EPA for extensions to the licence and exemption relating to Playford Power Station at Port Augusta. The then current licence and exemption had been issued by the EPA under the Environment Protection Act and was due to expire at the end of 2000. The EPA approved the extension of the licence to 30 April 2004.

Because of its age and technology, the Station has been unable to comply with the current emission limits for particulate (dust) emissions caused by fly ash in the flue gas. The relevant gas emission limits are set out in the Environment Protection (Air Quality) Policy under the *Environment Protection Act 1993*. These limits are exceeded for a short period when the Station is started up and in other limited circumstances such as when a precipitator used to extract fly ash dust fails.

The EPA licence limits the number of hours in any year during which Playford B can operate in certain ranges beyond the current emission limits. Because of this limitation, Playford B is generally used only in a 'peaking role' when demand is high or when other generators are out of service. It is also started for training purposes on a regular basis.

In 1995, $3.5 million was spent to refurbish Playford B, including work on the precipitators. In late 1998 and early 1999, a further $5.72 million was spent on refurbishment, including $1.6 million on extensive precipitator upgrades to improve station reliability and environmental performance.

The information provided to the EPA for the consideration of the extension of the licence and exemption included a comprehensive analysis of several years of ground level (and ambient) concentrations of dust in the City of Port Augusta. The monitoring shows that the ambient dust levels in the City of Port Augusta meet the stringent new National Environment Protection Measures for Ambient Air Quality.

The extremely rare instances of higher dust levels are more likely to be associated with normal weather conditions (eg high wind events) than the operation of Playford Power Station.

2. The Playford B EPA licence exemption carries with it a requirement for Flinders Power to produce an Environmental Improvement Program acceptable to the Environmental Protection Authority with the objective of either securing compliance with Air Quality Policy by 2004 or alternatively, outlining any proposed decommissioning strategies for this power station.

It is not the Government's current intention to seek a further extension of the EPA licence from 2004 to 2010. However, the issue of plant improvement is currently under consideration so that potential bidders will be able to assess the future role of Playford B and options for improving its environmental performance. Decisions on the future of Playford B will be made by the new operators.

3. The current EPA licence exemption already requires the operator of Playford B to develop strategies to achieve compliance with current emission requirements by 2004 if it decides not to decommission Playford B at that time. The EPA is responsible for enforcement of licence requirements.

To achieve improvements in the environmental performance of Playford B, the new operators bidder will need the guidance and approval of the EPA.

The EPA will determine the appropriate standards if the life of Playford B is to be extended beyond 2004.

YEAR 2000 COMPLIANCE

In reply to **Hon. CARMEL ZOLLO** (8 July).

The Hon. R.I. LUCAS (Treasurer): The Minister for Year 2000 Compliance has provided the following responses—

1. The Infrastructure Forum which was proposed for Adelaide in August 1999, whilst given careful consideration, was rejected. It was not a forum planned by the Commonwealth for consumers but business.

Therefore this forum would have duplicated work already undertaken in South Australia.

The Government does not want the Commonwealth to spend money in this State on issues that have already been covered.

2. The objection principally related to wasting public money. The Commonwealth proposed to commit $40 000 to the forum but the same objectives were already being addressed through:

- Boral Energy, our gas supplier contacting face to face their 1000 top customers.
- Our Electricity Authorities have held a forum for their top 200 customers in March with a further forum which was held on 10 August 1999.
- Banks contacting their major customers.
- SA Water contacting major customers.
- Gas, Water and Electricity providers including information with their bills to all customers
- An information brochure for businesses and the wider community on the preparedness of utilities and other major services-providers has been developed. Already, 17 000 of these brochures have been distributed; a far wider contact with business than forums could hope to achieve

3. There are a number of initiatives currently being undertaken both at State and Federal Government level.

These are made up of the following—

- The Year 2000 Information Disclosure Act No. 29 has been enacted in South Australia to mirror the Commonwealth Act which encourages businesses to exchange/disclose information on their Y2K status to their trading partners without fear of future legal litigation.
- The National Ministerial Council for Consumer Affairs has had the Year 2000 issue on its agenda as a 'flagship' project for 2 years producing two brochures one aimed at consumers and the other at small businesses.
- The recent release of the 'Workbook' and the 'Utilities & Essential Services' brochure will greatly assist in providing a simple and logical problem solving approach to the Year 2000 problem for businesses. The Workbook contains a specific section on Information Disclosure.

4. A similar question has already been asked at the Estimates Committee held on 22 June 1999. Whilst committed in principle to supporting local Y2K fixes, the onus is on each Chief Executive or their delegate to evaluate Y2k products and to arrange purchases which best address their particular needs.

EQUAL OPPORTUNITY LEGISLATION

The Hon. CAROLYN PICKLES (Leader of the Opposition): I seek leave to make a personal explanation.

Leave granted.

The Hon. CAROLYN PICKLES: Earlier in Question Time, I asked the Attorney-General about issues involving sexual harassment by members of Parliament. In his reply, the Attorney indicated that he thought he had already responded to me. In fact, he tabled a copy of a reply to an earlier question I asked in August, and the Clerk had not handed it to me. So I am glad that I finally did get a reply, and I do apologise if I reflected on the honourable member for not replying to my earlier question, even though it was rather late in coming.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 30 September. Page 90.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The opposition supports the motion. First, I would like to thank the Governor of South Australia and acknowledge the contribution that he and Lady Neal make to the community on a ongoing basis. Their commitment to the arts is particularly noted not only by me but by many South Australians in the arts community. Also, the availability of Government House by this Governor in particular is exemplary to the extent, I understand, that he now has to schedule people two years in advance, because Government House as a venue is so popular. It is pleasing to see that Government House of late and when it was occupied by the previous Governor, Dame Roma Mitchell, is much more open to the public. The present Governor's interest in young people in this state is to be commended, and he is always trying to do something to encourage young people, drawing from his own experience of starting life in a fairly humble sort of way and rising to the heights of Governor of this state. He understands the difficulties that a lot of young people have today, and I know that he is very concerned about some of their futures. He has been doing an excellent job.

In considering my contribution to this Address in Reply, I am somewhat perplexed about where to start. Of course, one cannot discuss the future move forward without reflection and consideration of this Government's performance. In doing so, I am motivated by what is, in my view, the best interests of the state and the community, both now and in the future. I wish I could say the same for the Olsen Liberal Government. I firmly believe that, as politicians, we have an obligation and a responsibility to act beyond the perceived political gains of the short term. Sadly for the people of this state, this is a lesson the government will learn only when it experiences the same fate as the Premier's friend and mentor, the Hon. Jeff Kennett. I have not caught up with the latest news, but I would hope that he has done the decent thing and stood down today. I would also like to congratulate my colleague Mr Steve Bracks in Victoria for the wonderful performance that the Labor Party put up during the last election. I wish him and his new team well.

In formulating my reply today, I found that there was a strong and resounding theme persistent across a number of issues. That theme, which sticks out like a sore thumb, is government incompetence and, worse still, total contempt for the community, total disregard for the wishes of the people and the blind pursuit of a strategy based on the crash or crash through approach to public policy. If I were presenting gong awards to the government, we would be here all night. While the potential awards list is endless, I think it should begin with the best example of this government's style. Of course, it needs no introduction: we all know that I am referring to ETSA and the disgraceful display of government arrogance as it stormed through against the will of the people.

I think the second gong should go to the Hon. Mr Brokenshire for his determination to proceed with his highly

unpopular, inequitable and ill conceived emergency services tax. Of course, he had to back down on that to some extent. The police minister has done a fine job of demonstrating how not to govern. Of course, that is assuming the government is interested in governing in the interests of the state. My, what a bold assumption that is!

The crisis gripping our hospitals is another shining example of the contempt that this government has for the community. If South Australians cannot rely on hospital care let alone a bed in an emergency, what can they rely on? The Hon. Dean Brown certainly deserves a gong for his pathetic efforts. Even the Public Service Association had a bit to say about the former Premier. I quote from its annual report card, which received media attention last week. An article in the *Advertiser* referring to the Hon. Dean Brown states:

> Leadership is lacking, management is generally short sighted and lacks the human touch in dealing with issues that often spark a strong emotional outcry from the public—all in all, it's been another bad year.

The list goes on. There is mining in the Yumbarra Conservation Park and the potential destruction of parklands. This is a government which does not care and which has never been more blatant.

I would now like to focus on the emergency services tax which one day—I hope in a couple of years—will prove to be a nail in this government's coffin. Why? It is because people simply cannot dig any deeper: it is as simple as that. South Australians are hurting, and this government through either incompetence or arrogance is making things worse. As I stated in this place only a couple of months ago, the opposition, because it behaves responsibly regarding Treasury issues, originally supported the notion of creating a fairer and more equitable means for government to fund emergency services. Knowing this, the government chose not to do the right thing by the people but instead decided to add a bit of cream to its coffers: $141 million sounded like a good round figure.

What do we as taxpayers get in return? As we suspected, and as has been confirmed by the select committee which inquired into this matter, there is little new money going into funding emergency services. What we have is totally transparent: the emergency services levy is plugging a hole created by the government radio network at an extraordinary cost of $250 million. Now we have the government using the proceeds from the lease of ETSA, which it does not even yet have, to fund a $20 million reduction in the emergency services tax on homes. The government rubbed salt into the wounds as we watched the Premier on television wasting more taxpayers' money on flashy ads explaining why they are being taxed out of existence. At the same time, families are struggling to feed themselves and educate their children.

Whilst it has provided some financial relief to property owners, the government has done nothing to ameliorate the burden carried by motorists. Where is the relief for motorists from this unbearable flat, across the board tax of an additional $32? I will quote Mr John Fotheringham, the CEO of the RAA, who has done a commendable job in looking after the interests of motorists. Referring to the emergency services levy, Mr Fotheringham states:

> It will raise $60 million more than in 1998-99, yet more people are being taxed than before.

This slap in the face to struggling families comes on top of this government's blatant tax grab from motorists in general. For instance, according to RAA figures, the annual fees and charges on a six cylinder car have risen from $368 in 1993-94 to $483 in 1998-99. CTP premiums, CTP stamp duty, registration and licensing have all increased since the Liberal government took office in 1993. If one adds to this the $40 million or so collected by the government last year from anti-speeding devices, one wonders how this government can be serious about real road safety measures when this is such a lucrative business for it.

On top of this comes the government's bad track record in attracting patronage on public transport services. The situation created by the government is one where motorists struggle financially to keep a car on the road, but the public transport alternative is not much more accessible or attractive.

The minister and the government can try to spin themselves out of this mess, but the figures speak for themselves. In 1997-98, the Passenger Transport Board recorded a decline in patronage of 1.7 per cent. Instead of trying to stem the decline, this arrogant and out of touch government increased fares by an average of 7 per cent in 1997-98. According to a leaked document, in real terms this was in fact 10 per cent. A year later, the impact of those fare hikes was a further 5 per cent decline in patronage in 1998-99. The following is what the minister said about this decline (*Hansard*, 24 June):

> Certainly I have acknowledged in this place and through the media that the fare increase this year has contributed to a reduction in patronage. . .

It does not get much clearer than the minister openly admitting this government's policy failings. This government has failed not only itself but other members of the community who rely on public transport as their only means of transportation. I hope we can increase patronage of public transport. It is not easy to insist that people use public transport. One of the problems that we have—and regretfully have had over a number of years—with ameliorating the government's policies is that more parking stations have been opened in the city, reaping large amounts of revenue for the local council. This has not done anything to encourage people to use public transport. Issues of safety and all sorts of other issues have been raised in this place time and again.

I also want to mention the GST. While the federal government is busy promoting the reduction in the cost of electrical goods, it is yet to say much about the impact of the GST on important social services such as the provision of public transport. I have tried for a long time—most recently during the estimates debate—to seek an answer or even basic information from the minister regarding the impact of the GST on the price of, for instance, a bus fare. Will fares increase or will the Passenger Transport Board absorb the extra 10 per cent GST? That is the question, and I will keep pursuing it until the minister decides that accountability and openness are not such bad things—unless, of course, you are trying to hide something. The best case scenario—the possibility that the minister does not know—is somewhat frightening. I suspect the reason why the public has not been told is that the government knows that the introduction of the GST is likely to cause a further slump in patronage as fares will definitely have to be raised.

Whilst referring to the topic of failings, I am compelled to mention mining in the Yumbarra Conservation Park, something about which I feel very strongly. As a committed conservationist, I believe that Yumbarra is a pristine example of mallee country which deserves to be conserved so that my children and their children, and all the children in this state, can enjoy and learn from it long after I am gone. This government's handling of this matter has been disgraceful to say the least. As usual, the level of negotiation and consulta-

tion with the varied representatives of the local community is questionable.

As further evidence of the government's motives in this debate, I refer to a memo prepared by Mr Ric Horn, former director of minerals, dated October 1995, which was recorded in *Hansard* earlier this year. Referring to Yumbarra, Mr Horn states:

> I believe it is unnecessary from a prospectivity point of view and could seriously hinder our efforts to gain access to more highly prospective parks such as Lake Gilles and the western Flinders Ranges.

Here is the government's own adviser indicating that there are sites more viable than Yumbarra, but still the government is determined to crunch its way through this issue despite the environmental and community impact.

A positive area on which I would like to focus briefly—I hope it will be a positive area—relates to the republic and the impending vote on 6 November in which we all have the opportunity to impact deeply and fundamentally on the future of this country. As we approach the vote it is interesting to see the various forces emerge. On the monarchists' side we have a very deliberate scaremongering campaign under way, muddying the waters with fear and loathing. For instance, I received in the mail recently a pamphlet produced by the Australian Monarchists League which outlines the dangers of a republic and which states:

> We are the first to agree that our constitutional monarchy is not perfect, but has it not protected us from the sort of political unrest and terrorism rampant in the United States and most other nations?

What a stupid statement. I am greatly disappointed by these antics which are misleading and negative. I commend the positive campaign run by the republican movement which rightly focuses on the future, that is, our children and their right to one day become President. I love the t-shirt which I bought by grand daughter recently and which reads, 'One day I'll grow up to be President.' I think that is a lovely, positive statement for kids. Australia as a nation came of age a long time ago. Why should there be any fear about formalising such a relationship when it is long overdue?

I was not born in this country: I was born in the United Kingdom. This country is mine by adoption, by a legal document, but it is also my country because I feel it most deeply in my heart. I believe that the Queen of England is very appropriate for England, but I do not believe that she is any longer appropriate for Australia.

I turn now to issues in the arts. To some extent there has been for many years now (and I hope that it will continue) a bipartisan approach to the arts. I believe that both the minister and I agree that the arts provide a very fundamental role for all South Australians—particularly with regard to the Festival of Arts which has been occurring for 25 years and which has provided much enjoyment and economic value to the State.

We have experienced a period of great creativity and development in the arts in South Australia recently. I believe that the Festival of Ideas is probably the greatest example of what can be achieved by this state in the spirit of collaboration and goodwill. Of course, one cannot mention the Festival of Ideas without mentioning Greg Mackie, whose idea it was originally. I understand that he sat down and had coffee with the minister and said, 'This is a good idea; let's do it.' It is terrific that the project was taken up by the government and by the sponsors. I believe that we need more people like Greg Mackie in this state to get things up and running.

The Festival of Ideas has successfully demonstrated that there are different ways of putting this state on the map nationally and internationally at far less cost to the taxpayer than some of the ideas projected by the Premier of this state. The generation of ideas that emerged from this very broad community dialogue was exceptional and, again, I congratulate the organisers and sponsors who had the vision to back the festival. The recently ended Barossa Music Festival is another bright, shining light in South Australia. Apart from the outstanding artistic program, what I applaud about this festival is its links with the Barossa as a region.

The economic and social benefits to the community are enormous. Interstate and overseas visitors think that it is such a wonderful idea. The festival is so accessible, the tickets are relatively cheap and you can have the additional enjoyment of travelling either by your own vehicle or taking public transport buses or going by train and visiting wineries. I understand that the accommodation in the Barossa has been filled to overflowing. It is fantastic that this is still occurring, and I hope that we will see many more years of this festival.

The appointment of Rosalba Clemente as the Artistic Director of the State Theatre Company and the recent release of Scott Hicks's new film *Snow Falling on Cedars* are further testament to the progress and achievements of this State in the area of the arts. In the latest local *Messenger* newspaper an article appeared which I have not had time to read in detail but which talks about the achievements of our younger performing artists. It is wonderful that we continue to have numbers of young people who want to go on and be artists and who continue to put South Australia on the map.

On a more depressing note, a number of concerns have been raised about the financial direction of the Jam Factory and the uncertainty regarding changes taking place at the Festival Centre. As I move around in arts areas I do get some quite strong negatives about these areas. This has been by no means a definitive list of the achievements of the arts. Opera is another area that I have enjoyed attending this year. Another performance of *Madama Butterfly* will be staged at the weekend and I urge all members to support their local opera company and attend. I know that it is a particular challenge for opera to try to attract young audiences, and the Barossa Music Festival included a wonderful performance by OzOpera.

I believe that, had there been commonwealth funding, it would have been fantastic to take OzOpera around to schools in particular so that it could be accessed by young people. It is certainly a very different way of looking at opera. It is a very unique and dramatic introduction to opera as well as being very accessible and modern for young people to understand a different kind of music. That is not to say that the kind of music they enjoy is irrelevant or of no account or of no artistic merit—I think that it is. In particular, one artist from the opera performed a very compelling piece to the tune of techno music, which was quite interesting to listen to.

All in all, I congratulate and commend people in South Australia. We are all looking forward to another Robyn Archer production of the festival next year. Already I have had meetings with Peter Sellars, who will be running the subsequent festival, which I am sure will be a very exciting, dynamic and different festival. I certainly look forward to working with Mr Sellars in whatever way I can as an opposition spokesperson to make that a successful festival.

I would like to mention briefly my disquiet in reading the latest funding arrangements that have come from the commonwealth in relation to women's organisations. It is

very disappointing that some women's organisations have had their funding downgraded. I believe that these are areas we can ill afford to neglect. I understand that Senator Newman has indicated that she will allocate $35 000 to be divided between the Women's Electoral Lobby, the Australian Federation of University Women, the Muslim Women's National Network (Australia) and the National Women's Justice Coalition for Capacity Building. That means the Senator is giving them money so that they can learn how to write a tender for the next round because it is such a small amount of money.

I was also very interested to read a recent *Weekend Australian* article with the headline 'Big girls' stoush' and the derogatory way that women are portrayed in the media. The article is quite important and highlights that, when the government failed to send a woman as part of a 12 person delegation to an international labour organisation conference on pregnancy and the workplace, one spokesman for Workplace Relations and Small Business Minister, Mr Peter Reith, explained, 'You do not have to be pregnant to present a policy position', which is a very unfortunate remark.

Women seem to be taking one step forward and a couple of steps back, and a lot of young women that I talk to believe that we have achieved equality, but I warn them that equality is a very fragile thing and it will only be maintained if we continue to fight for it in very much the same way as democracy must be protected. Democracy is something that we have all come to take for granted but we know that there are many countries in this world that have not achieved democratic government and therefore it is very important that those fragile gains be maintained. I conclude by urging all members in the chamber to vote yes for a change on 6 November.

The Hon. CARMEL ZOLLO: I rise to support the motion for the adoption of the Address in Reply and in doing so I thank the Governor for his opening speech. In opening this session the government would like us all to believe that things are going well in the state of South Australia. Of course we all wish that were so, but many people in the community and members of the opposition disagree with such a glowing assessment. The pursuit of dry economic rationalism does not bring joy to many people's lives. I am pleased to see that Mr Jeff Kennett was taught that lesson in the best possible way in the Victorian election. The continuing pursuit of dry economics comes at a very high social cost. The quality of many people's lives is impacted negatively by such things as privatisation of utilities, cuts in health services and housing, to name just a few. I noticed in today's *Advertiser* the federal Leader of the Opposition (Hon. Kim Beazley) quoted as saying that more Australians were trusting Labor because it recognises that, although the economy is doing well, not all Australians are benefiting. He was expressing much the same sentiments.

I do not claim to be psychic but I do remember saying the following in my appropriation speech in July:

> A recent article on Victorian Treasurer Stockdale's legacy, written by Michael Salvaris, Senior Research Fellow, Institute of Social Research, Swinburne University, pointed out that in Victoria:
>
> '. . . public debt, never very high by international standards, has been dramatically reduced; but in the process so have the assets and future public revenue of the Victorian people, while consultants pocketed up to $1 billion.'
>
> Mr Salvaris went on to say:
>
> 'On the social side, many serious problems result directly from the Stockdale-Kennett financial 'reform' agenda: in education and health, welfare and children's services, legal aid, local government and public transport, Victorians are relatively worse off.'

The Premier and his ministers would have us believe that they are now listening to the people, hence the reduction in the new emergency services property levy and the scrapping of the proposed toll on the bridge to Hindmarsh Island. While welcoming any tax relief, no matter how small, I suggest that this government has a lot more listening to do.

I spoke at some length on the levy during debate on the Appropriation Bill and on the emergency services levy bill. I see little value in repeating the same points other than to say that there appeared to be little justification for the amount of levy to be charged. It involves a lot more than merely replacing the old system. As the Premier is in listening mood, many people are hoping that he will hear their protest when it comes to the flat emergency services levy on their cars. The flat levy is a very regressive tax and a particularly heavy burden on many working class families, who often have to run more than one car because of the difficulties with public transport, especially in the outer suburbs. Does the government believe that it is fair that someone on a very high salary who can afford to purchase and run a $30 000 car or cars should pay the same fee as a struggling family running a 10 year old or 15 year old car? I think not. In her speech my colleague the Hon. Carolyn Pickles listed other rises in the cost of running a car. For many families it is all too difficult.

The Liberal philosophy of making people responsible for their own destiny is fine when people are empowered by education and employment—at least employment. When they are not so empowered, that philosophy punishes them and their families. I believe that we end up with only a statistical recovery, not a real recovery that improves everyone's quality of life. Some of the greatest swings in the Victorian election were in country seats. For a number of reasons country South Australia has suffered in much the same way as country Victoria. I have placed these sentiments about regional South Australia on the record on a number of occasions, and I am sure that the establishment of a fund worth $4.5 million per annum over three years for new regional development will be very welcome in country South Australia. Only time will tell whether such an amount is enough to make any significant difference.

Regional South Australia has seen the closure of many services such as financial institutions and a reduction in health services, educational services, etc. The Hon. Angus Redford spoke about the Labor Party deserting country South Australia. One needs to remind him that it was his own federal Liberal Party, not a Labor government, that removed many millions of dollars from regional Australia. Nonetheless as an upper house member representing the whole state, I am pleased to see some of the figures in relation to the state's food industry and the good economic performance recorded in some regional areas, especially the Riverland. It is disappointing that poor earlier rains, especially in the upper north and north-east of the state, have meant that the estimated value of the state's grain crop has been officially downgraded by at least $100 million from last year. It is expected to be worth between $850 million and $900 million.

The matter of employment has always been one to enjoy strong bipartisan support. We have been told that South Australia has had 14 consecutive months of increasing trend in employment levels. The latest figures are still high, at 8.2 per cent and 26.7 per cent for youth unemployment, but like everyone I hope that such figures are part of a long-term

improvement in our unemployment rate. In education, there are strong concerns among parents who feel that their economic circumstances might impact on the ability of their children to receive the best education, whether in the city or in country South Australia. After last week's revelations in the federal parliament, if Dr Kemp and Prime Minister Howard have their way most people in the community will not be able to afford to attend university.

Partnerships 21 has been foisted on our school communities in a way that has resulted in a lot of anxiety and confusion for many people. My colleague in another place the member for Taylor and shadow minister for education recently issued a press release in which she articulated the opposition's concern that, while schools have been offered big money to take up the Partnerships 21 plan, the plan is short on detail about the risks and liabilities schools will face under self-management. The opposition has estimated that the cost of promoting Partnerships 21 could be well in excess of $250 000. We also believe that local school management should not be used as a tool to shift more of the cost burden on to parents through higher school fees. Neither should it be used to create a two-tier state school system.

I was pleased to receive a response to a question I asked of the health minister on 10 June 1999 in relation to the chronic shortage of general practitioners in country South Australia. The minister indicated that he would be lobbying the federal Minister for Health and Aged Care to increase the number of overall training positions for general practitioners. Regrettably, much concern has been felt by the community and by staff in the major teaching hospitals over the proposed rationalisation of the delivery of services and, as is often the case, such proposals were leaked. One would have expected some mention in the Governor's speech about health services. Concern has been expressed at all levels, including by providers, and the omission is more than obvious.

I was surprised to pick up Adelaide's only daily recently to see a large heading stating, '$300 on-the-spot fine—Guidelines for tough stand on water polluters'. The very large headline referred to the proposed new fines targeting domestic water polluters across the state. Any action which serves to protect our environment will, of course, have the support of the opposition. However, the headline did serve to show the stark contrast in how this government and the EPA deal with large industrial pollution incidents and the pollution by individuals in residential areas. We all remember the recent major oil spill and the lack of action by the minister and the EPA. As far as I know, there has still not been any direct action. It seems to be much easier for this government to slap a relatively huge on-the-spot fine on a person who may occasionally wash their car on the road than to take appropriate legal action against a big company for a very large pollution incident.

It appears that the EPA lacks the proper legislative framework and the government the resolve to tackle large scale polluters. It just cannot get it right when it comes to getting community support and involvement in managing the environment. Country people at the gateway to Yorke Peninsula are definitely not happy to see their area become the rubbish dump of South Australia.

Whilst the opposition's attitude to the legislation announced in the Governor's speech will be determined when details are tabled, I welcomed the announcement in relation to the Electronic Commerce Transaction Bill. I have kept an eye on the federal legislation and I will be pleased to see this proposed legislation, which will put electronic transactions on the same footing as paper transactions.

I recently attended a conference in Asia which had the theme, 'Protection of personal data, information technology and electronic commerce in the new millennium'. I think it is important that we listen and learn more about these issues, which have significant social and technological effects on our community as we move into the new century. We all need to decide how we apply technology and how we allow technology to be used. Such discussions are topical, relevant and timely. Never before has it been possible to collect so much data on so many people at any one time so quickly.

The manner in which we regulate or choose not to regulate such transactions, or the manner in which we choose to protect or not protect a person's or a company's privacy, has significant effects on the success or otherwise of electronic commerce. If the community does not have confidence in the system—that it is not only secure in terms of fraud but also privacy protected—then this new method of commerce will never have the success that it deserves. The conference in Hong Kong was opened by the Hon. Justice Michael Kirby, justice of the High Court of Australia, and attended by delegates from all over the world, including representatives from Australia, both from the private sector and the public service. Justice Kirby was at one time chairman of the OECD expert groups on privacy and subsequently data security. The Australian Privacy Commissioner, Mr Malcolm Crompton, was also present.

Electronic commerce has privacy implications that impinge on the work of the federal Privacy Commissioner. The Commissioner has undertaken or is undertaking discussions in the community in three states other than South Australia in relation to the introduction of possible legislation to cover the private sector in Australia. His proposed legislation will be based on the national principles for the fair handling of personal information. These principles, essentially in accordance with the OECD guidelines, set out standards for the collection, use, disclosure, quality and security of personal information as well as access to and correction of such information by the individuals concerned.

At this time the federal government has announced that it proposes to develop a light touch legislation regime to support and strengthen privacy protection in the private sector. Whilst I understand that in principle the federal opposition approves of the legislation, it has reserved its right of support until it has perused the actual bill. I understand that the proposed legislation also provides exemption for those in private commerce who can demonstrate a system in place that best meets their commercial needs while protecting the privacy of their customers. I also hope to see public consultation in South Australia so that our community can have a say and be involved in its development. There is currently no general privacy legislation in Australia that covers the handling of personal information in the private sector. Such legislation was proposed in Victoria but it has lapsed because of that state's election, and we will now need to wait and see what will happen there.

In relation to the Electronic Commerce Transaction Bill, certainly if South Australia is to maintain and win new business in the new century such legislation is not only desirable but essential. Business needs the necessary legal framework to be able to undertake such transactions with full confidence.

The opposition awaits expectantly to see the fine print as to what exactly is meant in the area of WorkCover by 'a

range of amendments that will focus on promoting worker safety within a commercial approach'. I hope I am proved wrong. However, based on the proven paranoia of both this government and the federal government when it comes to workers and unions, I have no doubt it will entail a further curtailing of workers' rights and entitlements, and the opposition will strenuously oppose any such legislation.

I recently read a comparison between industrial relations legislation in Italy and Australia in the English section editorial of the publication *Il Progresso Italo-Australiano*. The *Progresso* is a journal of the National Institute of Social Assistance, an institution which has been in existence for 25 years in Italy. The article was titled 'Economic recovery rides on the back of workers'. I think the following paragraph nicely sums up the sentiments of the editor and many anxious workers:

> There are some important differences in the approaches of various countries all trying to achieve change, enhance competitiveness and improve efficiencies in a global market in which they want to be important players. Some governments prefer a cooperative approach in pursuit of their policies and get better results than Australia's conservative governments, which show a predilection for confrontation.

The article goes on to make some telling contrasts between Italy and Australia in the way industrial relations is handled. In particular, it notes:

> In Australia, Peter Reith spends millions of dollars of taxpayers' money to urge workers not to join unions, and proposes legislation euphemistically described as labour market reforms to undermine the capacity of workers to stand up for their rights.

I also note the passing of two former members of the South Australian Parliament, Mr Keith Russack, former member for Goyder, and the Hon. Mr Don Dunstan, former Premier of South Australia and former member for Norwood. I commend the motion for the adoption of the Address in Reply.

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

CITIZENS' RIGHT OF REPLY

Adjourned debate on motion of Hon. K.T. Griffin:

That during the present session, the Council make available to any person who believes that he or she has been adversely referred to during proceedings of the Legislative Council the following procedure for seeking to have a response incorporated into *Hansard*—

I. Any person who has been referred to in the Legislative Council by name, or in another way so as to be readily identified, may make a submission in writing to the President—

(a) claiming that he or she has been adversely affected in reputation or in respect of dealings or associations with others, or injured in profession, occupation or trade or in the holding of an office, or in respect of any financial credit or other status or that his or her privacy has been unreasonably invaded; and

(b) requesting that his or her response be incorporated into *Hansard*.

II. The President shall consider the submission as soon as practicable.

III. The President shall give notice of the submission to the member who referred in the Council to the person who has made the submission.

IV. In considering the submission, the President—

(a) may confer with the person who made the submission,

(b) may confer with any member, but

(c) may not take any evidence,

(d) may not judge the truth of any statement made in the Council or the submission.

V. If the President is of the opinion that—

(a) the submission is trivial, frivolous, vexatious, or offensive in character, or

(b) the submission is not made in good faith, or

(c) there is some other good reason not to grant the request to incorporate a response into *Hansard*,

he shall refuse the request and inform the person who made it of his decision. The President shall not be obliged to inform any person or the Council of the reasons for his decision.

VI. Unless the President refuses the request on one or more of the grounds set out in paragraph V of this resolution, the President shall report to the Council that in his opinion the response in terms agreed between him and the person making the request should be incorporated into *Hansard* and the response shall thereupon be incorporated into *Hansard*.

VII. A response—

(a) must be succinct and strictly relevant to the question in issue,

(b) must not contain anything offensive in character,

(c) must not contain any matter the publication of which would have the effect of—

(i) unreasonably adversely affecting or injuring a person, or unreasonably invading a person's privacy in the manner referred to in paragraph I of this resolution, or

(ii) unreasonably aggravating any adverse effect, injury or invasion of privacy suffered by any person, or

(iii) unreasonably aggravating any situation or circumstance, and

(d) must not contain any matter the publication of which might prejudice—

(i) the investigation of any alleged criminal offence,

(ii) the fair trial of any current or pending criminal proceedings, or

(iii) any civil proceedings in any court or tribunal.

VIII. In this resolution, 'person' includes a corporation of any type and an unincorporated association.

(Continued from 29 September. Page 52.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): I rise very briefly to support the motion. This sessional order operated in the last session of Parliament. It was an experiment and I think it worked very well. There was a particular instance, which is the subject of a motion in private members' business and which I will not go into, where the President made, in my view, a correct ruling. So the opposition is pleased to support this sessional order again.

The Hon. J.F. STEFANI secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION (APPEALS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 September. Page 54.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The opposition opposes the second reading. This legislation came before the Council in 1995 and again in 1998. We certainly opposed it at great length, then and I refer to *Hansard* of March 1998.

The opposition believes in enforcing law and order and inflicting punishment upon those proven to have committed serious crimes, and to this end there are established processes to enable this to occur. However, the government's attempts to subject an acquitted person to the possibility of a further conviction is offensive and challenges basic principles of

common law. It is a tradition of the law that an accused cannot undergo double jeopardy, that is, be tried twice for the same offence, and that has been referred to by the English jurist Blackstone, who mentions 'the universal maxim of the common law of England that no man is to be brought into jeopardy of his life more than once for the same offence'. We have opposed this on two previous occasions and we have not changed our view. I oppose the second reading.

The Hon. K.T. GRIFFIN: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

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

JUDICIAL ADMINISTRATION (AUXILIARY APPOINTMENTS AND POWERS) (DEFINITION OF JUDICIAL OFFICE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 September. Page 54.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The opposition supports the second reading. This bill provides for auxiliary appointments to the Environment, Resources and Development Court. The opposition recognises that there are times when in any workplace there is a need to respond flexibly to short-term urgencies and other matters arising from time to time. I support this provision which I hope will enable better service delivery to the community. If ever there was a need to expedite matters efficiently I would argue it is in the judicial system where costs of a financial and personal nature can be very high. I would like to ask the Attorney-General, however: what provisions are there to ensure these amendments are not abused and do not result in any salary blowouts for the court through the unnecessary employment of extra staff? I support the second reading.

The Hon. IAN GILFILLAN: The Judicial Administration (Auxiliary Appointments and Powers) Act 1988 already allows, and has allowed for the past 11 years, for temporary appointments, in effect short-term contracts, for judges, masters and magistrates. A similar authority for short-term appointments of judges, masters and magistrates is found in the Supreme Court Act 1935—I believe that a relevant amendment was passed in 1981—and the District Court Act 1991. The bill extends the same or similar provisions to commissioners of the Environment, Resources and Development Court. The commissioners are not judges, although my reading of the ERD Court Act 1993 is that they do in some cases exercise judicial power as defined by the High Court.

I would like the Attorney-General to clarify whether that is in fact the case. However, unlike Supreme Court judges, District Court judges and masters, ERD commissioners cannot be appointed on short-term contracts unless they are also appointed on a part-time basis, a situation which is covered by schedule 1 of the ERD Court Act. If this bill is approved by parliament then, according to the government, there will be greater flexibility in responding to the workload of the ERD Court and preventing backlogs of cases when permanent commissioners are ill, on leave, or otherwise unavailable.

In researching this bill it was interesting to go back to *Hansard* of 1988 and read the contributions of the Hon. Trevor Griffin when the principal act was being debated. The idea of making short-term appointments to the bench was, according to the Hon. Trevor Griffin, 'open to abuse because it could mean that a lawyer who needed a bit of work and had the necessary qualifications in terms of service could be appointed as a magistrate. The magistrate could preside over a very difficult case and do something which did not meet with the approval of the government but which need not necessarily be contrary to the principles of justice, and a government could then refuse to renew the appointment or refuse to make another appointment at some time in the future of that person who is meant to be in the so-called pool'. That is from *Hansard* of 15 November 1988, pages 1494-95. It carries, as one predicts, the sort of lucid logic which one comes to expect, and still continues to expect, from the Attorney-General.

Mr Griffin also quoted the then views of the Law Society and the then Chief Justice, both of whom were opposed to the appointment of temporary judges, for similar reasons. I would like to take the opportunity now of asking the Attorney-General whether he has changed his views and, if so, why? If the original act was abhorrent to him and the legal profession in 1988, why is he now seeking to widen its application? I do not criticise the Attorney-General merely because he has apparently had a change of heart some time over the past 11 years. Indeed, I would be disappointed if he had not changed any of his views in that time. In fact, he has shown evidence that indeed in other areas he has. We should all be open to persuasion and perhaps convinced by a good argument or a change in circumstances or facts that might justify a different attitude towards a proposed statute.

At the time, we supported the principal act, in 1988, and, much to the disappointment of the Hon. Trevor Griffin, we did not support his amendments which sought to restrict the pool of potential appointees merely to current and retired judges. However, since 1988 we have had a great deal of experience in South Australia of the casualisation of the work force. Many, if not all, senior government appointments, and a host of junior appointments, are now made by way of short-term contract. This may add up to economic efficiency in the eyes of the bean counters in the government but it takes a heavy toll on the social fabric of our society.

I take this opportunity to use just one example. Children who are the victims of severe child abuse sometimes, unfortunately, have to be taken away from their natural parents and placed in the care of the minister. This means, in effect, that they are placed in a foster home or perhaps a series of short-term foster homes. Not only are their home placements often short term but their principal carer, a social worker, representing the minister, is also with them on a very short-term basis. In fact, appointments of social workers on the long-term care team at Family and Youth Services are made for contract terms as short as two months. Being on the long-term care team for a mere two months is not just incongruous or curious, and inconvenient for the worker, it is also, much more importantly, adding to the difficulties of the individual child, who has one short-term contract worker after another introduced and then replaced.

This policy prevents the child building up any sort of relationship of trust, which is so necessary for their recovery after child abuse. However, this government's blind commitment to so-called economic efficiency is so great that it goes on insisting on short-term contract placements in sensitive areas like child abuse. That policy is without doubt causing

more long-term problems for child victims in future years. The policy almost constitutes a child abuse in itself.

I mention this as an example of how this government, the Liberal government, in blind pursuit of an ideology is committed to the notion of short-term contract placements, even in the most sensitive and crucial areas of expertise, where time is needed to build up relationships of trust and confidence. The need to build up trust and confidence in a client applies not only to social workers working with abused children but it is also true for judges, and even commissioners appointed to the Environment, Resources and Development Court. Judges do not necessarily require the trust of, say, accused criminals who come before them, but they do require the trust of the community in general. However, it is much harder for the community to have faith in the legal system when its judges or commissioners are here one day and gone the next.

That sort of staffing policy does not and cannot inspire faith and trust in the judicial system. I expect that, in response, the Attorney-General will say that the provisions of the principal act did not cause any problems over the past 11 years or that the capacity to appoint acting judges under the Supreme Court Act or District Court Act has not been abused, and I hope that that assurance will be received.

However, with the 1990s almost behind us, in 1999 the Democrats are reluctant to have any more categories of employees placed on short-term contracts. We do not want to promote delays in the Environment, Resources and Development Court, but we remain to be convinced that creating yet another category of short-term contract employees is the best response due to perceived problems in dealing with the court's lists. The exercise of judicial power must be carefully separated from the exercise of political powers, as the Attorney-General himself pointed out when he was on the opposition benches in 1988. The appointment of temporary judges is open to abuse by the political process, and this is the reason why we have the doctrine of the separation of powers.

On several occasions the High Court has considered the separation of powers in the constitution when dealing with the issue of who may exercise judicial power. I have not had time, and nor has my office had time, to research and extract the relevant cases. However, the High Court's view is that, in order to safeguard the separation of powers, judicial power may be exercised only by judges who are appointed on a permanent basis so that their potential removal is not subject to the political process. Conversely, persons who are appointed purportedly to exercise judicial power and who are not appointed on a permanent basis are, in fact, not judges or at least cannot exercise judicial power. Any purported exercise of that power would arguably, therefore, be invalid.

I suspect that this High Court view may apply only to judges exercising the judicial power of the Commonwealth as distinct from the states. However, the point is clearly made and should be properly taken by us in the state jurisdiction, as well. I am sure that, with the resources at the Attorney-General's disposal, the correct legal view could be confirmed to this Council. I mention this because I would be disappointed if we are debating the possibility of widening the ambit of a statute when the statute itself may be at risk of being struck down as constitutionally invalid.

I note that the Law Society has changed its official position on this issue since 1988. In a letter to me dated 20 September 1999, the society President, Ms Lindy Powell, notes briefly that this bill 'would seem to be a sensible and reasonable provision of flexibility to enable auxiliary appointments to be made for a short period of time and the society supports this amendment'. However, given the response to the principal act 11 years ago, from the then liberal opposition and the then Chief Justice, the concerns which I have raised today indicate that I still require some convincing to support this measure right through the processes of this chamber. However, I look forward to the Attorney-General's explaining—as he said he would—why my fears are groundless. In any case, we certainly will take very seriously on board the Attorney-General's response to the matters that I have raised. I indicate that the Democrats will support the second reading of the bill so that it can be dealt with in the committee stage. However, I indicate that I will reserve my final decision until hearing argument from the Attorney-General.

The Hon. J.F. STEFANI secured the adjournment of the debate.

STATUTES AMENDMENT (MAGISTRATES COURT APPEALS) BILL

Adjourned debate on second reading.

(Continued from 29 September. Page 55.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The opposition supports the second reading. This bill's purpose is to ensure that all appeals from the Magistrates Court are dealt with appropriately. It ensures that the full Supreme Court's resources are not wasted yet remain available in cases which properly require the full court's attention. The opposition agrees in principle with the government that generally there is no need for appeals to go directly from the Magistrates Court to the full Supreme Court. They generally should be dealt with by a single judge. This is simple, sensible and efficient. However, the single judge should always be able to refer appropriate matters to the full court, thus the bill will amend the Magistrates Court Act so that all appeals from the court are reviewed by a single Supreme Court judge who can then refer the matter to the full court if deemed appropriate.

The opposition also agrees in principle that the further right of appeal from a single judge of the full court should remain in all cases but should be by leave. That leave could be granted by either the single judge or the full court. The aim of limiting the appeal to cases of leave is to ensure that matters reaching the full court are those worthy of that court's attention. Thus, the bill amends the Supreme Court Act to make further appeal available by leave only. The amended legislation is intended to provide sufficient access to the full court for appropriate cases. However, the opposition would like the Attorney-General to reveal the extent of consultation the government has pursued in drafting these amendments and whether these amendments are also consistent with trends interstate. We support the second reading.

The Hon. IAN GILFILLAN: I indicate that the Democrats will also support the second reading. The bill seeks to limit the number of criminal cases which go directly on appeal from a magistrate to a full court of the Supreme Court. In civil matters, when a losing party wishes to a appeal a magistrate's decision, at present it must go to a single judge of the Supreme Court. That judge may, at his or her discretion, refer the matter to a full bench of three Supreme Court judges. This is under section 40(3) of the Magistrate Courts

Act 1991. However, in criminal matters, an appeal is made directly to a full bench unless the appellant elects to appeal to a single judge. The bill would abolish the right to have a full court hearing and require appeals to go at first instance only to a single judge. That judge can then refer the matter to a full bench if he or she deems it appropriate. According to the Attorney-General, this is 'simple, sensible and conservative of resources' and, as usual, I would like to believe the Attorney-General.

However, I am concerned about the possibility that the change may result in some matters being heard for an additional time when this is not necessary. In the most complex or controversial criminal cases, it is possible now to have a matter heard four times: once by a magistrate, a second time on appeal by a single judge, a third time on appeal by the full bench, and a fourth time on appeal by the High Court. A defendant who has a very controversial case but only limited resources may, at present, be able to limit the maximum number of potential hearings to no more than three, by taking the first appeal directly to a full court and avoiding the appeal to a single judge.

In effect, this bill would close off one option for a cash-strapped defendant, which is the situation for most defendants. In his second reading explanation, the Attorney-General indicated that this option was not commonly exercised. It would be interesting to hear from the Attorney-General just how many criminal cases are heard in this way. For the rare criminal defendant with deep pockets who wants to drag out a case as long as possible or have as many bites at the cherry as possible, this bill really changes nothing. If unsuccessful with a magistrate, such an appellant can elect to appeal to a single Supreme Court judge, then lodge a further appeal with the full court, and finally with the High Court, provided a question of law is involved which the High Court believes is worthy of its attention.

To the extent that this happens, it may contribute to one of the legal system's biggest problems of public perception, that is, the belief that cases are sometimes dragged out and won only because the defendants involved had the biggest wallets. The only safeguard against this was mentioned by the Attorney-General, that is, the right to appeal to a full bench is not guaranteed to all appellants. In summary matters at least, he advises, an appeal to a full court is available only by leave of either the single judge or the full court itself. However, this is already the case. For major indictable matters, as I understand section 50 of the Supreme Court Act, an appeal from a single judge to a full court is and shall remain under the bill a matter of right. In either case, therefore, this bill does not alter or remove an advantage which a rich defendant might be able to exploit. However, it does remove one option which I suspect may have been of use to a few defendants who are poor in the financial sense. On the other hand, I acknowledge that this bill does not deny a right of appeal. It merely denies a choice in how that appeal can be exercised. If that appeal choice is exercised very infrequently, it may be that removing the right of appeal will do little if any injustice and may save some public funds.

In summary, we are supportive of any measure which can be demonstrated to reduce the cost of justice or improve access to justice. The Attorney-General believes that this bill is 'simple, sensible and conservative of resources'. It may be all those things as far as the court is concerned, but I am unsure whether the same can be said for litigants, especially criminal defendants on serious charges who want to take their case straight to the top. I look forward to a response from the Attorney-General on the issues that have been raised in my second reading contribution. I indicate support for the second reading, and I reserve my final support until I hear the Attorney-General's arguments in committee.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

MOTOR VEHICLES (HEAVY VEHICLES SPEEDING CONTROL SCHEME) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 September. Page 56.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The opposition supports the second reading. The purpose of this bill is to introduce a new scheme for the management of speeding heavy vehicles. The scheme, which I support, is designed to extend responsibility for speeding from drivers to owners by introducing penalties that impact on the owner. I am pleased that finally we have legislation which, hopefully, will take the heat off drivers, and I applaud the Australian Transport Council in this regard. It has been obvious that, for some time, there have been difficulties with employers regarding these issues.

The whole issue of heavy vehicle safety, which covers not only speeding but also substance abuse, first and foremost, is about occupational health and safety. It is about recognising that drivers of heavy vehicles are coming under intense pressure from their employers to meet very tight deadlines and potentially are endangering the lives of drivers and other road users.

This measure is not about raising revenue or putting operators out of business: it is about creating a safe work environment not only for truck drivers but also for others who share the road. At a general level, this issue has been the subject of extensive media coverage which sadly has involved tragic circumstances. I hope the community is beginning to understand the occupational environment of our often forgotten truck drivers.

As I said, this scheme is intended to reduce the incidence of speeding amongst heavy vehicles by making the registered owner responsible for repeated speeding incidents. The opposition recognises that this bill incorporates a staged set of penalties approved by transport ministers at the Australian Transport Council in November 1977. The hierarchy of penalties suggested under this legislation is a constructive approach to dealing with this problem, and the opposition supports the planned publicity campaign so that all sectors of the road transport industry will be informed of the changes.

Earlier this week I submitted to the minister a number of questions, rather than concerns, about the practical application of this legislation. I am pleased to report that I received a prompt and satisfactory response to those questions. I think it is important that I read these questions into *Hansard*—and the minister can read the answers—because concern has been expressed by some of my party colleagues who have taken a great deal of interest in this legislation.

My first question is: what happens to a business which, for example, has 30 trucks, 25 of which have broken the law, and is facing the prospect of suspension of its vehicles? Presumably, this business cannot do anything about that situation and in a worst case scenario would face the possibility of reduced

business because it has fewer trucks on the road. Is this the case?

Regarding owner operators, I ask whether, presumably, this category would be hit twice, the first time as the driver with a speeding offence and the second time as the business owner. With respect to government vehicles, presumably government vehicles and buses are subject to this legislation. The minister replied 'Yes.'

Regarding the issue of the three year rolling period, my question is: why three years; why not six months; and when will the business get a clean slate? With respect to demerit points, my question is: I gather that drivers are subject to normal speeding laws and would attract demerit points if applicable. Would not a business owner attract demerit points? The answer to that question, obviously, is that demerit points are attracted to the driver, so the owner would not attract demerit points. That is a fairly obvious answer.

When the minister first introduced this bill on 7 July, in the last session, I wrote to a number of organisations. On 20 July, I wrote to the Transport Workers Union, which supported the legislation, and the RAA, which supported it with a recommended amendment. The minister has incorporated in the bill that is now before the parliament the suggestion made by the RAA.

On 20 July, I also wrote to the Law Society, the South Australian Road Transport Association and the Local Government Association. I have just received a response from the Local Government Association. Because the opposition has decided to support the second reading, I will read the Local Government Association's contribution into *Hansard* so that the minister can respond. I understand that the minister has a copy of this correspondence. The letter states:

> We refer to your letter of 20 July 1999 and apologise for the delay in responding. The LGA has sought legal advice in relation to the above mentioned amendment bill. It has been suggested that the restrictions on heavy vehicles proposed in the bill being applied to local government could prove to be very restrictive on the operations of council. For example, the situation could arise where, because of a series of offences by a particular employee or contractor driving a heavy vehicle for council, that vehicle could be taken off the road, thus prejudicing council's ability to provide services of either a routine or emergency nature.
>
> In particular, it is suggested that an exemption should be provided in the legislation to take account of vehicles used for the purposes of public and community service by a local government authority. For example, the definition of 'exempt heavy vehicle' could include all heavy vehicles providing community and emergency services performed by local government.
>
> There may also be issues arising out of the requirement that council's heavy vehicles be fitted with speed limiting devices if these vehicles are used in any emergency service operations performed by councils.

I think that local government is in the same situation as the government in respect of its vehicles. If the government is determined to ensure that its vehicles comply with its own legislation, I fail to see why local government could not also. Perhaps the minister could discuss a little further the issue involving emergency vehicles. I also note that any aggrieved owner is entitled to an internal review of the registrar's decision followed by a further right of review by a court.

It seems to me that all contingencies are covered by this legislation. I welcome it because I am aware from my discussions with the TWU at both state and federal level that it is very concerned about the pressure put on its workers to arrive at a destination and their being forced to accept unsafe work practices for which they can be pinged under the present law. Not only that, they are a danger to themselves and other road users. This legislation will go some way towards addressing those issues.

I understand that this will form part of a national program that is being adopted by New South Wales, Victoria and the commonwealth, although in slightly different ways. Presumably, it will become part of an Australia wide program, because it is only under those circumstances that it will make sense. We do not want it to stop at the South Australian border: we want it to apply to Western Australia and particularly the territory. I support the second reading, and I appreciate the assistance given to my office by the minister's staff who responded promptly to questions put to me by members of my caucus.

The Hon. A.J. REDFORD: I have some real misgivings about this bill. Before going any further, I must say that the minister has been cooperative and reasonable—

The Hon. Diana Laidlaw: As she always is.

The Hon. A.J. REDFORD: —as she always is, as the minister correctly interjects—in dealing with the concerns that I have raised. I am concerned about this bill for three reasons: first, as a matter of principle it seems to me to be unfair and wrong to visit penalties on people for something they have not done. This legislation proposes to take trucks off roads where drivers have committed offences irrespective of whether the owner is involved or has done all that is reasonably necessary to prevent speeding offences. I think that, as a matter of principle, it is unfair to impose that on owners. My second concern relates to what might happen in circumstances where you have a capricious or unreasonable employee.

Whilst that might not happen very often—it might be a very rare occurrence—the sanctions imposed, particularly on a small transport operator, in having a truck taken off the road, could well lead to the financial ruination of the owner of that truck. My third concern relates to notification of offences. I note that a provision requires the registrar to notify the owner of each relevant speeding offence pursuant to clause 71(e) of the bill. However, there is nothing in the bill which suggests what might occur in the circumstance where the registrar fails to notify the owner or because of some circumstance it is not brought to the owner's attention.

It may well be that we have quite innocent owners of trucks having quite substantial penalties and effects visited upon them which could lead ultimately to the demise of the business and all the consequences associated with it because of a failure on the part of the registrar to notify. I am not saying that the registrar would not act reasonably in this case and I am not saying that the registrar might not, in most cases, get the notifications out, but there have been occasions (and I know, because I have experienced it) when the registrar has not sent out a registration renewal or a licence renewal and, as a consequence, we have had to rely upon my own initiative. I have never not renewed on time, but there are occasions where people can be caught simply as a result of absence of knowledge. I am very concerned about that.

The final issue relates to recalcitrant, capricious or lead-footed employees and how an owner is supposed to deal with an employee who has committed a speeding offence. In the situation where an employer has a truck that does not have a speed limiting devise fitted to it, a second offence will lead to the truck being taken off the road. One might think, 'What would a proprietor of a trucking business do in that situation?'

In order to protect that significant investment (and some of these trucks cost as much as $500 000), one might wonder about what that owner needs to do to protect that investment. One might think that an owner in that circumstance might well be quite rightly entitled to dismiss an employee following a first offence. One would not need to have a great understanding of our laws on wrongful dismissal to understand that, immediately following the dismissal of an employee in those circumstances by an owner endeavouring to protect their significant investment, a wrongful dismissal claim would be brought.

I know that one of South Australia's biggest transport operators, Scott Transport, has endeavoured, with some degree of difficulty, to dismiss drivers who have incurred speeding offences. Indeed, I understand that in Victoria the company caught three drivers who disconnected the speed limiter and that, as a consequence, the drivers were sacked. With the support of the drivers' union an application for reinstatement of employment was lodged which cost that company significant money.

I would have thought that if we are to impose upon owners of trucks these significant penalties and this very onerous responsibility then we ought to, at the same time, give the owners the opportunity to be able to manage and deal with it. This bill simply does not do that. I know there is other legislation in relation to industrial relations that seeks to deal with issues of wrongful dismissal, and I would have thought that we should deal with that first before we visit these consequences on owners. I am also informed of situations where drivers can overcome some of these speed limiting devices. I understand there is a device called a 'whizzer'. This whizzer is a pretty simple device which confuses the vehicle's computer.

What happens to the owner of a truck who has done everything correctly? He has fitted a speed limiting device but a driver, for personal reasons, or whatever, decides to use something like a whizzer and, as a consequence, is caught speeding two or three times between an Adelaide and Melbourne run? The owner, through absolutely no fault of his own, is required to take the truck off the road. At the end of the day I have some real misgivings about this. I can understand the minister's sentiments. I also understand that other states have adopted the practice but, as a matter of principle, I have real misgivings about visiting penalties on owners or third parties for the conduct of others.

In particular, I have real concerns that we do not give owners of trucks the means by which they can address the problems themselves. They still will be subject to unfair dismissal applications and they will be put in a very difficult position if one of their drivers is caught speeding once. What do they do? Do they trust that it will never happen again? If they make a mistake or make an error of judgment in trusting a truck driver, will they lose their truck and, in the case of a small owner, their livelihood? I urge the government to have a serious rethink about this piece of legislation.

The Hon. SANDRA KANCK: I am rather disappointed with the contribution of the Hon. Angus Redford. I see this bill providing protection to individual drivers. Certainly families do not want their husbands or fathers to be out on the roads exceeding speed limits so that they can meet impossible deadlines imposed by the owners of the companies. This bill, contrary to what the Hon. Angus Redford says, provides protection for those people against the cowboy-style operators. It is not as if this is something that will happen out of the blue without any prior warning to the owner of the company.

If the person is a bad driver, it presents opportunities for the owner to do something about it. If it is a case of an operator putting pressure on a driver, this bill will flush out those sorts of people and probably put some of those operations to bed, and deservedly so. I found some of what the Hon. Angus Redford said to be quite inconsistent. When there is no pressure from an operator in terms of impossible or unrealistic deadlines there would be no reason for a driver to disconnect their speedo or the various technological situations intimated by the honourable member.

I indicate that the Democrats are strong supporters of this legislation. We have been given ample time by the minister to consider this legislation as she introduced it a number of months ago. I have received little complaint about the proposed changes, and the state council of my party has been quite enthusiastic in its response to it. I believe that this is a good piece of legislation and I am very pleased to support the second reading.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

HIGHWAYS (ROAD CLOSURES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 September. Page 57.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The opposition supports the second reading. The purpose of the bill is to ensure that the state remains in control of the strategic road network. The other benefit of this bill is that it creates a level playing field between individual local council areas. I appreciate the fact that the development of this bill was prompted by a particular council area's desire to move a by-law banning heavy vehicles from arterial roads within its council area. While I can understand the council's concern about the heavy vehicle route, and I have concerns about it as a resident of an area that is affected by this, I do not think that the problems are necessarily resolved by backdoor changes to council by-laws.

Reaffirming the powers of the Commissioner of Highways in this regard enables the state government to maintain the integrity of the strategic road network. However, local councils and communities must always be consulted by the state government when determining the strategic road needs of the state. I was advised this morning by the minister that the council which intended to move the by-law no longer intends to do so. Notwithstanding that, I think that the policy principles at stake are reasonable. I note also that the RAA supports the bill. I sent it to the Local Government Association some weeks ago and my office has been in contact with local government to get some response. Notwithstanding that, the opposition supports the bill.

The Hon. J.F. STEFANI secured the adjournment of the debate.

YUMBARRA CONSERVATION PARK

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I move:

That this Council requests His Excellency the Governor to make a proclamation under section 43(2) of the National Parks and

Wildlife Act 1972 that declares that rights of entry, prospecting, exploration and mining under the Mining Act 1971 may be acquired and exercised in respect of that portion of Yumbarra Conservation Park being section 457, north out of hundreds, County of Way (Fowler).

I seek leave to incorporate the explanation to the Yumbarra Conservation Park Proposed Re-proclamation without my reading it.

Leave granted.

This is an opportunity for us to demonstrate how the community and the environment can benefit from best practice environmental management that sets and demands high standards of care and protection for the natural environment and unlocks new possibilities for the creation of much needed jobs in this important area of our State.

The re-proclamation of the central part of Yumbarra Conservation Park will not mean that the Conservation Park status is removed. The only change to that part of Yumbarra Conservation Park will be that mineral exploration and mining will be allowed. The overall objectives of managing the Park for conservation will continue as they have for the other sections of Yumbarra Conservation Park where mineral exploration and mining access already exist.

Any exploration or mining that occurs in Yumbarra Conservation Park as a result of re-proclamation will be intensively managed to minimise any impact on the ecological values of the park and surrounding region.

Many of the species that occur in the area of the mineral anomaly, within the central part of the Yumbarra Conservation Park, also occur in other parts of the park and surrounding reserves. A Biological Survey of the Yumbarra Conservation Park was carried out in 1995, and found that:

> The Yumbarra Conservation Park biological survey has revealed that the core area of the park covers a very significant north-south and east west biogeographical transition but that the area of geological interest is unlikely to contain any species or ecological communities not also found 3 to the east or west of the proposed mineral exploration licence areas. Owens et al., 1995, A Biological Survey of Yumbarra Conservation Park, DENR page 61.

Yumbarra Conservation Park is part of a large region of continuous mallee, much of it known as the Yellabinna Region, which provides important links through similar habitats from the top of Eyre Peninsula through to Western Australia. Re-proclamation and allowance of mineral exploration will have negligible impact on the value of the area as part of a larger region of reserves that together provide a significant area for species protection and evolution.

Background

Part of the Yumbarra Conservation Park (now the central portion) was proclaimed in 1968 to conserve what was described by the then Department of Environment and 4 Natural Resources in 1995, as 'a significant, representative area of the western Eyre Peninsula mallee ecosystems outside of the dog fence'.

The then National Parks Act 1966 prohibited exploration or mining in parks and reserves, and as a result, that original area was proclaimed without provision for exploration under the Mining Act.

The National Parks Act 1966 was repealed and replaced by the National Parks and Wildlife Act 1972, with provisions for proclamation by the Governor of rights to explore or mine in a National Park or a Conservation Park. However, it was not until 1985 that a shift in Government policy, under a Labor Government, allowed for the first joint proclamation of a park; this was followed in 1986 by the Labor Government's decision that all new reserves were to be jointly proclaimed unless there were overriding conservation considerations.

In 1990 two contiguous areas east and west respectively of the original Yumbarra Conservation Park were proclaimed, bringing the total area of the park to approximately 327 589 hectares. These additions were proclaimed subject to the 1972 amendments allowing exploration and mining subject to conditions designed to protect the park environment.

In 1993, on publication of magnetic images showing the magnetic anomaly, a company application was lodged for an Exploration Licence over land that included approximately 26 000 hectares of the central portion of the Park.

Select Committee

In April 1996 the House of Assembly established a select committee 'to inquire into a proposal for re-proclamation of that area of Yumbarra Conservation Park within which exploration licence application 142/93 is largely contained to enable access for exploration and any future mining to be contingent upon a full EIS as a component of the decision making process.'

The select committee submitted its report in March 1997 which included a recommendation in favour of re proclamation.

The motion for re-proclamation does not conform entirely with the recommendations of the select committee. The motion aims to reproclaim the entire area of the central part of the Park without a sunset date, and to allow exploration and mining by any qualified person under the provisions of the Mining Act 1971.

Aboriginal Significance

The explorers in the central part of Yumbarra will need to ensure that they meet the requirements of the Aboriginal Heritage Act 1988, as the explorers in the surrounding areas have done, by undertaking Aboriginal Heritage Clearance procedures, including surveys.

Environmental Management

Environmental impacts, such as disturbance to the flora and fauna, will be kept to the minimum possible. The area contains several significant animal and plant species. The identification of these and the avoidance or minimisation of any adverse impacts on them will need to be determined by the explorer in consultation with Environment, Heritage and Aboriginal Affairs.

Environmental obligations, terms and conditions and performance criteria imposed on the explorer will be detailed in the Proclamation and Exploration Licence.

Mining of any economic resource discovered in the Park will undergo an environmental impact assessment process. There will be a full Environmental Impact Statement as required for major projects under the Development Act 1993.

Control over exploration, mining and associated activities will be exercised through the provisions in the terms of the proclamation, the terms and conditions attached to an exploration licence under the Mining Act 1971 and agreed between the Minister for Environment and Heritage and the Minister for Primary Industries, Natural Resources and Regional Development, the terms and conditions attached to each approval by the Director of Mines for specific activities; and the terms and conditions of a Mining Lease subject to the outcome of a future Environmental Impact Statement.

Monitoring, management and reporting of the condition of flora, fauna and ecosystems of the area explored will be carried out by qualified personnel employed by the explorer and approved by the Minister for Environment and Heritage under the supervision of professional DEHAA staff.

There are a number of measures proposed to ensure exploration and mining impacts are minimised and to provide additional on-going management support for the parks and reserves system.

The preparation of a draft management plan under the provisions of the National Parks and Wildlife Act 1972, for Yumbarra and other reserves in the Yumbarra-Yellabinna region will include such actions as:

- A further biological survey of the exploration area in a company funded program prior to exploration and mining;
- Environmental audits by PIRSA and DEHAA, of management performance and condition of the land in the affected area against specified performance criteria and environmental objectives specified in the Exploration Licence;
- And the identification and protection of various ecological associations.

The allocation of additional resources to DEHAA in the form of a dedicated Scientific Officer to manage environmental impacts in reserves in the west of the State, will ensure high standards of environmental responsibility, and provide an important liaison role with both the explorers and PIRSA. The development of codes of practice and rehabilitation techniques for mining activities in the mallee-covered dune ecosystems in arid areas will be included as a part of any exploration program.

And there will be further development of the biological data base for our State's western mallee region, through baseline and ongoing monitoring undertaken by the exploration proponents.

Wahgunyah

As a part of the re-proclamation of Yumbarra Conservation Park, Wahgunyah Conservation Reserve, which is currently a reserve under the Crown Lands Act 1929, will be made a single proclamation Conservation Park. This will be an estimated 48 600 hectares unavailable to mining interests. It will also be a significant upgrade in status and will provide increased management control over this area of coastal mallee and heath land, which is already a significant area for the local community. From this position, it will be proposed that the reserve be proclaimed as a Wilderness Protection Area under

the Wilderness Protection Act 1992. Because this is government which listens to people we will undertake full public consultation prior to any wilderness proclamation proceeding.

Nullarbor

In addition a further section of the Nullarbor National Park will become singly proclaimed to further protect this sensitive arid environment. This will remove approximately 89 000 hectares from the potential impacts of mining.

Total Gain for the Environment

The re-proclamation of the central portion of Yumbarra will result in a gain to the overall area of land in the States reserve system from which mineral exploration and mining will be excluded. The additional areas will amount to approximately 137 600 hectares while the part of Yumbarra Conservation Park being re-proclaimed to allow mineral exploration and mining access is approximately 105 000 hectares.

Outcomes

The outcome of re-proclamation and exploration will achieve a balance between environmental, economic and social considerations to ensure that all gain from this proposal to re-proclaim the central part of Yumbarra Conservation Park.

The investigation of an extraordinary magnetic geological feature, which may foreshadow a major mineral deposit with important economic outcomes for the region and the State, cannot be ignored by any responsible government.

The re-proclamation of the central portion of Yumbarra will provide an opportunity for the people of Ceduna and surrounding districts for regional economic development and further progress State economic development following the successes of the South Australian Exploration Initiative. Re-proclamation will also provide the key to unlocking a host of improved environmental outcomes.

There will be an overall increase in the area of reserves in the State without access to mineral exploration or mining as a result of this action. In addition, we will establishment a comprehensive management plan for Yumbarra Conservation Park and other reserves of the Yellabinna region and see the further development of the biological database for our State's western mallee area.

Through the further responsible development of the mineral industry and through collaboration in the development of new exploration models we will ensure the application of best practice environmental management in Yumbarra. All these measures demonstrate this Government's commitment to both the protection of the environment and the creation of jobs that will be welcomed by the regional and local communities in this important area of our State.

The Hon. DIANA LAIDLAW: I also seek leave to table the draft proclamation.

Leave granted.

The Hon. R.R. ROBERTS secured the adjournment of the debate.

OFFICE FOR THE AGEING (ADVISORY BOARD) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 September. Page 78.)

The Hon. CARMEL ZOLLO: The opposition supports this bill, which seeks to increase representation on the ministerial advisory board. It is not in anybody's best interests to prevent the provision of increased representation and expertise on ageing health and associated issues. I understand that the increased representation on the ministerial advisory board sought in this bill will assist to integrate services across the ageing area so as to ensure that human services and health issues are appropriately represented. The government currently receives advice in relation to ageing from a number of different advisory bodies with an overlap between the functions of the group. I assume that the overlap occurs because of the creation of the Department of Human Services, which brought aged care together with health, public housing and community services.

The Government believes that it would be better served by expanding the membership of the ministerial advisory board to provide a focus for issues affecting the aged through the one minister in relation to the areas of health, housing, community care and other areas of concern to older people. I note the terms of reference of the Ministerial Advisory Board on Ageing, which is a very comprehensive and important list, with respect to the provision of services to the aged.

As a member of the Statutory Authorities Review Committee I am particularly interested to see such a bill. The committee has just completed an inquiry into several issues concerning government boards and committees, including composition and remuneration. It would be a good case to follow in relation to the appointment of an expanded committee. Issues to be examined include whether reclassification would need to occur and what registers would need to be consulted to achieve both gender balance and the need for representation with committee members from a culturally diverse background. I understand that there may be some discussion and consultation concerning the length of service of committee members, and that might be looked at during the committee stage of the bill. As indicated, the opposition supports the second reading of this bill.

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

ADJOURNMENT

At 5.05 p.m. the Council adjourned until Wednesday 20 October at 2.15 p.m.