LEGISLATIVE COUNCIL

Tuesday 27 June 2000

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

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following bills:

Children's Protection (Mandatory Reporting and Reciprocal Arrangements) Amendment,

Corporations (South Australia) (Miscellaneous) Amendment,

Criminal Law Consolidation (Sexual Servitude) Amendment,

Dairy Industry (Deregulation of Prices) Amendment,

National Tax Reform (State Provisions),

Police (Complaints and Disciplinary Proceedings) (Miscellaneous) Amendment,

Statutes Amendment (Extension of Native Title Sunset Clauses),

Statutes Amendment (Public Trustee and Trustee Companies—GST),

Statutes Amendment (Warrants of Apprehension).

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions on notice be distributed and printed in *Hansard*: Nos 19 to 22, 27, 98, 117 and 124.

GOVERNMENT VEHICLES

19. **The Hon. T.G. CAMERON:**

1. Would the minister provide, by name and portfolio, the ministers who have chauffeur driven cars provided at public expense and paid for from funds which are not part of the budget line for the minister's office?

2. What is the legal basis under which each vehicle is provided?

3. What distance has the vehicle allocated to each of those ministers travelled since the election in October 1997 to 30 June 1998 to approximately the nearest 1 000 kilometres?

4. (a) What liability accrues to the state government for the payment of fringe benefits tax for the use of those vehicles in each case?

(b) What fraction of the foregoing fringe benefits tax is attributed to the costs of owning the vehicle and paying for its driver, separated from the costs associated with the distance travelled in each case?

5. (a) If any ministers do not have access to a chauffeur driven car full-time, what access, if any, do they have to a car?

(b) Under what legal instrument do they have such access?

(c) In such instances, what are the costs to the 'public purse' of the provision of that access?

The Hon. R.D. LAWSON:

1. Ministers who are members of Executive Council and the holders of the following Parliamentary offices, viz, the Leader of the Opposition, the Deputy Leader of the Opposition, the Leader of the Opposition in the Legislative Council, the President of the Legislative Council, the Speaker of the House of Assembly, the Deputy Speaker of the House of Assembly, the Chairman of the Economic and Finance Committee, and the Chairman of the Environment Resources and Development Committee are allocated a chauffeur-driven vehicle. These arrangements were established before the present government came into office. Ministers who are not members of Executive Council have access to a chauffeur-driven vehicle from a pool of drivers and vehicles for official business. The Parliamentary Secretary to the Premier (when attending functions on behalf of the Premier) has access to a chauffeur-driven vehicle and the Chairman of the Public Works Committee has had periodic access to a chauffeur-driven vehicle to enable him to discharge the requirements of his office. By authority of Cabinet, expenditure on the provision of vehicles and chauffeurs is authorised through the normal appropriation and budget process in accordance with Treasurer's Instructions issued pursuant to the Public Finance and Audit Act 1987. All chauffeur-driven vehicles are funded from a separate budget line administered by the Department for Administrative and Information Services.

2. By authority of Cabinet, expenditure on the provision of vehicles and chauffeurs is authorised through the normal appropriation and budget process in accordance with Treasurer's Instructions issued pursuant to the Public Finance and Audit Act 1987.

3. The distance travelled by each vehicle dedicated to Ministers and Parliamentary office-holders from 20 October 1997 to 30 June 1998 is provided below.

Minister/Parliamentary office-holder	Kms to nearest 1 000
Hon. M.H. Armitage MP	16 000
Hon. D.C. Brown MP	27 000
Hon. M.R. Buckby MP	40 000
Hon. K.T. Griffin MLC	23 000
Ms A. Hurley MP	41 000
Hon. G.A. Ingerson MP	18 000
Hon. R.G. Kerin MP	37 000
Hon. D.C. Kotz MP	27 000
Hon. Diana Laidlaw MLC	20 000
Hon. R.I. Lucas MLC	20 000
Hon. J.W. Olsen MP	24 000
Hon. Carolyn Pickles MLC	22 000
Hon. M.D. Rann MP	25 000

4. (a) Fringe benefits tax was not applicable in relation to the provision of these vehicles.

(b) Not applicable.

5. (a) See 1 above.

(b) See 2 above.

(c) The costs associated with chauffeurs, on-costs and vehicles that are not specifically allocated to particular Ministers or Parliamentary office-holders are estimated at $425 000 for the 1999-2000 financial year. These chauffeurs undertake general relief work for allocated drivers and Protocol work (e.g. visiting Ambassadors, and dignitaries) as required. An exact allocation of costs associated with the provision of chauffeur services to Ministers who are not members of Executive Council is not possible.

20. **The Hon. T.G. CAMERON:**

1. Who are the members of Parliament who have access to either chauffeur driven cars or non-chauffeur driven cars?

2. What are their office titles?

3. Under what lawful authority are the cars provided?

The Hon. R.D. LAWSON:

1. & 2. Ministers who are members of Executive Council and the holders of the following Parliamentary offices, viz, the Leader of the Opposition, the Deputy Leader of the Opposition, the Leader of the Opposition in the Legislative Council, the President of the Legislative Council, the Speaker of the House of Assembly, the Deputy Speaker of the House of Assembly, the Chairman of the Economic and Finance Committee, and the Chairman of the Environment Resources and Development Committee are allocated a chauffeur-driven vehicle. These arrangements were established before the present Government came into office. Ministers who are not members of Executive Council have access to a chauffeur-driven vehicle from a pool of drivers and vehicles for official business. The Parliamentary Secretary to the Premier (when attending functions on behalf of the Premier) has access to a chauffeur-driven vehicle and the Chairman of the Public Works Committee has had periodic access to a chauffeur-driven vehicle to enable him to discharge the requirements of his office.

3. By authority of Cabinet, expenditure on the provision of vehicles and chauffeurs is authorised through the normal appropriation and budget process in accordance with Treasurer's Instructions issued pursuant to the *Public Finance and Audit Act 1987*.

21. **The Hon. T.G. CAMERON:**

1. (a) Do Ministers, Presiding Members of Committees and/or other Parliamentary Office Holders have different types of access for chauffeur-driven or self-driven cars?

(b) If so, what are those differences?

2. (a) What authority is used to determine such differences?

(b) When will they be eliminated?

3. What is the average price paid for the Holden and/or Mitsubishi motor cars currently in use by the Ministry, Presiding Members of Committees and other Parliamentary Office Holders?

4. What was the average resale price of the cars which were disposed of at the time the replacement vehicles, referred to in question 3, were purchased?

The Hon. R.D. LAWSON:

1. (a) Yes.

(b) A chauffeur-driven vehicle is allocated to each Minister who is a member of Executive Council, to the Leader of the Opposition and to other designated Parliamentary office-holders. Other Ministers have access to chauffeur-driven vehicles when undertaking official business and the Parliamentary Secretary to the Premier has the use of a chauffeur-driven vehicle when attending functions on behalf of the Premier.

2. (a) The terms and conditions upon which vehicles are allocated were determined by the government. Expenditure on the provision of vehicles and staff who drive them is authorised through the normal agency appropriation and budget process in accordance with Treasurer's Instructions issued pursuant to the *Public Finance and Audit Act 1987*.

(b) There is no proposal to eliminate the so-called 'difference'.

3. Fleet SA advises that the prices paid for vehicles are commercially negotiated and are subject to commercial-in-confidence arrangements.

4. Vehicles are disposed of by public auction. Currently, the average re-sale price received is approximately $37 800 for a Statesman, $36 000 for a Caprice and $21 000 for a Verada Ei.

22. **The Hon. T.G. CAMERON:**

1. (a) Who are the members of Parliament, by name and by office, who have chauffeur driven cars provided for them?

(b) Are there any restrictions imposed on the use of those cars?

(c) If so—

(i) what are the restrictions imposed; and

(ii) by what authority are the conditions and restrictions for access to each member's vehicle determined?

(d) In each case, when was a motor vehicle first provided to the office holder?

(e) What were the restrictions and/or conditions of use imposed on that member's access to the vehicle at that time?

(f) What changes have occurred (and in what years did such change occur) to the conditions of access and use?

2. As of 30 June 1998 and since the election of 11 October 1997, on what dates, and for what length of time, have each of the committees established pursuant to the Parliamentary Committees Act 1991, to which members of the House of Assembly are elected, called meetings and/or held meetings, or been engaged in formally notified activity involving their members?

3. (a) If the minister does not have such records as would enable question 2 to be answered, who does have them?

(b) Why has the minister provided the amenity without any mechanism for determining accountability?

(c) Is there any requirement upon anyone to keep records for the journeys undertaken (whether inside or outside South Australia) and the purpose for those journeys?

(d) If so, who is responsible in each case and to whom are they responsible?

The Hon. R.D. LAWSON:

1. (a) Ministers who are members of Executive Council and the holders of the following Parliamentary offices, viz, the Leader of the Opposition, the Deputy Leader of the Opposition, the Leader of the Opposition in the Legislative Council, the President of the Legislative Council, the Speaker of the House of Assembly, the Deputy Speaker of the House of Assembly, the Chairman of the Economic and Finance Committee, and the Chairman of the Environment Resources and Development Committee are allocated a chauffeur-driven vehicle. These arrangements were established before the present government came into office. Ministers who are not members of Executive Council have access to a chauffeur-driven vehicle from a pool of drivers and vehicles for official business. The Parliamentary Secretary to the Premier (when attending functions on behalf of the Premier) has access to a chauffeur-driven vehicle and the Chairman of the Public Works Committee has had periodic access to a chauffeur-driven vehicle to enable him to discharge the requirements of his office.

(b) Yes.

(c) (i) Vehicles are provided to facilitate the discharge of official duties by ministers or parliamentary office-holders.

(ii) By authority of Cabinet, expenditure on the provision of vehicles and chauffeurs is authorised through the normal appropriation and budget process in accordance with Treasurer's Instructions issued pursuant to the *Public Finance and Audit Act 1987*.

(d) Fleet SA does not maintain records in a form that can readily answer the question. The cost of examining the records to provide the information requested would be prohibitive. However, generally speaking, dedicated vehicles are made available when the Minister or office-holder takes up the appointment.

(e) Fleet SA does not maintain records in a form that can readily answer the question. The cost of examining the records to provide the information requested would be prohibitive.

(f) Following their appointment in December 1997, delegate Ministers were given access to chauffeur-driven vehicles from the pool of un-allocated vehicles.

2. This information is not available to me as minister or to my department. It is assumed that it could be available from the relevant Parliamentary Committees.

3. (a) This information is not available to me as minister or to my department. It is assumed that it could be available from the relevant Parliamentary Committees.

(b) The assumption underlying this question, viz, that there is no mechanism for accountability is not accepted. The primary responsibility for ensuring that vehicles are used for appropriate purposes lies with the Minister or Parliamentary office-holder concerned. If there is an allegation of mis-use of vehicles, records could be checked to enable an investigation of the issue.

(c) Records are available for journeys undertaken by unallocated drivers.

(d) See (b) above.

LIQUOR, HOSPITALITY AND MISCELLANEOUS WORKERS UNION

27. **The Hon. T.G. CAMERON:** What was the total financial membership of the Liquor, Hospitality and Miscellaneous Workers Union for the years—

1. 1995-96;
2. 1996-97; and
3. 1997-98?

The Hon. R.D. LAWSON: As Minister for Workplace Relations I now have portfolio responsibility for this issue. Officers from Workplace Services, Department for Administrative and Information Services, have unsuccessfully endeavoured to ascertain this information from the Liquor, Hospitality and Miscellaneous Workers Union ('LHMWU') itself.

The Registrar of the South Australian Industrial Relations Commission has advised that the Registry does not have this information.

Prior to 1991 the State *Industrial Conciliation and Arbitration Act 1972* required associations to give membership details annually, including membership numbers, to the Industrial Registrar. However, the State *Industrial Conciliation and Arbitration (Commonwealth Provisions) Amendment Act 1991* replaced this requirement with a requirement that an association keep an up-to-date list of the membership available for the Industrial Registrar to inspect at his discretion. This latter requirement was subsequently included in section 141 of the current *Industrial and Employee Relations Act 1994*, which provides that a registered association must, at the request of the Registrar, furnish the Registrar with an up-to-date list of its members or officers.

The Industrial Registrar has advised that he has not exercised this power in relation to the LHMWU. If the honourable member considers that the Registrar should exercise the power it is suggested that the request could be directed to the Registrar.

ASBESTOS

98. **The Hon. T.G. CAMERON:**

1. (a) How many cases of asbestos have been before South Australian Courts since 1970?

(b) Of these, how many cases have been settled?

2. (a) How many court cases have been launched against James Hardie Asbestos Cement in South Australia since 1970?

(b) Of these, how many cases have been settled?

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

1. I have made inquiries of all the relevant Courts and advise that it is not possible to provide answers to the questions posed because the computer recording after 1988 and manual records prior to about 1988 do not specify the subject of any action. Therefore, to provide the particular information requested would involve a number of weeks work by various staff members in the Courts to manually check every proceeding filed since 1970.

2. The same problem applies in relation to the second question, although the District Court was able to say from their computer records and then a search of the files that in recent times there have been seven actions against James Hardie for asbestos related injuries; six have settled, one is pending.

SOUTHERN EXPRESSWAY

117. **The Hon. T.G. CAMERON:**

1. Has Transport SA investigated the feasibility of building a connection at the Majors Road/Southern Expressway Overpass to enable the residents of O'Halloran Hill, Sheidow Park, Trott Park and Hallett Cove to access the Southern Expressway?

2. If not, why not?

3. If so, how much is it estimated such a connection would cost?

The Hon. DIANA LAIDLAW:

1. A connection at Majors Road was considered in planning the locations of accesses on and off the Southern Expressway, but was not proceeded with. Primarily the Expressway is designed as a controlled access road to serve residents further south. The time saved in using the Expressway, from Majors Road to Darlington, would be less than a minute and it would take longer than this for most people in the area to access the Expressway had a connection been provided at Majors Road.

During peak hours the Expressway has attracted traffic away from Lonsdale Road/Ocean Boulevard and Main South Road, therefore reducing travel times for drivers continuing to use these existing roads.

2. See 1. above.

3. The estimated cost of providing a connection at Majors Road would be in the vicinity of $1.5 million to $2 million, plus the cost of additional land acquisition.

AUDITOR-GENERAL'S DEPARTMENT

124. **The Hon. T.G. CAMERON:**

1. What was the annual budget for the Auditor-General's Department for—

(a) 1995-96;

(b) 1996-97;

(c) 1997-98; and

(d) 1998-99?

2. What were the staff numbers for the Auditor-General's Department for—

(a) 1995-96;

(b) 1996-97;

(c) 1997-98; and

(d) 1998-99?

3. Is the Auditor-General's Department required to submit annual budgets?

The Hon. K.T. GRIFFIN: The Premier has provided the following information from the Auditor-General:

Part 1

The Department Annual budgets for the years requested as published in the Budget Papers are as follows:

Annual Budget	1995-96 Cash Budget	1996-97 Cash Budget	1997-98 Cash Budget	1998-99 Accrual Budget
Expenditure/Cash Payments [1]	$8 456 000	$8 737 000	$8 707 000	$8 833 000
Revenue/Cash Receipts	$7 580 000	$7 380 000	$7 838 000	$8 034 000

[1] Includes expenditure/cash payments for the department's operations, Special Investigations and Special Acts.

Part 2

The Department staff numbers for the years requested as published in the Report of Operations are as follows:

Annual Budget	1995-96	1996-97	1997-98	1998-99
Staff Establishment FTE	106	106	106	106
Average FTE	105.5	104.9	100.5 [1]	93.6 [1]

[1] The 1998-99 and 1997-98 average FTE figures exclude Graduates and Trainees employed through the SA Government University Graduate Youth Recruitment Initiative Equal Opportunity Program and the SA Government Youth Trainee Scheme respectively.

Part 3

The department is required to submit annual budgets and receives its appropriation as part of the Government's normal budgetary processes. Further its budget and appropriation is subject to review by a Parliamentary Estimates Committee.

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

- Education Adelaide—Report, 1998-1999
- Regulation under the following Act—
  - Public Corporations Act 1999—Hills Transit Dissolution
  - Ministerial Directors—
    - RESI Corporation
    - Transmission Lessor Corporation

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

- Regulations under the following Acts—
  - Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986—Revocation regarding Keeping Rabbits
  - Fisheries Act 1982—
    - Abalone Fisheries—Fees
    - Blue Crab Fishery—Fees
    - General—Fees
    - Lakes and Coorong Fishery—Fees
    - Marine Scale Fishery—Fees
    - Miscellaneous Fishery—Fees
    - Prawn Fisheries—Fees
    - River Fishery—Fees
    - River Murray—Taking Native Fish
    - Rock Lobster—Fees
  - Livestock Act 1997—
    - Cattle Compensation Fund
    - Livestock Identification
  - Primary Industries Funding Schemes Act 1998—Cattle Industry Fund
  - Stock Foods Act 1941—Variation of Interpretations
  - Workers Compensation and Rehabilitation Act 1986—
    - Charges—Medical Practitioners—GST
    - Scale of Charges—GST
    - TXU (No. 4) Pty. Ltd. a Prescribed Crown Agency
- Rules—Rules of Court—
  - Magistrates Court—Magistrates Court Act 1991—Mental Impairment Provisions Form

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

- Regulation under the following Act—
  - Emergency Services Funding Act 1998—Remissions Motor Vehicles and Vessels

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

Regulation under the following Act—
Liquor Licensing Act 1997—Dry Areas—Coober Pedy

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

West Beach Trust—Report, 1998-1999
Regulations under the following Acts—
Controlled Substances Act 1984—Variation of Interpretation
Development Act 1993—New Building
Motor Vehicles Act 1959—National Heavy Vehicle Charges
Passenger Transport Act 1994—Safety Security and Fare Compliance
South Australian Health Commission Act 1976—Flat Fee for Service
By-laws—Waikerie Hospital and Health Services Incorporated
Racing Act Rules 1976—Greyhound Racing—Parade Steward.

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

The Hon. A.J. REDFORD: I bring up an interim report of the committee, together with minutes of proceedings and evidence, and move:

That the interim report be printed.

Motion carried.

STATUTORY AUTHORITIES REVIEW COMMITTEE

The Hon. J.S.L. DAWKINS, for the **Hon. L.H. Davis**: I bring up the report of the committee on the Third Inquiry into Timeliness of 1998-99 Annual Reporting by Statutory Bodies and move:

That the report be printed.

Motion carried.

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

The Hon. R.I. LUCAS (Treasurer): I lay on the table the interim report and minutes of evidence of the committee.

QUESTION TIME

TRANSADELAIDE

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 TransAdelaide.

Leave granted.

The Hon. CAROLYN PICKLES: I refer to TransAdelaide's 1999 annual report *Next Stop 2000* and I quote from the section 'Strategic direction', as follows:

TransAdelaide launched its 1999-2000 strategic plan *Tender 2000: serious about winning*, defining the organisation's priorities for dealing with customer, staff and business issues and highlighting actions to improve our competitive standing. Importantly, TransAdelaide's customer promise underpins the customer component of the document.

Following initial briefing sessions to nearly 200 'opinion leaders' from across TransAdelaide, the plan was rolled out to all staff. A sporting theme was adopted to highlight similarities between competing and winning in sport and TransAdelaide's new commercial environment—working as a team, focusing on a goal, performing at peak level, awareness of competitor strengths and weaknesses, use of new equipment or techniques to improve performance. Over a number of months, high profile sports personalities attended TransAdelaide work sites and spoke of their experience and training for and competing at state, national and Olympic levels.

Apparently, two of the sports personalities involved were John Cahill and Chris Dittmar. My questions to the minister are:

1. Was there a cost to TransAdelaide for the appearance of the high profile sports personalities and, if so, what was it?

2. Will the minister provide a list of other sports stars or celebrities used by TransAdelaide and any other agencies in her portfolio? I will take that on notice.

3. Does the minister believe this was an appropriate use of taxpayers' funds when bus drivers have lost jobs and patronage continues to decline? This prompted the group People for Public Transport to write in a letter to the *Advertiser* of 23 June:

Ms Laidlaw needs to ask the question whether public transport might be better driven under a different leader.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): With respect to the references that the honourable member made, she would be aware that this activity was undertaken by TransAdelaide in 1998-99 as it was preparing its bids for competitive tendering of bus services. As the honourable member is well aware, unlike governments interstate this government provided the public operator with every opportunity to bid and win those services and, in seeking to win, TransAdelaide undertook this activity that the honourable member has outlined. I am not aware of the cost or a list of any further people who came to help TransAdelaide and its work force develop its bids, but I will inquire. In answer to the honourable member's question about whether it was appropriate, I think all of us in this place wish TransAdelaide well in presenting its bids; we would not otherwise have provided TransAdelaide with the opportunity to bid.

As I mentioned, it was important that TransAdelaide try every measure to present competitive bids. The board had always determined that it would put in its most competitive position possible. Therefore, I believe that it was an appropriate exercise by TransAdelaide in preparing its bid to engage these people to help. The fact that TransAdelaide was not successful in its own right is another saga and not necessarily related, I suspect, to the people who came to talk to TransAdelaide in terms of helping with those bids. So, I will get the details for the honourable member.

HUMAN SERVICES BUDGET

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

Leave granted.

The Hon. P. HOLLOWAY: In last year's budget papers, in particular, 'Budget at a glance', it is noted on page 5 that the human services budget for 1999-2000 is $2.129 billion. This year's 'Budget at a glance' says that the estimated expenditure result for human services for 1999-2000 is $2.633 billion. This estimated expenditure is an increase of

$504 million over the budget estimates shown in the 1999-2000 'Budget at a glance'.

During the estimates, the Minister for Human Services said that he could not explain this difference of half a billion dollars. After further consideration of the question, following a tea break, the minister said:

> They are Treasury figures and we take no responsibility for Treasury figures at all.

If we look at the outputs operating statement in budget paper 4, volume 1, page 5.48 for 1999-2000 (that is, last year), this shows estimated expenditure to be $2.461 billion and not $2.129 billion as shown in 'Budget at a glance'. If we take the higher figure as being correct, the estimated expenditure shown in this year's budget papers is $172 million over the output statement. On face value these larger variations are extraordinary, and it is extraordinary that the minister and his executives could not explain these figures. My questions to the Treasurer are:

1. Will he explain why the 1999-2000 expenditure on outputs as shown in 'Budget at a glance' exceeded the estimate by over $500 million?

2. Will the human services recurrent expenditure for 1999-2000 be greater than the estimate and, if so, what is the overspend and what are the correct figures?

The Hon. R.I. LUCAS (Treasurer): Opposition members are a bit schizophrenic. Half of them are criticising us for cutting back spending in human services and hospitals and the other half are criticising us for massive increases in expenditure. I highlighted—

Members interjecting:

The PRESIDENT: Order, the Hon. Mr Davis!

The Hon. R.I. LUCAS: The solution to this might be for the Hon. Mr Holloway to give those figures to the shadow minister for health. That should quieten the shadow minister for health and everyone might be happy. The shadow minister for health believes that the government is massively slashing spending on health and human services, whereas the shadow treasurer and the shadow minister for finance believe that there has been massive over-expenditure.

The Hon. L.H. Davis: They would be able to have simultaneous press conferences—

The Hon. R.I. LUCAS: Exactly. They could be the mirror image opposition. On the one hand we could have Mr Foley and the Hon. Mr Holloway and on the other hand Mr Rann and the shadow minister for health arguing the complete reverse of the argument from the finance and treasury spokespersons. I am happy to take on notice the honourable member's question. As the Minister for Health indicated, the Treasury has responsibility for all these things. Therefore, on behalf of the Treasury, I willingly accept that responsibility. I am happy to undertake to get behind the figures for him and to bring down some reconciliation of the different figures. I have looked at a number of the figures in general terms, and I have had discussions with a number of members with respect to their questions on these issues. Some of the differences relate to different accounting provisions in terms of how the aggregates are brought to account at the end of 1999-2000 compared with the estimate. Some of the figures might be accruals as opposed to what was actually paid in cash. However, until I have had an opportunity to have a closer look at the documents to which the honourable member refers, I will take the questions on notice and bring back a reply.

HOMELESS, INNER CITY

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation prior to asking the Minister for Disability Services a question about inner city homelessness.

Leave granted.

The Hon. T.G. ROBERTS: Although I am directing my question to the Minister for Disability Services, I respect and understand that a number of the homeless people in the City of Adelaide do not suffer from major disabilities other than that they are poor and without shelter. Among the homeless in the inner city area are a number of people who do not fit into any of the categories that come under funding programs already running. I am not asking for increases in any spending programs but I ask that the government examine the issue in a sympathetic way and work with the opposition, local government and voluntary agencies in order to come to terms with some of these problems.

There are a lot of people who fall between the cracks in any of the government aid programs, and we all know that the voluntary agencies and church organisations are struggling for funding in order to come to grips with some of the problems associated with homelessness. The last four to six weeks period has been particularly bad in relation to those people who, through no fault of their own, find themselves in these circumstances and without the shelter that we take for granted. I am sure that many of us, when we put our first foot out of bed onto the cold tiles in the morning, say how terribly cold it is. However, to be in circumstances where one has to sleep outside during this cold whether is lamentable. A recent decision by local government—the City of Adelaide—not to go ahead with a plan to find appropriate accommodation for the homeless in the south-east corner of the city—

The Hon. Ian Gilfillan: When?

The Hon. T.G. ROBERTS: A week ago. I know that the decision can be challenged or appealed. I think the Housing Trust, which was the applicant, is considering an appeal. It appears that a weight of opinion has been developed to prevent the council from getting that home up and running.

An article in the *City Messenger*—amongst other information given on the plight of the homeless in the inner area of the City of Adelaide—denotes that in the past three months about 15 indigenous people have been found dead by Adelaide homeless agencies, according to the Council of Homeless Persons. The deaths account for about 30 per cent of the total number of homeless people who have died in the past few years. That is also a lamentable figure. I am not sure whether that figure is right. If it is, 15 people have died on the streets in the last few months.

I suspect that there is an urgency to come to terms with this problem, and I am sure that we need someone such as the Minister for Disability Services, who has the power, persuasion and sympathy for an issue like this, to pull together a team to look at it in an urgent way. My questions are:

1. As a matter of urgency, will the Minister for Disability Services convene a meeting of his ministerial colleagues who have a responsibility for human services and welfare to discuss the lamentable circumstances that homeless people face in South Australia and, in particular, in Adelaide?

2. As a matter of urgency, will the minister meet with government departments, church and voluntary agencies to assess what steps can be taken immediately to prevent any further deterioration in the already difficult circumstances faced by these people?

The Hon. R.D. LAWSON (Minister for Disability Services): I thank the honourable member for his question, which highlights a very significant problem, especially in the City of Adelaide. The report in today's *City Messenger* that a number of indigenous homeless people have recently died on the streets of Adelaide is a matter of grave concern. It is a fact that many indigenous people who come to Adelaide do not have appropriate arrangements for their own accommodation and tend to rely upon the various places for homeless people.

The provision of housing for the homeless is the responsibility of the Minister for Human Services. He has already reported to the parliament that a substantial sum is allocated not only to government agencies, the Housing Trust, but also to non-government agencies through the Commonwealth SAP program. I know that the minister expressed disappointment at the recent decision of the council of the City of Adelaide to refuse permission to St Vincent De Paul to extend one of its facilities in the city.

It is a very complex issue. Only a small number of people are classified as suffering from a disability as defined by the Disability Services Act and are affected by the current situation. I acknowledge that there are many people who are homeless and who suffer from a disability or who suffer from some mental health problem or some other health problem as well as circumstances which make it not possible for them to provide for their own accommodation.

I will refer the honourable member's question to the Minister for Human Services, and I will cooperate with him if it is appropriate to convene a meeting of the kind that the honourable member suggests. Indeed, I am not sure whether or not the minister has already attended or convened such a meeting in relation to this matter. But I will endeavour to bring back a prompt response to the honourable member's questions.

SHOP TRADING HOURS

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Workplace Relations a question about shop trading hours.

Leave granted.

The Hon. CAROLINE SCHAEFER: Over the weekend, the *Sunday Mail* in particular ran an article on the closure of stores in the tourist precinct of Glenelg, and that was followed by a series of articles in this week's *Advertiser*. Apparently, three chain stores were closed because their floor space was greater than that required for a shop to be allowed to open on a Sunday, that is, greater than 200 square metres. Those stores were Cheap as Chips, Cunningham's Warehouse and The Reject Shop. This appeared to cause quite an outcry, particularly among the people of Glenelg, and resulted in the mayor calling for an exemption to shop trading hours for tourist precincts. I understand that some reprieve has been granted for next weekend, but also that a survey taken by the *Advertiser* indicated that 27 per cent only are left in favour of 5 p.m. closing. Over 70 per cent of South Australians want longer shopping hours in the suburbs. I therefore ask the minister: does current legislation allow for special hours in tourism precincts? Would the government support special treatment for these precincts? What action is proposed in respect of the stores apparently opening in breach of the law?

The Hon. R.D. LAWSON (Minister for Workplace Relations): The Shop Trading Hours Act does not specifically recognise tourism precincts. It is a piece of legislation which has its origins in, I think, about 1909, at a time when the move was being made by large businesses to restrict shopping hours. The largest shops at that time thought that smaller shops had a distinct competitive advantage over them and it is said that the larger operators, in combination with the unions for shop workers, secured legislation restricting hours. Now, of course, the situation has completely turned around and it is many of the larger stores that are pressing not only governments but members on all sides to extend hours, and it is many of the smaller businesses and the unions that are seeking restricted hours.

There was a comprehensive review of the Shop Trading Hours Act only last year and, as a result, a number of amendments were made to the legislation, with the agreement of both houses of parliament and in consultation with all stakeholders, that is, the traders, consumers' representatives and workers.

The recent incidence described by the honourable member at Glenelg shows that three stores have apparently been trading for a number of years in shops that have a floor area which is greater than (not less, as I think the honourable member noted) 200 square metres. As I am informed, about 75 to 85 per cent of all shops in South Australia are able to trade for 24 hours a day, 365 days a year, either by reason of the fact that their floor area is smaller than the maximum stipulated in the act or that they sell goods (for example, hardware or pharmaceutical products) that are themselves exempt from the provisions of the act.

However, those larger stores constantly agitate for extended hours. The department takes the view that it is not obliged to go round and measure the floor area of every store in the state, of which there are many thousands. However, in response to complaints (from competitive traders, I might say), inspectors recently attended at Glenelg and the three businesses identified by the honourable member were found to be trading in stores that had floor areas of, I think, about 300 square metres, with one somewhat larger than that.

The City of Holdfast Bay has been talking about (but has not previously made any application to the government about) having a tourism precinct identified for the Jetty Road, Glenelg area. It is a very popular area containing many restaurants and small stores which, in recent years, have been increasingly opening on Sundays, and most of those stores are entitled to do so.

As a result of the inspections, notices were given to each of the three stores and they were informed that they were apparently acting in contravention of the act and should cease trading. The city council, the traders' association and others made representations to me on behalf of those stores, based upon the fact that Glenelg is widely recognised as a tourist destination and the mayor was proposing that a tourist precinct be established.

However, as I said at the beginning of this answer, there is no provision in the act allowing for tourist precincts. What I have decided to do in conjunction with the Minister for Tourism is conduct a very brief review to examine whether there would be any justification for the government's bringing to parliament an amendment in relation to tourism precincts or some other amendments or provisions for the purpose of facilitating tourist operators in particular destinations.

That may well have wider implications. However, it is not the government's intention to reopen the whole question of the Shop Trading Hours Act at this stage, those provisions having been so recently reviewed. I envisage that the process

of examining the proposal of the City of Holdfast Bay for a tourism precinct will take about a month, and I will report back to the Council in due course on the result.

In the meantime, I have exercised the power conferred on me by the act to exempt the three traders, based on the special circumstances of their case. They have been trading for about 10 years, and there are some quite serious employment ramifications for those people working there if they were suddenly to be closed down. The exemption is only temporary to enable me to consider the issue of tourism precincts.

FREEDOM OF INFORMATION ACT

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Minister for Administrative and Information Services a question about the Freedom of Information Act.

Leave granted.

The Hon. IAN GILFILLAN: Recently I made a freedom of information application to the City of Adelaide regarding the so-called and intended retractable lights at Adelaide Oval. My request was rejected on the grounds that it could 'found an action for breach of confidence'. The public interest in the document's release was irrelevant. This is a common occurrence for those who seek information under the Freedom of Information Act and the corresponding provisions in the Local Government Act. The FOI Act itself has only two objects, as follows:

(1) The objects of this act are to extend as far as possible the rights of the public—

(a) to obtain access to information held by the government; and

(b) to ensure that records held by the government concerning the personal affairs of members of the public are not incomplete, incorrect, out of date or misleading.

I reiterate the words 'extend as far as possible the rights of the public'. The act also contains a long list of categories of documents that are exempt from disclosure.

Schedule 1 provides that documents will be exempt if, for instance, they affect law enforcement or public safety, if they are internal working documents of an agency, and so on. There are 20 clauses, which take up seven pages in schedule 1, all specifying various categories of exemption. In reading the schedule it is notable that some categories of exemption are to be read as subject to a 'public interest test', that is, the document will not be exempt if disclosure would, on balance, be contrary to the public interest. That document would then be released.

Other categories of exemption contain no such test—the exemption exists irrespective of any assessment of public interest. That is the case, for example, in respect of documents that have been prepared for cabinet or that attract legal professional privilege. In other states, particularly New South Wales and Victoria, comparable FOI statutes have a general public interest test so that, notwithstanding any exemption claimed, a document can and will be released after an external review if, on balance, its release should be in the public interest. There is no such general provision in the South Australian act.

The annual report into the operation of South Australia's Freedom of Information Act, tabled on 18 November 1999, provides statistics on how many exemptions are claimed in South Australian government agencies. Although fewer than three-quarters of all agencies provide statistics, so the figures are incomplete, it is known that in 1998-99 at least 524 documents were assessed as being fully or partially exempt in reliance on at least 747 exemptions. It is notable that the exemptions cited most often to refuse access to documents are those under which there is 'no public interest test to be satisfied'.

For example, claims of personal affairs or legal professional privilege in which the public interest is not a relevant consideration were the two most popular choices for exemptions. At least 79 per cent of reported exemptions claimed, that is, 588 in total, had no public interest component. In contrast, no exemptions were claimed at all in respect of clause 14 (affecting the economy of the state) or clause 15 (affecting state financial or property interests). These clauses do have a public interest test to be satisfied before a document is deemed exempt. My questions are:

1. Does the minister agree that his own annual report suggests that it is easier to suppress a document by citing any exemption that does not involve a public interest test?

2. Will the minister move to amend the legislation so as to incorporate a general test of the public interest, such as exists in the comparable New South Wales and Victorian legislation?

The Hon. R.D. LAWSON (Minister for Administrative and Information Services): I can answer the honourable member's questions quite simply. As to his first question about the ease with which documents can be suppressed, I can assure him that it is not the practice or policy of this government to suppress documents which are sought under the Freedom of Information Act. The second question relates to whether or not amendments will be introduced to the legislation. As the honourable member would know, for some time the Legislative Review Committee has been conducting an examination of our Freedom of Information Act—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order! Interjections are out of order.

The Hon. R.D. LAWSON: As the chairman of that committee reminds me, the questioner is a member of the Legislative Review Committee, so he would be well aware of that committee's progress towards the finalisation of its deliberations. The honourable member mentioned that the 1998-99 annual report indicated that there were some 529 exempt documents in that period under review. In fairness he should have quoted other figures in the report which indicated the large number of requests made and the large number of requests that were duly met without any exemption being claimed.

All applications under the Freedom of Information Act are carefully scrutinised, and the legislation is complied with both in its letter and its spirit. I remind the Council that this legislation was introduced not by this government but by a Labor government. Complaints are heard from time to time from the Leader of the Opposition about the Freedom of Information Act. It is interesting that he and his party have never made any moves to amend the provisions which they themselves introduced.

An honourable member interjecting:

The Hon. R.D. LAWSON: I am not aware of the honourable member's particular request of the Adelaide City Council relative to information about the Adelaide Oval lighting towers, other than numerous newspaper reports on that subject. The way in which the Adelaide City Council administers an application under the Freedom of Information Act is a matter for the city council and is something over which the government has no control. Like all members, I

look forward with interest to the forthcoming report of the Legislative Review Committee on the subject.

The Hon. IAN GILFILLAN: As a supplementary question: does the minister agree that the issue of public interest should have a higher priority on the determination of the release of documents?

The Hon. R.D. LAWSON: I am not prepared to agree with that, stated as a bald proposition. The exemptions provided under freedom of information legislation allow a wide scope of interrelated concepts and, subject to being convinced to the contrary, it is not my view that one can simply pluck one of them out and say that that is the divine criterion.

TRUCKS, EXHAUST BRAKES

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about the use of exhaust brakes by trucks.

Leave granted.

The Hon. J.S.L. DAWKINS: I have recently been contacted by residents of the Adelaide Hills in regard to the use of exhaust brakes by trucks travelling on the South-Eastern Freeway. My constituents are concerned about the number of truck drivers using exhaust brakes on the freeway, particularly at night, and possibly not realising the close proximity of towns such as Hahndorf. They have suggested to me that signs be erected along the freeway requesting the non-use of exhaust brakes where urban areas are adjacent. While I understand that such signs are in place on other major freight routes in South Australia, I ask the minister whether such action by Transport SA is appropriate in the Adelaide Hills.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): Some signs have been erected over the past 18 months encouraging heavy vehicle operators not to use their exhaust brakes. In the Adelaide Hills we have a more difficult situation to deal with because of the steep descent of the Adelaide-Crafers road. In those circumstances, exhaust brakes are seen as a necessary added safety factor for heavy vehicle operators, so it is considered that it would be inappropriate to erect such signs where there are long descents.

We are encouraging heavy vehicle operators to strictly maintain their engines and to regularly inspect the axles and wheels of the prime mover. In addition to annual inspections, that campaign has been exercised throughout the heavy vehicle industry, especially since the opening of the Adelaide-Crafers road. A number of the older vehicles in particular have been found to be a bit wanting in terms of their maintenance and, in those instances, drivers have a greater tendency to use their exhaust brakes than the more modern, well-maintained, prime mover. I can give the honourable member and his constituents an undertaking that Transport SA will be particularly diligent in terms of older vehicles that must use the Adelaide-Crafers road.

I must also add that we have added this issue of the noise associated with exhaust brakes to the charter of additional issues that we want the National Road Transport Commission to address across Australia as part of its next agenda of reforms, because there is considerable sensitivity in the community to the operation of heavy vehicles in respect of safety, noise and exhaust systems. I would like an opportunity to report back to the honourable member with more detail following the National Road Transport Commission investigation of these issues. Possibly, in the meantime, the honourable member—on behalf of his constituents—could make a submission to the NRTC concerning these matters. Also, we are working with the EPA in South Australia to ascertain how best to test on-road vehicle emissions and noise levels, and we should be able to report further on that work.

POLICE, TRAUMA COUNSELLING

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Attorney-General a question regarding trauma counselling for police officers.

Leave granted.

The Hon. T. Crothers interjecting:

The Hon. T.G. CAMERON: There is only one here who needs it. Police officers are frequently required to attend and deal with situations that are absolutely shocking and extremely stressful, including suicide, road deaths, murders and other serious traumas. The community owes them a great deal of thanks for the job they do under difficult circumstances. Recently, my office received information that police officers who have experienced serious trauma receive counselling only after they request it. Apparently, prevailing police culture does not encourage officers to seek trauma counselling as it is seen as a sign of weakness—particularly for male officers—and as letting the side down. I am advised that other emergency services personnel, such as ambulance officers and firefighters, receive counselling automatically whenever they are involved in a serious trauma event. My questions to the Attorney-General are:

1. Why do other emergency services personnel receive automatic counselling following serious trauma events but not police officers?

2. Will the government move to introduce automatic counselling for police officers following serious trauma events?

3. Will the minister investigate the current situation and bring back a report?

The Hon. K.T. GRIFFIN (Attorney-General): The answer to that is 'Yes.' I will follow it up and bring back a reply.

DEVELOPMENT APPLICATIONS

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about development applications.

Leave granted.

The Hon. A.J. REDFORD: Recently I was approached by a constituent who is the owner of a house in the Burnside council area. On Sunday 26 March my constituent, Mrs C, was approached by her neighbour, Mr P, who told her that he had purchased the house next door and that he was proposing to demolish the house and clear the block with a view to constructing two townhouses. I understand that Mr P is an experienced developer who embarks upon this sort of activity on a regular basis.

The developer asked whether she would agree to the removal of two mature claret ash trees—I have seen them and they are quite big trees. She agreed to consider the removal of the trees. On 28 April, about a month later, the developer cut off her power during the process of clearing the neigh-

bouring block. I might add that this did not enamour him to Mrs C. On the Saturday she sent a fax to him which stated:

> I have taken advice concerning removal of trees from my property and I understand I must obtain council approval. Please do not remove trees until further advice from me.

On the following Monday (1 May) she spoke with Mr P and informed him that no approval had been given. Notwithstanding that, he later entered her property without her permission and proceeded to measure the trees. On 2 May she wrote to Mr P, our erstwhile developer, and advised him as follows:

> Please do not continue any process which concerns the removal of the trees on my property without writing to me first and subsequently receiving my agreement and confirmation or otherwise in writing.

I would think that that was clear. During the next few days Mr P entered Mrs C's property on a number of occasions. On 30 May Mr P, without Mrs C's knowledge, lodged an application with the Burnside City Council to remove two claret ash trees from her property. It contained no reference to Mrs C and her request that any approval from her be obtained in writing. In fact, it was only through the diligence of her councillor—and I go on record as praising the councillor, Mr Alan Ward—that he noticed it on the notice paper of the next council meeting and decided that he would ring her and ask her what it was about.

She was a bit concerned that an application had been made without her knowledge to knock over a couple of her trees, of which she had grown fond. She told the councillor that she was totally opposed to it. She was even more horrified that officers of the council had recommended that the development application to cut down these trees be approved. Thank God for democracy! The councillors voted unanimously to reject the development application.

As one might imagine, the relationship deteriorated and Mr P, in order to repair the relationship with his new neighbour, engaged a counsellor or psychologist to write to her suggesting that they set up some counselling. Mrs C made some inquiries and found that the person recommended by Mr P was not a registered psychologist. I understand that the Australian Psychological Board is investigating this person's conduct. However, on 16 June, Mr P, not to be deterred, lodged another application to cut back the trees on Mrs C's property, again with no reference to her. But thank God for democracy and Mr Alan Ward because, in his diligent fashion, he referred the matter to her and she again advised him that she had no knowledge of it. She also made inquiries of the council, as I did, and I understand it is the council's view that it is not necessary to actually advise a landowner that an application for development has been made in respect of that landowner's property.

The PRESIDENT: Order! I hope the honourable member is getting close to asking his question.

The Hon. A.J. REDFORD: Very close. My questions to the minister, in the light of that, are: is the advice from the council correct, and, if so, why is it that owners can potentially not be told about development applications that relate to property which they own? If it is the case would the minister consider amending the act so that owners are told of development applications that relate to their land in every case?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): It does not seem a very happy neighbourly situation that has developed in the circumstances. I would like to receive more information from the honourable member, whether the application was made under the Local Government Act or the Development Act. With the little knowledge I have, I recall that we had this debate in the Legislative Council last year with an amendment from the Hon. Trevor Crothers, which I think we all supported.

The Hon. T. Crothers interjecting:

The Hon. DIANA LAIDLAW: I think it was under section 299 of the Local Government Act that a neighbour could apply for a tree to be pruned. What I do not understand at this moment in terms of the example given by the honourable member is whether the application is for the ash trees to be pruned or removed. So I would need some more information there.

The Hon. A.J. Redford: They are still her trees.

The Hon. DIANA LAIDLAW: Still her trees, but I understand that in terms of a neighbour applying for the pruning of a tree under the Local Government Act it is deemed to be a category one application and therefore the owner would not necessarily be advised. I think in the circumstances that the honourable member has highlighted if a neighbour is applying for pruning or removal of a tree on another person's property we in this place should look at amendments to the regulations, to provide that there is notification in that instance.

So I undertake to look at that matter. I certainly would appreciate more understanding of the details of the circumstances in the application in terms of the Local Government Act or the Development Act, and I certainly would like to speak to the Hon. Mr Crothers if it is a matter under the Local Government Act, since he sponsored this amendment in the first place. But I do not think that in any instance we had envisaged the owner would not be notified before the council made an application. But I might check with the Hon. Mr Crothers what his intention was in that regard as well.

The Hon. T. Crothers interjecting:

The PRESIDENT: Order! It is not for questioning across the chamber.

The Hon. DIANA LAIDLAW: It is not for debate at this time, but I will follow that up with the Hon. Mr Crothers.

The Hon. T. CROTHERS: I have a supplementary question. Is the minister aware that in the case she referred to concerning myself that particular neighbour has been given 28 days notice to act with respect to pruning his trees, otherwise the people whom he is offending against may be forced to take further action? Is the minister further aware that the situation that the Hon. Mr Redford is referring to is a development, as opposed to existing properties?

The Hon. DIANA LAIDLAW: This is what I would like to clarify, whether the application was made under the Local Government Act or the Development Act, and if it is severe pruning in order that it would damage the tree then that would involve an application to the council. Perhaps in the rush to try to deal with this issue, on which in good faith we all did our best, it may be one matter that we have overlooked. I have given an undertaking that after one year we would review the whole working of the significant trees legislation. But on a matter such as this I will undertake to address it expeditiously.

SMOKE ALARMS

In reply to **Hon. CARMEL ZOLLO** (24 May and answered by letter on 16 June).

The Hon. DIANA LAIDLAW: The article in the *Sunday Mail* of 16 April 2000, which alleged that 'Almost half the State's 500 000 home owners continue to put their lives at risk by failing to install compulsory smoke alarms . . .', was based on a reported comment by Mr Andrew Vorassi from Archicentre.

Discussions with Mr Vorassi have confirmed that the figures used were based on:

- Pre-purchase inspections, most of which were made in January and February. There was a significant shortage of smoke alarms in January and February because suppliers had not allowed for the rush to purchase smoke alarms near the 1 January 2000 compliance date.
- A small sample size—150 compared with 400 in the McGregor Tan survey.
- Homes which were in the process of being sold—vendors may have incorrectly considered it unnecessary to install alarms since the new owners were required to install either hard wired or 10 year life fixed lithium battery powered smoke alarms.

The survey undertaken by Planning SA was conducted by McGregor Tan Research who are highly regarded in the area of market research. The methods of sampling used were industry standard and the results are considered very reliable.

The results indicated that 94 per cent of people surveyed had smoke alarms installed in their homes. Of the people who had not installed alarms, 65 per cent intended to install them, while 27 per cent indicated that they were only tenants and, correctly, considered that it was the landlord's responsibility. Only one respondent stated that they did not plan to fix any smoke alarms in their home.

With regard to the question of ongoing education of home owners regarding installation and maintenance of smoke alarms, consideration is being given to the possibility of a 'change your clock, change your smoke alarm battery' campaign when daylight savings begins and ends, in 2000-2001.

LOCAL GOVERNMENT ELECTIONS

In reply to **Hon. CARMEL ZOLLO** (4 May and answered by letter on 16 June).

The Hon. DIANA LAIDLAW: The Minister for Local Government has provided the following information:

Soon after the mailout of postal ballot packs, reports were received of some people receiving more voting packs than they were apparently entitled to. As the honourable member notes, some previously undetected errors in the roll were to be expected in the transition from polling booth to exclusively postal voting. The requirement to send ballot packs to every individual, company or group elector brings to light problems or errors which were not evident previously if the elector did not vote.

The maintenance and certification of the voters roll is a prescribed legislative responsibility of the chief executive officer of each council. The Office of Local Government issued a detailed circular to councils in October 1999, drawing attention to the need for timely action to ensure that the voters rolls could be prepared in compliance with the Local Government (Elections) Act 1999 for the May 2000 elections.

It should be noted that the qualifications for enrolment in the present legislation are very similar to those under the repealed Local Government Act 1934.

The Electoral Commissioner, as returning officer, is responsible for the conduct of the elections [receiving nominations, printing and distribution of voting materials, counting of votes, etc.]—as opposed to the construction and certification of the rolls.

The commissioner has provided some information which has been used in the preparation of this reply.

The Electoral Commissioner invited every chief executive officer (and other relevant staff member) of every council to a briefing session on roll matters that informed them of their responsibilities and particular issues requiring immediate consideration including the format in which House of Assembly data would be supplied to councils, and the format required for the mail out.

Sessions were conducted in four regional locations and two city locations during late November and early December last year. Any council that was unable to attend those sessions was subsequently given a comprehensive briefing by telephone. Following a request from councils' largest software supplier to attend a briefing that supplier also attended.

The voters roll incorporates people with House of Assembly entitlements as provided by the Electoral Commissioner, and residents not on the House of Assembly roll, plus property based entitlements for sole owners and occupiers, both of which are identified and recorded by the CEO of each council.

The task of de-duplicating or merging the roll is not always easy. For example, the council may have a person Rick Citizen as an owner on its council records and be provided with a Frederick J Citizen on the House of Assembly roll. The dilemma is, are Rick Citizen and Frederick J Citizen the same person? The CEO often does not have access to dates of birth on council records. If the CEO then considers them to be different people but they are in fact the same person within the same ward, a duplicate vote would be subsequently issued. Electors may, however, be entitled to an additional voting entitlement, particularly where they have property in another ward within the council area and this can cause confusion.

As a result of operating a state wide elector telephone information service the Electoral Commissioner, as returning officer, became aware of people who considered that they had been issued with more ballot packs than they were entitled. In some of these cases, the person had simply forgotten about a business or property interest in the area but in other cases it was necessary to refer them back to council for further information.

The commissioner then contacted all council chief executive officers via facsimile on 2 May 2000, inviting them to reconsider their certified roll and to advise him of any entitlements that were known to be incorrect. This information was requested with a view to holding relevant unentitled voting packs outside of the count if they were returned.

The responses from councils varied, with most councils requiring very few or no variations. Several councils reported significantly larger numbers of incorrect entries on their voters roll, the highest being in the vicinity of 1 000.

In this particular case, an error in the council's computer software generated additional, but not legal, entries on the roll. Less than 200 of the approximately 1000 errors in this council were in fact returned by electors, and these, as was the case with faulty entitlements from other areas notified by councils, were intercepted and excluded from the count.

Overall, the Electoral Commissioner estimates that statewide around 750 votes were held outside the count as a result of these specific checks. This represents 0.065 per cent of total eligible electors, and 0.16 per cent of actual voters.

In response to the question about computerised distribution of preferences, the Electoral Commissioner has advised that a program closely related to the system used at the last Legislative Council elections was used for potentially complicated counts, and proved to be of significant benefit.

The honourable member was issued with fresh voting papers upon receipt of the appropriate request. The reissue cancelled the first issue.

The Hon Trevor Crothers did not receive any ballot material because there was no ward councillor, area councillor or mayoral election applicable to his entitlement.

I am happy to confirm the undertakings which the Minister for Local Government has previously given, that there will be a thorough technical review of all aspects of the 2000 Council elections. The Local Government Association and the Electoral Commissioner will be invited to be actively involved.

MOTOR VEHICLES, SAFETY

In reply to **Hon. G. WEATHERILL** (25 May and answered by letter on 16 June).

The Hon. DIANA LAIDLAW: In December 1998 the Federal Department of Transport and Regional Services commissioned an investigation into the on-road behaviour of some heavy trucks. The trucks in question were from several manufacturers, but were generally of North American origin including Mack trucks, and were long wheelbase, high horsepower prime movers, engaged in the long distance hauling of semitrailers at highway speeds.

Complaints centred on inappropriate steering response ('darting' and 'wandering') and excessive in-cab vibration. Eight trucks, including three benchmark vehicles, were subject to extensive instrumented testing and analysis.

The report on this investigation has recently been released by the federal government and is now being studied by Transport SA.

Although this study is not yet complete, it is possible to respond in broad terms to the recommendations, which fall into three categories:

- action to be taken on specific vehicles;
- improvements to vehicle design practice and standards; and
- areas of possible further research.

Taking the last point first—it is important to state that, due to the complexity of the problems and the specific nature of the terms of reference, the report does not pretend to contain a complete answer. Indeed, it has raised a number of questions. This is particularly so

in the area of vibration, where little is known about the precise relationships between vibrations and various areas of human health and driver performance.

Some of these questions will need to be answered before work on improvements to vehicle design practice and standards can be finalised. In the meantime, it should be possible, if necessary, to devise suitable standards for steering behaviour and, arising out of this, test methods and procedures for rectification of problems.

Dealing with new vehicles is the responsibility of the Federal Department of Transport and Regional Services. Vehicles already on the road, including modified vehicles are, however, the responsibility of the states and territories. South Australia will take part in developing and applying suitable methods and procedures.

Vehicles of a similar specification to those tested, which may be at risk of developing similar problems, will be identified and their owners informed of any action required. This will be done as soon as the appropriate steps for rectification are defined.

The honourable member may wish to visit the Federal Department of Transport and Regional Services website, where he will find a copy of the report. The Internet address is:

http://www.dotrs.gov.au/land/truckrpt.htm.

As to vehicle recalls, these are the responsibility of the manufacturers and the federal authorities. I understand that vehicle recalls are normally instigated voluntarily by the vehicle manufacturer. I have been advised that involuntary vehicle recalls rarely occur, except where the Federal Department of Transport and Regional Services has very strong evidence of a problem and all avenues of negotiation with the manufacturer have been exhausted.

FOUR-WHEEL DRIVE VEHICLES

In reply to **Hon. T.G. ROBERTS** (5 April and answered by letter on 20 June).

The Hon. DIANA LAIDLAW: I provide the following information relating to four-wheel drive safety, advertising, training and environmental issues:

Safety

Recent research from New South Wales indicates that four-wheel drive vehicles are over-represented in roll-over type crashes and in reversing into children incidents.

Crash test research also indicates that four-wheel drive vehicles without airbags have performed poorly in terms of occupant protection compared to other types of passenger vehicles. The majority of the South Australian four-wheel drive fleet does not have airbags.

However, recent crash tests of four-wheel drive vehicles with airbags have demonstrated that many of these vehicles provide better occupant protection than small passenger sedans.

The Australian New Car Assessment Program (ANCAP) distributes widely the results of these tests. A brochure detailing the latest four-wheel drive crash tests has been forwarded to the honourable member.

Currently, no Australian state or territory road safety authority is specifically targeting four-wheel drive safety through mass media campaigns.

However, most States, including South Australia, are providing printed information through tourist authorities that canvass four-wheel drive safety and environmental issues. In addition, Tourism SA has partly sponsored a television information special, 'Beyond The Bitumen', that was recently aired on Channel 10 and will shortly be aired on Imparja television and through the Foxtel pay-to-air network. This television special canvassed both safety and environmental issues relating to four-wheel drive use.

Industry Advertising

I agree that four-wheel drive advertisers should portray driving situations and behaviours in their commercials that promote road safety and appropriate use of the environment.

Television advertising is self-regulated by the Advertising Standards Board (ASB) under national industry broadcasting agreement. The board determines whether any particular commercial breaches the advertiser code of ethics. As the South Australian Minister for Transport and Urban Planning, I have no control over what is aired on commercial television.

However, the ASB has previously withdrawn, on advice from road safety authorities, their agreement for a particular commercial to be aired where it has been demonstrated to portray inappropriate and dangerous driving behaviour or situations.

Therefore, if the honourable member provides me with more specific details relating to any commercial which he believes portrays such behaviour or situation, I will seek advice from Transport SA on whether or not to forward a complaint to the ASB.

Alternatively, the honourable member could write direct to the ASB at the following address:

The Executive Administrator
Advertising Standards Board
Suite 2 Level 5
99 Elizabeth Street
SYDNEY NSW 2000

Transport SA will also raise the appropriateness of four-wheel drive advertising with its interstate counterparts and the Australian Transport Safety Bureau (formerly Federal Office of Road Safety).

Training

In South Australia, training in safe use of four-wheel drive vehicles is provided by a number of four-wheel drive clubs. Training is also provided through the RAA, under a sub-contract arrangement with Adventure 4WD, a private training company.

In addition, similar training is provided to State Government employees through Fleet SA. Approximately 800-1 000 such employees have undertaken the training program.

These training programs canvass both safety and environmental issues relating to four-wheel drive use.

Environmental Issues

Currently, the Department of Environment and Heritage has developed a draft recreational vehicles and protected areas policy for four-wheel drive (and other) vehicle users in parks and reserves. This was developed in collaboration with the South Australian Association of Four Wheel Drive Clubs Inc.

In addition, as previously mentioned, environmental issues are included in training programs offered to four-wheel drive users, and is discussed in printed information made available to tourists and others.

For example, the South Australian Association of Four Wheel Drive Clubs Inc, through their natural resources advisory unit, has produced a booklet, 'Minimum Impact Camping and Touring Guide', which includes a code of conduct. The association and some affiliated clubs have also undertaken projects with national parks to clean up, replant and re-forest areas of South Australia.

TRANSADELAIDE EMPLOYEES

In reply to **Hon. T.G. ROBERTS** (1 June and answered by letter on 13 June).

The Hon. DIANA LAIDLAW: I provide the following information in response to the honourable member's question—and note that the Deputy Premier was asked the same question by the Member for Torrens on the same day.

Electrical work for Transport SA is either maintenance work or part of a new project.

Maintenance work is completed using a mix of both in-house resources and contracted out activities. New projects are generally contracted out, however some smaller projects are completed by in-house resources.

Transport SA uses labour hire contractors to augment its small day labour workforce and carry out short term and intermittent work to meet peak workload needs as part of its overall long term workforce strategy.

There are currently 8 A class electricians undertaking some specific short term projects which are expected to be finalised in 4 to 6 weeks. This work will not result in any ongoing position for redeployees.

Arrangements are in place to consider any surplus employees from TransAdelaide who are appropriately skilled and qualified to undertake this work in place of contractors. Transport SA is willing to provide on-the-job training to successful redeployees. However, it should be noted that no ongoing work for electrical contractors has been identified at this time.

Should positions become available in the skill areas of TransAdelaide redeployees, they will be given priority of consideration with other surplus employees of government.

Transport SA is working closely with redeployment consultants from TransAdelaide to match skills to work and retraining opportunities for redeployees.

The extra cost of 'using labour hire contractors rather than redeployees' needs to take into consideration the availability of redeployees to other agencies, and any retraining costs that are required to enable redeployees to perform new duties. In this instance the 'extra cost' is difficult to calculate but estimated to be minimal.

HOUSING TRUST PROPERTY

In reply to **Hon. SANDRA KANCK:** (4 May and answered by letter on 16 June).

The Hon. DIANA LAIDLAW: The Minister for Human Services has provided the following information:

1. Contamination investigation results indicated there is no health risk associated with residential use of 26 West Street, however, at the request of the tenant, the Trust agreed to relocate the tenant to an alternate area. The Trust subsequently agreed to a request from the Tenant's Association of South Australia not to re-let the property until investigations on the adjoining pughole were complete. The time taken by the Land Management Corporation to investigate the adjoining pughole has exceeded the original expectations of the Trust.

2. No. The Trust has no evidence of any health risk and the properties are not situated over a pughole. The properties have been used for residential purposes and the Trust is not aware of any potential contamination causing activities that would warrant investigation on these properties.

3. The estimated cost of repairs to prepare the property for re-letting is $40 000.

4. When the Land Management Corporation has completed its investigations and advised the Trust then it can proceed to re-let the property.

5.& 6. Responsibility for resolving contamination issues at the West Street pughole site rests with the Land Management Corporation, which reports to the Minister for Government Enterprises. These two questions have been referred to the Minister for Government Enterprises for response.

JOINT SPIRIT

In reply to **Hon. SANDRA KANCK** (25 May).

The Hon. DIANA LAIDLAW:

1. The Australian Maritime Safety Authority (AMSA), under Port State arrangements applicable to foreign registered vessels, undertook the investigation and found that there was no objective evidence to indicate that the vessel had dumped any material into the waters of the state. Therefore, there was no need for Transport SA to investigate the allegations.

2. Section 28 of the Pollution of Waters by Oil and Noxious Substances Act 1987 provides for the minister to detain a vessel suspected to have discharged oil or oily mixtures into state waters.

3. AMSA officers are authorised officers under the Commonwealth Protection of the Sea (Prevention of Pollution from Ships) Act 1983, and it is accepted practice for them to notify Transport SA and Environment Protection Authority officers regarding possible breaches of the law affecting this state's waters.

4. I provided a comprehensive response to this question on 25 May.

5. AMSA and the Maritime Union of Australia notified the appropriate federal authorities at the time the incident occurred. Therefore, there was no need for me to do so. I am advised that the owners paid all outstanding crew wages prior to the departure of the vessel.

MOTOR ACCIDENT COMMISSION

In reply to **Hon. T.G. CAMERON** (25 May and answered by letter on 20 June).

The Hon. DIANA LAIDLAW:

1. The commercial has not been removed from television. It is being aired in accordance with the schedule developed as part of the approved 3-year evaluation of road safety mass media. Under that schedule, the commercial will be aired during January, March, July and September 2000 and during January and March 2001.

2. The commercial cost approximately $80 000 to produce, and will cost approximately $225 000 to air as per the schedule detailed above.

3. I assume the honourable member is referring to Transport SA as the 'department' in this question, although the agency's logo does not appear on the commercial. Transport SA is responsible for managing, under a memorandum of understanding with the Motor Accident Commission, road safety mass media campaigns in metropolitan Adelaide.

I agree that it is important that road safety commercials be accurate, realistic, relevant and believable.

I have been advised by Transport SA that the typical emergency braking behaviour is shown in the commercial, relevant to most urban crash situations and type of vehicle in South Australia.

For the honourable member's interest, the director of the Road Accident Research Unit, Professor Jack McLean, has provided the following comments on this matter:

> 'Maximum braking efficiency does occur just before the wheels lock up and a reasonably competent driver can break hard without locking the wheels. However, in an emergency situation at metropolitan area speeds almost all drivers, regardless of their knowledge or claimed level of skill, lock the wheels when attempting to stop (unless the vehicle is fitted with antilock brakes). This conclusion has been arrived at in many years of crash investigation including interviews with the drivers involved in the crash'.
>
> This finding is supported by other independent research.

In addition to the above comments, it should be noted that the vehicles used in the actual television commercial were several years old—in order to reflect the typical South Australian vehicle age profile. The average age of the South Australian motor vehicle fleet is approximately 12-13 years. The majority of older vehicles (and most new vehicles) do not have antilock braking systems.

MOTOR VEHICLES, SEAT BELTS

In reply to **Hon. T.G. CAMERON** (25 May and answered by letter on 20 June).

The Hon. DIANA LAIDLAW:

1. Seat belts fitted in motor vehicles must meet the requirements of Australian Design Rule (ADR) 4/03 Seat belts. Under ADR 4/03 a seat belt must be so designed that, with the adjustment provided, it must be capable of being correctly fitted for:

- In the case of the driver's seating position, a '5th Percentile Adult Female' with the seat in the rearmost driving position and a '95th Percentile Adult Male' with the seat in the foremost driving position; and
- If installed in any other seating position, a '50th Percentile 6 Years Old Child' with the seat in the rearmost riding position and a '95th Percentile Adult Male' with the seat in the foremost riding position.
- In addition, the design of the seat belt must, in the case of the fittings to a '95th Percentile Adult Male', provide for at least 75 mm of additional webbing in both the lap and sash segments of the seat belt. The purpose of this is to accommodate a stouter person than represented by the 95th percentile anthropometric dimensions.

A '5th Percentile Adult Female' is defined in part as a female whose mass is 46 kg ± 5 kg.

A '95th Percentile Adult Male' is defined in part as a male whose mass is 97.5 kg ± 5 kg.

A '50th Percentile 6 Years Old Child' is defined in part as a child whose mass is 21.4 kg ± 3 kg.

The seat belt length is checked as part of the vehicle approval process undertaken by the federal government when issuing approval for vehicles to be registered in all Australian states and territories.

2. Although the question of seat belt length is raised from time to time, examination to date has shown that the seat belts meet the requirements of ADR 4/03. Any changes to the ADR would need to be pursued through the Australian Transport Safety Bureau (formerly the Federal Office of Road Safety)—and as advised in my initial response, I have asked Transport SA to forward the honourable member's question, and the matter generally, to the bureau for consideration and a response.

AGED CARE FUNDING

In reply to **Hon. T.G. ROBERTS** (11 November 1999).

The Hon. R. D. LAWSON: In addition to the answer given on 11 November 1999, the following information is furnished:

In recent years this government has addressed the issue of accessibility of aged care services to Aboriginal people, and in particular for elderly Aboriginal people living in remote areas.

In 1996-97 the government provided Home and Community Care (HACC) funding to Aboriginal Aged Care programs in remote areas as follows:

Organisation Name	Project Name	Funding
Coober Pedy Hospital Inc	Food Services	$39 600
NPY Women's Council Aboriginal Corporation	Program Support	$16 800
NPY Women's Council Aboriginal Corporation	Program Support	$8 600
Pika Wiya Health Service Inc	Program Support	$8 500
Umoona Community Council Inc	Community Paramedical	$5 000
Umoona Community Council Inc	Transport	$21 000
Narungga Aboriginal Progress Association	Transport	$36 300

The total funding committed for Aboriginal Aged Care Services for 1996-97 was $135 800.

In 1997-98 the State Government provided funding as follows:

Organisation Name	Project Name	Funding
Nganampa Health Council Inc	Nganampa Health Council Aged Support Project	$80 000
Ceduna/Koonibba Aboriginal Health Service Inc	Aboriginal Community Worker	$43 000
Leigh Creek Hospital Inc	Community Nursing	$33 000
Colebrook Community Centre Inc	Home Help	$19 000
Ceduna/Koonibba Aboriginal Health Service Inc	Program Support	$67 000
Nganampa Health Council Inc	Transport	$95 000

Total funding of $337 000 represented an increase of 148 per cent to aged care services to Aboriginal people living in remote areas.

In 1998-99 funding specifically for Aboriginal aged care services in remote areas was as follows:

Organisation Name	Project Name	Funding
Nganampa Health Council Inc	AP Lands Delivered Meals	$90 000
Nganampa Health Council Inc	AP Lands Delivered Meals Support	$88 300
Umoona Community Council Inc	Umoona Home and Personal Care	$39 000
Ngaanyatjarra Pijantajatjara Yankunytjatjara Womens Co	Satellite Telephone Service	$5 000
Nganampa Health Council Inc	Nganampa Health Council Aged support Project	$216 000
Pika Wiya Health Service Inc	Pika Wiya Health Service	$141 300
Ngaanyatjarra Pitjantjatjara Yankunytjatjara Womens Co	Carer support in AP Lands—Emergency Respite	$30 000
Pika Wiya Health Service Inc	Carers & Respite Conference	$9 000

The total of $618 600 represents an 83.5 per cent increase in funding from the 1997-98 budget and a 355.5 per cent increase over a period of two years.

In relation to aged care services in Coober Pedy; I advise that in 1999 a consultant was commissioned to assist commonwealth and state departments to explore the feasibility of co-locating an Aboriginal aged care service on the site of the Coober Pedy Hospital in addition to providing for state-funded non-residential aged care services.

The resultant feasibility study recommended the co-location of the Umoona Aged Care Aboriginal Corporation (UACAC) facility on the site of the Coober Pedy Hospital. The boards of both organisations have held discussions regarding management and operational arrangements. A service agreement has been drafted for the consideration of the two boards.

Tenders for the design and development of the new facility will be called and it is expected that construction will commence later this year.

In relation to aged care services in Thevenard; I advise that the Ceduna/Koonibba Aboriginal Health Service facility at Thevenard is a commonwealth funded and managed project in which the state government has provided assistance. Funds have been allocated by the State Department of Human Services (including the Aboriginal Housing Unit within the Department), Aboriginal Hostels Limited and the Department of Veterans Affairs to support the project. The State Government donated a select parcel of sea-front land for the project.

The Ceduna/Koonibba Aboriginal Health Service has now erected a residential facility on the land. The facility includes both independent living units and hostel care.

POLICE OPERATIONS INTELLIGENCE DIVISION

In reply to **Hon. M.J. ELLIOTT** (28 September).

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

ASIO is regulated by Commonwealth legislation and has no coercive power over SAPOL.

ASIO is constrained in terms of the agreement referred to in the Directions as 'Agreement of 1982', which means the agreement regulating the relationship between ASIO and the Police Force of South Australia approved by the Governor in Executive Council on the 2 September 1982. This is subject to scrutiny/audit by the Inspector General of Intelligence and Security appointed by the Commonwealth.

In reply to **Hon. T. CROTHERS** (28 September).

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

The ASIO/Police agreement (referred to in the Governor's Directions) regulates the relationship between the organisations and compliance is subject to comments/report by the independent auditor.

In reply to **Hon. T.G. CAMERON** (28 September).

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

There are no records kept on members of parliament. As members of parliament would be aware, information, which is voluntarily provided by them, is maintained to afford appropriate protection in the event of a threat to the safety or welfare of a member of parliament or his or her immediate family.

Strict confidentiality is maintained over such information, it is destroyed when the member of parliament leaves office.

Operations Intelligence Division are not involved in telephone interception.

Within SAPOL, the Police Intelligence (Technical) Section control and coordinate all duties in relation to listening devices and telecommunications interceptions. Legal procedures, including the authority of a Judge of the Supreme Court are established for all areas of SAPOL with respect to a telecommunications interception.

In reply to **Hon. CAROLINE SCHAEFER** (28 September).

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

The inquiry into the role and function of the Special Branch in the late 1970s saw it disestablished. A new entity created pursuant to Governor's Directions ensured matters examined related only to acts of politically motivated violence.

In the ensuing years SAPOL has undergone organisational and administrative change and Operations Intelligence Division (OID) has evolved. All changes have been promulgated pursuant to legal requirements and established protocol. The spirit and intent of the directions has always remained.

Compliance is monitored by an independent auditor with considerable legal experience and appointed by the Governor.

OID was established following judicial inquiry and the abolition of the former Special Branch. Invariably, every state in Australia has followed the OID concept in principle.

Protection against the keeping of material that is not authorised by law comes in the form of an independent auditor who makes regular inspection and reports annually on compliance.

The auditor has total and unfettered access to the OID holdings.

The Commissioner of Police reports (under confidential cover) to the Minister on the activities of OID, bi-annually.

DOMESTIC VIOLENCE

In reply to **Hon. SANDRA KANCK** (3 May).

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

The survey, conducted by SHINE SA, that the honourable member referred to in her Question Without Notice, is exactly the sort of information that is used to develop domestic violence prevention programs within my Crime Prevention Unit. Beginning with a clear understanding of the problem that we are trying to address is critical to identifying prevention strategies that are likely to be most successful.

Working with young people to prevent domestic violence is an approach that is strongly encouraged by the Ministerial Forum for the Prevention of Domestic Violence. This work can and is undertaken on a range of levels. Working with young people who are yet to experience domestic violence either directly or indirectly can be termed 'primary prevention'. Working with young people who have experienced domestic violence indirectly or who are at risk of domestic violence is 'secondary prevention' and working with young people in domestic violence situations, such as those identified in the SHINE SA survey, is 'tertiary prevention'.

My Crime Prevention Unit and some of the programs that it funds (eg the Local Crime Prevention Committee Program and the Yarrow Place Rape Prevention Program), are actively engaged in programs at each of these levels. To give you some examples:

- Some LCPCPs (e.g. Onkaparinga) have been involved in the development and delivery of curriculum to schools designed to foster the prevention of violent behaviours;
- The Relationship Violence No Way Project has provided peer education programs to at risk young men in the southern suburbs with the aim of decreasing the effects of violence on their lives and preventing further violence;
- Port Adelaide Enfield Crime Prevention program is undertaking some early intervention work with primary school children who may experience family violence and resulting behavioural problems;
- Port Pirie Local Crime Prevention Program ran a community education campaign targeted at 12 to 19 year olds to promote the message that relationship violence is not acceptable. 8 young people were involved in the design and launch of the campaign. In addition, anger management help and relationship counselling is provided to young people.
- The Yarrow Place Young People's Rape Prevention Project is working on a three pronged approach to preventing rape and sexual assault amongst 16 to 25 year olds. Much of the rape and sexual assault that is perpetrated against young people is done within the context of a "relationship" (acquaintance, friend, date, boyfriend/girlfriend etc). This project has been working with street dependant young people to develop rape prevention messages, with licensed premises to develop rape prevention strategies for their clientele and with inner city universities to survey young students about their on and off campus experiences of rape and sexual assault with a view to developing highly refined prevention strategies.
- The NDV Project, which is a joint initiative of the CPU and SAPOL and operated in Port Adelaide and South Coast LSAs, includes as one of its strategies, the notification by patrol officers to the Child Abuse Report Line of all children present during a domestic violence incident. The carers of the children are advised, in writing, of the damage that can be caused to children by domestic violence.

These are just a snapshot of some of the activities that have been developed. To focus more directly on the questions raised, I am advised that the Department of Education, Training and Employment has a range of programs designed to address and prevent violent behaviour amongst school students. Further, DETE has developed a curriculum package designed specifically to prevent domestic violence called *Breaking the silence: teaching and learning about domestic violence.*

In order to support the work of DETE, a current activity of the Crime Prevention Unit is to work with the school sector to promote the use of this and other violence prevention curriculum within schools.

POLICE PATROLS

In reply to **Hon. T.G. ROBERTS** (2 May).

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

As a general rule staff rosters in Regional Country Police Stations provide for two person patrols. However, to maintain service delivery solo patrols are often used to perform non-risk taskings. Conducting inquiries, serving documents, or taking incident reports from the community are the types of tasks attended to by these patrols. Supervisors and traffic personnel operate as solo patrols.

The Commissioner of Police has referred the Coroner's Recommendation to the Operational Safety Portfolio chaired by an Assistant Commissioner to examine how the recommendation can be best carried out. The portfolio will report direct back to the Commissioner.

The Commissioner as the Officer Responsible has issued policies for working alone (under the provisions of the Occupational Health Safety and Welfare Act). This policy directs that all reasonable, practical steps will be taken to ensure the employees' safety and that an adequate and reliable system for regular communication is provided and maintained for these officers.

In addition, Operational Guidelines governing the 'Use of Solo Patrols' are in existence. These guidelines list the responsibilities of patrol supervisors and the member when solo patrols are operating and restrict their use to low-risk taskings.

SPEED CAMERAS

In reply to **Hon. T.G. CAMERON** (12 April).

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

On 21 March 2000, Mr Ron Green met with the Deputy Commissioner of Police on speed detection strategies within the city of Unley with a view to enhancing road safety and the general compliance with the 40 kph speed limit.

As a result of this meeting a proposal was developed to proceed with a community based project. The essential elements of the project which is proposed by SAPOL consists of the following features:

- The formation of a City of Unley Road Safety Committee (or similar) comprised of representatives from City of Unley, SAPOL, Residents, Schools, Neighbourhood Watch and Senior Citizen Groups.
- There should be 5 to 7 members.
- The project should be conducted over 12 months.
- The members of the committee should contribute anecdotal or real data to the discussions.
- SAPOL will contribute data from its rolling traffic intelligence database.

- The committee will make decisions on the geographical deployment of SAPOL speed detection equipment.
- Laser guns will be operated by police officers in a highly visible sense.
- Speed cameras will be operated by Police Security Services members in accordance with SAPOL's operating instructions.
- All media releases concerning the project should be by agreement between the CEO City of Unley and the Deputy Commissioner of Police.
- City of Unley will commission a resident's survey to report on the broad analysis and effectiveness of the project.
- The results of the project should be considered by the Local Government Research and Development group of the Local Government of South Australia.

At no stage has it been an option that the council would obtain their own speed detection devices. The complexities of such a situation both in a legal, administration and operational sense preclude this option. The proposal has been approved by the Unley City Council and the next step in the process is to develop a Memorandum of Agreement between the City of Unley and SAPOL for the 12 month life of the project.

INTERNET COMMERCE

In reply to **Hon. IAN GILFILLAN** (5 April).

The Hon. K.T. GRIFFIN: The Commissioner for Consumer Affairs has provided the following information:

The Office of Consumer and Business Affairs (OCBA) continues to educate consumers in relation to shopping on the internet (e-commerce). The OCBA website, for example, provides consumer information concerning the pros and cons of shopping on the internet. Warnings about specific scams and get rich quick schemes on the internet are also included on the website.

The OCBA website is currently undergoing a significant upgrade, which when completed will include a new Information Sheet for consumers concerning e-commerce and new links to other relevant websites.

The successful 'Good Business Guide' booklet is also in the process of being updated to include a section covering e-commerce for business. A draft of the booklet is currently being circulated to business organisations for comment.

Over recent years OCBA has participated in a number of international internet scam sweep days in cooperation with the Australian Competition and Consumer Commission and other OECD countries. The most recent of these sweeps was in fact conducted in March of this year. Alleged 'get rich quick' and other scams sites were sent warnings from the relevant fair trading agencies.

Traders and consumers receive information and advice concerning e-commerce and particularly internet scams through OCBA publications (eg the little black book of scams), media, regular radio talkback programs and through the OCBA Advisory Service. To date inquiries concerning unfair trading over the internet have been negligible. This may reflect the current relatively low volumes of e-commerce undertaken compared to more traditional forms of trade. Australian consumers appear to be cautious of this new form of trade. Clearly e-commerce will not reach its full potential until consumers have confidence in its efficacy.

Due to the global nature of e-commerce, the commonwealth is best placed to deal with the national and international issues arising. The Federal Minister for Financial Services and Regulation, the Hon Joe Hockey MP, has released a policy document titled 'A Policy Framework for Consumer Protection in Electronic Commence' in October 1999. The objective of the framework is to build a world class consumer protection environment for e-commerce in Australia.

The key issues to building a safe e-commerce environment for consumers in Australia are access to adequate information, secure payment methods, redress, contract jurisdiction and privacy. OCBA provides input via national forums such as Standing Committee of Officials of Consumer Affairs and Fair Trading Operations Advisory Committee which are working towards resolving many of the consumer protection issues surrounding e-commerce.

CENSORSHIP

In reply to **Hon. G. WEATHERILL** (4 April).

The Hon. K.T. GRIFFIN: I will not be introducing a scheme to label all books with reading age recommendations, for the following reasons:

South Australia participates in a national legislative scheme for the classification of publications, films and computer games. The Commonwealth Classification (Publications, Films and Computer Games) Act 1995 prescribes the National Classification Code, which stipulates the categories applicable to publications, films and computer games. The Code indicates what type of material is permitted in each category. In the case of publications, there are four categories—Unrestricted, Category 1 Restricted, Category 2 Restricted, and Refused Classification. These categories apply throughout Australia by virtue of the complementary state and territory legislation.

The Commonwealth Act requires certain publications (essentially those whose content is such that they may require to be legally restricted to adults) to be submitted to the national Classification Board, for consideration and assignment to a category. The Board will mark the publication with designated markings showing to which category it has been assigned. If a publication is legally submittable, it cannot be published until it has been classified.

Under the complementary South Australian Act, the Classification (Publications, Films and Computer Games) Act 1995, a publication classified Unrestricted may be lawfully sold to any person. A publication classified Category 1 Restricted may only be sold in a sealed opaque package to an adult purchaser. A publication classified Category 2 Restricted can only be sold or displayed to an adult purchaser in a restricted publications area, which is not open to any person under 18.

In addition to the National Code, censorship Ministers have approved sets of guidelines for the classification of publications, films and computer games, which expand on the Code and give more detailed guidance in classification. The guidelines are periodically reviewed. The publications guidelines were reviewed most recently, a process which incorporated public consultation and expert advice. A revised set of guidelines took effect on 1 September 1999.

These latest guidelines provide specifically for the situation where the Board considers that a publication does not warrant legal restriction to adults, but nevertheless is intended for a mature audience and is not children's reading. In that case, the guidelines provide that the Board may identify such publications as 'not recommended for readers under 15 years' and may mark them with a consumer advice to this effect. I expect that it is this measure to which the Hon. Mr Weatherill may have been referring in his question.

Further, there is legislation currently before the commonwealth parliament which would also enable the board, having identified such material, to impose a requirement that the publication be sold in a sealed bag.

Under the national scheme, the one set of classifications applies and the same film, game or publication is classified in the same way throughout Australia. Classification is done by the national Board for all the States and Territories. However, each State and Territory legislates for itself as to which categories of material are to be lawful within its jurisdiction. Also, some States, including South Australia, retain their own classification bodies with a power to depart from a national classification in respect of a particular item in their discretion.

Because censorship matters are dealt with through this national scheme, it is not the Government's intention to introduce a separate scheme of classification for South Australia alone. A number of points may be made about the suggestion that all books should be marked with recommended reading ages.

One is that, in my view, within the parameters of the legal restrictions imposed by the national scheme, the decision as to what a child should read is primarily a matter for parents and schools. This is because they are in the best position to exercise vigilance, and also because every child is different. It is parents and teachers who are best able to judge the reading maturity of a particular child, and identify what is suitable for him or her.

Also, of course, different parents may, according to their cultural and ethical values, and their religious beliefs, have different views about what children should read at various ages. What one cultural group considers to be quite acceptable for primary children, another may consider to be inappropriate or harmful. It is not for the state to say that one point of view is right and the other wrong. It is parents who should be making these decisions for their children.

Moreover, I am not persuaded that it is at all difficult for parents or teachers to tell whether a publication is suited for children. Examination will usually make this clear. Hence, I do not consider that labelling publications with reading ages would provide any real benefit.

If a publication warrants a consumer warning, or legal restriction to adults, the present classification system (together with the amending bill before the commonwealth parliament) attends to this. If any member of the community considers that a classification attached by the board is inappropriate, he or she may complain to the South Australian Classification Council, which can consider the matter and may, if it sees fit, depart from the national classification. In general, however, the decision as to what a child reads is one for the parents to make in accordance with their values.

SPEED CAMERAS

In reply to **Hon. T.G. CAMERON** (30 March).

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

The siting of all speed detection equipment is programmed through SAPOL traffic intelligence information. They are placed on to roads which have a high crash history or the potential to contribute to collisions, referred to as blackspots, and in response to complaints from local government bodies, residents, schools or other motorists in regards to specific locations.

The overall objective of the speed detection initiative is to lower the speed at which vehicles travel in excess of the posted limits and thereby bring about long-term change in driver attitude towards speeding and not 'to raise the maximum amount of revenue' as suggested.

The significant series of Road Safety Audits, predominantly on rural roads, completed by the South Australia Police Traffic Support Branch have provided constructive comments in relation to engineering issues, road user education initiatives and suggested policing strategies. The Road Safety Audits have been distributed to the appropriate policing areas and key stakeholders.

PRISONS, HEALTH SERVICES

In reply to **Hon. T.G. ROBERTS** (29 March).

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 information:

Medical service to prisoners is provided by medical personnel from the South Australian Forensic Health Services Division of the Department for Human Services.

Medical personnel visit most prisons weekly and provide prisoners with a comprehensive medical and dental health service. Major metropolitan prisons have trained nurses who are on duty, 24 hours a day, in well equipped prison infirmaries. Rural prisons generally have nurses on duty from 9 a.m. to 5 p.m. Monday to Friday.

In the event of emergencies, all prisoners have immediate access to community hospital and medical services.

Prison infirmaries are well equipped and are appropriate for normal emergency and medium term recuperative care patients. They do not include x-ray or other expensive medical equipment. It would not be cost effective to do so and it remains the best alternative to have prisoners attend hospitals to access this equipment.

South Australian Forensic Health Services medical personnel determine whether or not a prisoner requires access to medical services which are not available from prison infirmaries. Rarely will that decision be challenged by prison authorities.

Medical services to prisoners have not changed, in any way, as a consequence of the escapes which have occurred. Prisoners requiring necessary medical services not available in prison are, and will continue to be, referred to community medical service providers.

However, discussions have been initiated between officers of the Department for Correctional Services and the Department for Human Services to determine ways of effectively reducing the number of prisoner transfers outside of prison whilst still maintaining the levels of medical services required. Part of these discussions will cover the possibility of identifying any services which may cost effectively be carried out in prison and which will avoid the need for prisoner to be transported to community health providers.

In addition to the above it is true to say that, since the escapes, general procedures which provide for prisoners to be outside of prison either escorted, or unescorted in the case of selected low security prisoners in the last few months of their sentences, have been considerably tightened. The Chief Executive of the Department for Correctional Services is currently approving all of these transfers.

MOBILONG PRISON, ESCAPE

In reply to **Hon. T.G. ROBERTS** (23 November).

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 information:

No. All custodial staff on duty at the time that the prisoners escaped were fully trained in correctional practices. He was, however, the only officer on duty that had been fully trained in the upgraded monitoring equipment.

When Mobilong Prison was commissioned in 1987 it was agreed that only one officer was required in the control room for the night/early morning shift. This has continued to be the practice.

There has never been any need in the past, and there should not have been any need at the time of this incident, for there to be more than one officer in the control room. At that time, all prisoners are locked in their cells. The major function of the responsible officer is to monitor the television screens and alarms which protect the outside areas of the accommodation units, duress alarms of the patrolling officers and the perimeter alarm systems. If there is any reason for the officer to temporarily leave his post, other officers can be contacted by radio to provide temporary relief. No training would be required if someone were simply required to monitor the television screens for a short time and, in the event of an alarm, alert the officer concerned that an alarm had been activated.

It should be understood that immediately an alarm is activated, all cameras in the vicinity automatically concentrate on the area concerned. There is no need for officer intervention.

Four custodial officers were on duty at the time of these escapes. They were all fully trained in correctional procedures. Prison alarms are situated in the Control Room and, other than for the Control Room officer, no other officer would have been in a position to hear them. The escape occurred from the rear of an accommodation unit. The prisoners escaping could not have be seen by patrolling officers except if those officers were standing near the back of the unit at the time of the escape.

When the security system was being installed, placement of an alarm in the officers' toilets was discussed. However it was decided at that time that this was unnecessary. An alarm has now been installed in the toilet to prevent a reoccurrence of this situation.

My colleague, the minister responsible for Correctional Services, has provided a summary of the circumstances which preceded this escape, as the honourable member requested.

In relation to the prison security systems and staffing requirements, the Department for Correctional Services had carried out extensive work to ensure that all prisons were Y2K compliant. The fact that there were no prison security breakdowns during the Y2K period indicates the effectiveness of these preparations.

Adequate staffing were on duty on the night to ensure the security of the prisons.

Yes, the action replay of the incident did work. All components of the entire security acted as they were designed. The system detected and delayed the prisoners in their escape.

TAB AND LOTTERIES COMMISSION

In reply to **Hon. NICK XENOPHON** (20 October).

The Hon. K.T. GRIFFIN: The Minister for Government Enterprises has advised the following information:

1. The primary objective of the Scoping Reviews has been to examine thoroughly the financial and commercial risks to Government of ownership and operation of SA TAB and Lotteries Commission and to identify the best commercial option for Government to minimise those risks and to maximise value to the Government.

In relation to the consideration of social issues associated with gambling, I refer the honourable member to the Government's Response to the Recommendations of the Social Development Committee Gambling Inquiry Report, which in October 1999 was forwarded to the Committee Presiding Member, the Hon. Caroline Schaefer MLC.

2. In accordance with the objectives of the SA TAB review, the Government has identified various financial and commercial risks to the Government arising from its ownership of SA TAB.

This process has required consideration, in general terms, of revenue and expenditure issues that confront SA TAB.

In relation to the installation of Automatic Teller Machines (ATMs), the Government has approved SA TAB leasing shopfront space for the installation of outward facing ATMs.

This approval is subject to SA TAB not proactively seeking opportunities of this nature. From a commercial perspective it makes little sense for TAB to reject additional revenue sources particularly given that the financial institution is likely to locate the ATM nearby in any case.

3. As with question 1, I refer the honourable member to the Government's Response to the recommendations of the Social Development Committee Gambling Inquiry Report.

TOURISM MINISTER, STOLEN DOCUMENTS

In reply to **Hon. CAROLYN PICKLES** (4 April).

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

In response to the questions raised I refer the honourable member to the Minister for Tourism's ministerial statement tabled in the House of Assembly on 4 April 2000.

DISTINGUISHED VISITOR

The PRESIDENT: I would like to recognise in the gallery one of our parliamentary colleagues from the New South Wales parliament. The member for Auburn, Peter Nagle, is Chair of the Regulation Review Committee of the Legislative Assembly. His electorate of Auburn contains the major Olympic facility of Homebush, and on your behalf I hope that his visit to our Chamber and to South Australia has been productive.

CAMBRIDGE, Mr J.

The Hon. P. HOLLOWAY: My question is directed to the Attorney-General. Did the Attorney receive a request from either the Premier or the Chief Executive Officer of the Department of Industry and Trade, John Cambridge, seeking indemnification by the state for costs and legal expenses relating to legal action lodged by Mr Cambridge against the *Australian* newspaper on 8 June, just one week prior to his appearance before the estimates committees, even though Mr Cambridge was the plaintiff and not the defendant?

The Hon. K.T. GRIFFIN (Attorney-General): I recollect that there was a request from Mr Cambridge: when it was received I am not able to recollect without reference to the documents. My recollection is that the request was made by Mr Cambridge: it was declined. It was quite proper for the matter to be referred to me, either directly or indirectly, as Attorney-General but, in accordance with the usual practice, except in the most exceptional cases governments will not indemnify ministers or officers in respect of their costs where they are plaintiffs in defamation or other actions.

There are exceptions to that. It does happen from time to time, but it is more an exception than the rule, and I would say that it is a rare exception. I cannot remember in my time as Attorney-General having approved the state's indemnifying a public servant or minister in relation to his or her initiation of defamation proceedings.

The Hon. P. HOLLOWAY: As a supplementary question, will the Attorney check his recollection in relation to that request?

The Hon. K.T. GRIFFIN: I normally do check my recollection on these. I know they are bowled up and designed to catch the middle stump, but I am generally fairly cautious about my assertions in relation to these sorts of matters—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order, the Hon. Mr Davis!

The Hon. K.T. GRIFFIN: I will check my recollection against the documents and against the explanation given by the honourable member in asking his question.

ATTENTION DEFICIT HYPERACTIVITY DISORDER

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning, representing the Minister for Human Services, a question about Attention Deficit Hyperactivity Disorder, girls and inattention.

Leave granted.

The Hon. M.J. ELLIOTT: Attention Deficit Hyperactivity Disorder (ADHD) is a biological dysfunction that results in hyperactive, impulsive and inattentive behaviours to the extent that it causes social impairment in home, school and work settings. While significant media and public attention has been devoted to the hyperactive and impulsive subtypes, far less attention has been given to the more subtle and less easily identified inattentive subtype.

The inattentive diagnostic subtype is typified by behaviour such as failure to give close attention to school work or work, difficulty sustaining attention or following through with instructions, and difficulty in organising tasks and activities. Recent research from the Flinders University of South Australia has found that diagnosis and amphetamine medication use for ADHD is higher in lower socioeconomic areas. This research has also found that diagnosis with the hyperactive and impulsive subtype appears to be far greater in lower socioeconomic areas, while the diagnosis for the inattentive subtype appears to be greater in upper middle socioeconomic areas.

With experts agreeing that there is a biological basis to ADHD behaviours, this raises important questions over why there is not an even distribution of ADHD diagnosis, ADHD subtype and amphetamine treatment across South Australia. One such question was highlighted by the 1996 Australian National Health and Medical Research Council report into ADHD, which observed:

> Most studies have found a higher incidence of ADHD in boys than girls, with boys scoring particularly higher on measures of hyperactivity and disruptive behaviour scales.

It is an observation confirmed by the South Australian Health Commission figures, which show that over 70 per cent of those diagnosed and medicated for ADHD in South Australia are boys. In short, girls are more likely to exhibit their ADHD through inattentive behaviour but less likely to be identified and treated for the condition.

Recently, the American National Institute of Mental Health completed a project that studied 140 girls across America who had been diagnosed with ADHD and compared them with a standard of 122 girls without ADHD. The study found that, while fewer girls were likely to be diagnosed with ADHD, those who were diagnosed were more likely to have disorders such as conduct disorder, oppositional defiant disorder, mood disorders or substance abuse disorders.

It also found that these girls were 2½ times more likely to be diagnosed with a learning disability; more than 16 times more likely to have repeated a grade in school; and almost 10 times more likely to have been placed in a special class in school. Clearly, there are grounds for concern that the needs of girls with the inattentive ADHD subtype are at risk of being overlooked, with only those with the most extreme problems being diagnosed, treated and provided educational interventions for ADHD. My questions to the minister are:

1. What percentage of South Australian young people currently using amphetamines to treat ADHD are female?

2. What percentage of these girls are diagnosed under the inattentive subtype?

3. Does the minister agree that there is a real risk that only those girls with the most extreme problems are being identified and those with inattentive behaviours or the inattentive subtype are being overlooked? In other words, if they are not being disruptive, they are being ignored.

4. If so, what strategies will the state government put in place to ensure that the educational needs of girls with the inattentive ADHD subtype are not missed because of the behaviour of their hyperactive counterparts?

5. What is the state government doing to identify, treat and cater for all students with the inattentive ADHD subtype in South Australian schools?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I know that this is a referred question, but the explanation reminded me of the matters that the Hon. Mr Elliott addressed when he moved a motion in this place on 5 April requesting that the Social Development Committee investigate and report upon the issue of the impact of Attention Deficit Hyperactive Disorder on South Australian individuals, families and the community, and the motion cites four areas of reference.

I have been advised that the Hon. Robert Lawson, as Minister for Disability Services, will respond on behalf of the government, possibly tomorrow, and the government agrees generally that this is a most important area and worthy of exploration. If the minister agrees that this matter should go to the Social Development Committee and supports the Legislative Council's reference of that nature, the matters raised by the honourable member today can be referred to the Social Development Committee or to a special committee that might be set up to look at the impact of Attention Deficit Hyperactivity Disorder in South Australia.

STATUTES AMENDMENT (LOTTERIES AND RACING—GST) BILL

Second reading.

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

That this bill be now read a second time.

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

Leave granted.

As with the *Gaming Machines (Miscellaneous) Amendment Bill 2000* this Bill gives effect to the Government's commitment as part of the InterGovernmental Agreement on Reform of Commonwealth-State Financial Relations.

The Intergovernmental Agreement on Reform of Commonwealth-State Financial Relations (IGA), signed by the Prime Minister and all State and Territory Leaders in June 1999 provides that the States and Territories will adjust gambling taxes to take account of the impact of the GST on gambling operators.

GST will apply to gambling activity as a liability equivalent to 1/11th (9.09 per cent) of the gambling margin—the difference between total 'ticket sales' or 'bets taken' by the operator of the gambling or lottery activity and the 'value of monetary prizes'.

This Bill reflects a policy of revenue neutrality in making amendments to gambling taxation arrangements for the introduction of GST.

Lotteries Commission of South Australia

The State Government currently receives the total distributable surplus of the Lotteries Commission into the Hospitals Fund. A small amount relating to the net proceeds of all sports lotteries and special lotteries is paid into the Recreation and Sport Fund.

The payment of GST will reduce both the Lotteries Commission distributable surplus and net proceeds from sports lotteries and therefore reduce the amount of payment into the respective Funds accordingly. Aggregate State revenue would remain unchanged since the lower gambling tax revenue receipt through the Hospitals Fund and Recreation and Sport Fund would be offset by GST revenue.

As announced by the Government the forthcoming legislation in relation to the sale of the TAB and Lotteries Commission envisages the abolition of the Hospitals Fund and the Recreation and Sport Fund. The Government has committed that funding to services will not be affected by the abolition of these Funds.

The Bill includes provision for the introduction of taxation arrangements for the Lotteries Commission with a tax rate of 41 per cent of net gambling revenue (NGR)—a rate which in the absence of GST might have been 50.09 per cent. The application of a tax rate will strengthen the owner/service provider relationship with the Government and applying the tax rate from the beginning of the financial year will provide administrative stability during the re-structure and sale process.

The 41 per cent tax component would be payable to the Hospitals Fund and Recreation and Sport Fund respectively. This effectively divides the surplus distribution to the Government, through the Funds into two components, an on-going taxation stream and residual surplus.

The residual surplus (profit) of the Commission would continue to be paid as a distribution to the Government until sold.

South Australian Totalisator Agency Board (TAB)

The South Australian Government currently receives into the Hospitals Fund 45 per cent of TAB distributable surplus with the remaining 55 per cent being distributed to the racing industry.

The introduction of GST means that the distributable surplus of the TAB would be reduced by the level of the GST payment. With no legislative amendment this GST payment would effectively be shared between the Government and the Racing industry in the 45 per cent/55 per cent shares. Against this the GST revenue paid by the TAB will be returned to the State Government via GST revenue grants from the Commonwealth. This would mean a net increase in funding to the State Government and a reduction in funding to the racing industry.

As proposed for the Lotteries Commission it is appropriate to take this opportunity to introduce a tax rate for the TAB to reflect the intended on-going revenue stream to the Government. The Bill includes provision for a 6 per cent net wagering revenue (NWR) tax rate for the TAB from 1 July 2000—a rate which in the absence of GST might have been 15.09 per cent.

Consistent with the principle of revenue neutrality, it is necessary to ensure that the distribution of funds from the TAB to the racing industry is not adversely affected by the introduction of the GST or the 6 per cent State tax rate.

To ensure revenue neutrality for the South Australian Racing Industry an additional payment will be required to offset the impact of the GST (9.09 per cent) and State tax (6 per cent) that will be received by the Government. The payment will need to take account of the combined reduction of 15.09 per cent of NWR in the distributable surplus and have regard to the current distribution of the TAB surplus on a 45 per cent/55 per cent basis. That is, for each dollar paid in tax to the Government the racing industry should receive 1.22 (55/45) times that amount.

Given the payment to the Government of 15.09 per cent of NWR the required additional payment to the racing industry is 18.45 per cent of NWR. The Bill provides for this additional payment and thus ensures that both the Government and the racing industry are revenue neutral from the introduction of the GST and State tax components.

The residual surplus of the TAB will continue to be distributed 45 per cent to the Government and 55 per cent to the racing industry. The conversion of these distributions to an on-going product supply fee from the TAB is being dealt with in current negotiations in connection with the proposed sale of the TAB.

The TAB also makes payments to the South Australian National Football League (SANFL) of 50 per cent of the proceeds of football betting. As with the racing industry the Bill provides for an additional payment to the SANFL to ensure revenue neutrality. In the case of the SANFL this payment is 15.09 per cent of NWR since the Government and the SANFL equally share the surplus from football betting.

All forms of betting with the TAB will thus be subject to a 6 per cent net wagering revenue tax rate payable to the Hospitals Fund and Recreation and Sport Fund as required for different types of betting.

Further, the amendments will result in all parties remaining revenue neutral.

On-Course Totalisators and Bookmakers

A reimbursement scheme whereby the State Government pays to bookmakers and racing clubs the amount of GST they pay on gambling supplies will be implemented to ensure revenue neutrality for all parties. This is the preferred approach of the bookmakers league and racing bodies. The current turnover based taxation arrangements will remain in place such that the status quo is fully preserved.

Options other than a re-imbursement scheme have been canvassed with the racing industry and bookmakers league. However these options are not being pursued at this time given the distribution effects and the timing with regard to other reforms clubs and bookmakers are currently under-going. The Government has indicated that alternative options will again be considered in consultation with the industry at a later date.

Date of Operation

The proposed Act will commence from 1 July 2000 to match the timing of the introduction of the GST.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This clause explains references to 'the principal Act' in the Bill.

Clause 4: Amendment of s. 16—The Lotteries Fund

This clause replaces subsection (3) of section 16 of the *State Lotteries Act 1966*. The new provision sets out the application of the Lotteries Fund following the introduction of the GST. New subsection (5) provides definitions of terms used in subsection (3).

Clause 5: Amendment of s. 5—Interpretation

This clause defines 'GST' and 'GST law' for the purposes of the *Racing Act 1976*.

Clause 6: Amendment of s. 69—Application of amount deducted under section 68

This clause amends section 69 of the *Racing Act 1976*. Paragraph *(a)* recognises that GST will be payable on amounts deducted under section 68 in respect of bets taken by an interstate totalizator authority as agent for TAB under an agreement under section 82B. Paragraph *(f)* changes the application of amounts deducted under section 68. Paragraph *(g)* defines 'net gambling revenue'. The other changes to section 69 are consequential.

Clause 7: Insertion of s. 70A

This clause inserts a new section which provides that RIDA must reimburse racing clubs for the GST paid by them. The money required for this will come from the Consolidated Account.

Clause 8: Amendment of s. 84B—Application of 20 per cent of totalizator bets on football matches

This clause amends section 84B to change the distribution of the 20 per cent deducted from each football totalizator pool.

Clause 9: Amendment of s. 84J—Application of amount bet

Clause 10: Amendment of s. 84M—Application of profits from fixed odds betting

These clauses make similar amendments to sections 84J and 84M of the *Racing Act 1976*.

Clause 11: Insertion of s. 114A

This clause inserts new section 114A which provides that RIDA must reimburse bookmakers for GST paid by bookmakers in respect of bets in respect of which amounts are payable by the bookmaker under section 114 of the Act. The money required by RIDA to comply with this provision will come from the Consolidated Account.

The Hon. P. HOLLOWAY: This bill is one of a number that relates to the application of the GST to state activities, in this case, the Lotteries Commission and the TAB. The opposition will not oppose the passage of this bill, for the goods and services tax is now an inevitable fact of life that will hit us all in just a few days' time. However, I take the opportunity to reiterate the ALP's opposition to the tax system. Almost daily, promises made about the GST by the federal government at the time of its introduction are exposed as false. The list of inequities of the tax, such as its impact on tenants who live in caravan parks, grows steadily.

In relation to the application of the GST to the purchase of lottery tickets and bets on the TAB, which is the subject of this bill, revenue neutrality is preserved. However, the Lotteries Commission is a fully-owned government body and the entire available surplus of the commission is currently transferred to the Hospitals Fund. This has applied ever since the State Lotteries Act was amended by Don Dunstan in 1966. The Olsen government has announced that it intends to privatise the Lotteries Commission and the TAB, and last Friday members received a copy of the proposed legislation from the Minister for Government Enterprises.

The Olsen government is using this opportunity to amend the State Lotteries Act to strike a rate of tax that would apply after privatisation of 41 per cent of net gambling revenue. With GST, that equates to a total tax rate of 50.9 per cent. Under this bill, the remaining 49.1 per cent of available surplus, which after privatisation would go to the new owners of the lotteries, is also paid into the Hospitals Fund. The opposition is opposed to the sale of the Lotteries Commission, and we will deal with that legislation when or if it comes before us in the next few weeks. While this legislation anticipates tax regimes that would apply after privatisation, it does not of itself permit privatisation. Given that some amendments to lotteries tax rates are necessary to meet the requirements of the Commonwealth-State agreement on GST, the opposition will not oppose this provision.

The achievement of the revenue neutrality from the point of view of TAB punters is no simple matter. The current tax arrangements of the TAB provide that 45 per cent of available surplus is paid into the Hospitals Fund, while 55 per cent is returned to the racing codes. The application of a GST to TAB income in a revenue neutral manner would require a reduction in the surplus distribution by 9.09 per cent to offset the GST. While the GST revenue would then be returned to the government, the reduction in available surplus would cut the share available to the racing codes. To complicate this matter further, the Olsen government wishes to sell the TAB. Is there anything this government will not privatise?

The government proposes to set a tax rate for a privatised TAB at 6 per cent of net wagering revenue, which would be equivalent to a government return of 15.09 per cent with GST added. The industry component is adjusted so the industry receives the same proportion of net wagering revenue as it would have previously, that is, 33¢ in every dollar of net wagering revenue. The costs are 40¢ while the remaining 27¢ goes to the government. The government's share of 27¢ in the dollar of net wagering revenue is made up of 6¢ tax, 9.09¢ GST and the remaining 11.91¢ paid into the Hospitals Fund. It is this 11.91¢ from each wagering dollar that presumably would be available to a new private owner.

Subsequent to the introduction of this bill, the Olsen government announced a deal with the racing industry, or more correctly with the three individuals whom the Olsen government has appointed as chairs of the various codes. The government has also circulated bills to sell the TAB and Lotteries Commission. From the limited press reports available, it appears that the government has decided to further increase the amount to the racing industry by 22 per cent. This would mean about 40.25¢ in the dollar going to the industry, 15.09¢ going to government, including GST, and 4.65¢ left for the new private owner, plus whatever savings can be made from cutting operating costs, and we all know how that would be achieved.

Given the lack of detail in the sales bills, I ask the Treasurer to indicate whether the tax and other funding

arrangements in this GST bill will need to be further amended if the TAB and Lotteries Commission are sold. The Labor opposition will present its view on the TAB sale when the sale bills are debated shortly. However, for the purpose of this bill, we will not oppose the GST arrangements even though they presume that the TAB will ultimately be sold.

The bill also makes GST arrangements in relation to SANFL betting, which accounts for a very small amount of TAB wagering. Adjustments are made to the SANFL share so that the fifty-fifty disbursement of net proceeds is maintained post GST and a new 6 per cent state tax revenue neutrality is preserved for the SANFL. The bill also deals with the impact of GST on oncourse totalisators and bookmakers. Revenue neutrality is preserved through the reimbursement by the state of the amount that racing clubs and bookmakers pay on GST for their gambling inputs. We note that the government has undertaken in this bill to consider alternatives to the reimbursement scheme once reforms to the industry are settled. While again expressing its concern at the administrative nightmare created by the GST, the opposition will not oppose the bill.

The Hon. M.J. ELLIOTT: I support the second reading of the bill. It comes into this place pretty late in the piece, given the time frame in which it must go through. One would think that by now lessons were learnt, but they never seem to be. The effect of this legislation is to make the GST impact in relation to lotteries and racing neutral; that is something the Democrats have no problems with. In fact, I would be gravely concerned if in any way the tax take in relation to gambling went up, because one of the biggest harms done with much gambling is the tax take. In fact, a very significant proportion of the loss (and this is certainly true in relation to lotteries and racing) goes straight into government coffers. It is interesting that in many cases we apply taxes because theoretically we are trying to discourage people from doing things. Theoretically, the tax on tobacco and alcohol is to make it more expensive and to make people reconsider their impact and also to raise the money to help offset their negative impact. For instance, the damage done by tobacco and alcohol causes considerable cost to police, hospitals and so on.

However, that is not the case with gambling: it is simply a means of raising money. As a newspaper article of the past two days or so indicated, at best the government is probably spending about 1 per cent of the revenue it raises from gambling on the harms that are created by gambling. I would argue very strongly that in fact most of the harms coming from gambling are caused by the tax itself, in that the losses would not be significant if the government's take were not peeled off. Of course, the government wants to get rid of it as a tax and make it a profit for private operators, but that is another issue which we will get a chance to debate on another piece of legislation at another time. So, I have no problems with this bill, in that it effectively maintains the status quo, but I reiterate that a tax on gambling is in fact the major creator of harm in relation to gambling whilst the institutions are government enterprises. Once they have been privatised it will effectively no longer be a tax: it will simply be a profit for a private operator.

The Hon. T. CROTHERS: I rise to indicate that I will support this measure brought before the parliament by the government. I think that there will be other occasions even after 1 July when this parliament will have to debate issues that have a relationship with the GST because, with such massive changes as the GST will bring in and will flow-on in the wake of its becoming law, I have no doubt that all state governments will have to revisit some area or other of state statutory law so as to bring it into line. It has happened before with legislation of lesser impact and lesser majesty than this. For instance, I note that federally the Democrats under the leadership of Senator Meg Lees have purportedly found agreement with the federal government over the GST at a cost of $3 000 million, and no doubt we will pay a price for that later, with lesser tax relief or an increase of 10 to 11 per cent. That happened, and already we witness surfacing federally a problem with petrol prices. We have further witnessed a problem with rent for permanent residents of caravan parks. They are two examples of what I am talking about.

There are two positions where the Democrats in the federal parliament could not see what was emerging attached to the tail of the GST. I am not going crook about that; in a bill of such magnitude that is always possible. I have no doubt that on more than one occasion this parliament will again have to revisit some of the state statutes to align them with impacts of the GST which have not been thought about as yet or which will emerge as people try to fiddle-faddle with the new tax system. I support the measure.

The Hon. NICK XENOPHON: I do not oppose this bill. As the Hon. Paul Holloway has indicated, this bill essentially deals with the administrative nightmare of the GST, and it is essentially revenue neutral. I take the Hon. Mr Elliott's point that this bill does not touch on a number of other issues in terms of the dependence of the state on gambling taxes and the impact of gambling on the community. This is not the appropriate vehicle to debate those issues extensively, but it is worth noting for the record that it is important to consider the wider implications of state dependence on gambling taxes and the impact that has on individuals and communities. While this bill is essentially revenue neutral to deal with the GST, I trust that in due course the government will consider broader issues of social policy in terms of its dependence on gambling taxes and the impact it has on thousands upon thousands of South Australians. In the circumstances, because it is revenue neutral and because it is of an administrative nature, I cannot oppose this bill.

The Hon. R.I. LUCAS (Treasurer): I thank members for their indication of either non-opposition or support of the bill. We might actually get the Hon. Mr Xenophon to say the words that he supports the government on something. However, he is not opposing it; that is very good, and I accept that. A number of issues were raised. My advice is that this legislation is independent of the question which the parliament will consider later about whether to privatise the TAB and/or the Lotteries Commission. This taxation regime will apply whether they remain in government ownership or whether they go into private sector ownership. The only difference might be that under private sector ownership it would be tied up in a duty agreement, a bit like the Casino duty agreement; it would be the same provisions.

The Hon. Mr Elliott raised the issue that there would be taxation under government ownership but that there would not be taxation under private sector ownership. I repeat that there will be a taxation regime at 41 per cent whether it is government or private sector owned, and that will apply to either continuing government sector operation or private sector operation. With that, I thank members for their indication of support and/or non-opposition.

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

GAMING MACHINES (MISCELLANEOUS) AMENDMENT BILL

Second reading.

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

That this bill be now read a second time.

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

Leave granted.

This bill gives effect to the government's commitment as part of the InterGovernmental Agreement on Reform of Commonwealth-State Financial Relations, provides for the introduction of measures committed to in response to Parliament's Social Development Committee Gambling Inquiry Report and addresses two other gaming machine licence administrative issues.

The Intergovernmental Agreement on Reform of Commonwealth-State Financial Relations (IGA), signed by the Prime Minister and all State and Territory Leaders in June 1999 provides that the States and Territories will adjust gambling taxes to take account of the impact of the GST on gambling operators.

GST will apply to gambling activity as a liability equivalent to 1/11th (9.09 per cent) of the gambling margin—the difference between total 'ticket sales' or 'bets taken' by the operator of the gambling or lottery activity and the 'value of monetary prizes' (ie net gambling revenue).

This bill reflects a policy of revenue neutrality in making amendments to gambling taxation arrangements for the introduction of GST. This is to be achieved in relation to hotels and clubs operating gaming machines through a reduction in the marginal rates of tax payable by 9.09 percentage points.

The tax rates contained in the *Gaming Machines Act 1992* are to be amended, effective 1 July 2000 as follows:

	Hotels		Clubs and Community Hotels	
	Marginal Tax Rates*		Marginal Tax Rates*	
Annual NGR	Current	Post GST	Current	Post GST
$0-$399,000	35%	25.91%	30%	20.91%
$399,001-$945,000	43.5%	34.41%	35%	25.91%
Above $945,000	50%	40.91%	40%	30.91%

* An additional 0.5 per cent surcharge is also levied until 1996-97 revenue shortfall is recovered.

This adjustment is consistent with the GST adjustment in respect of the Adelaide Casino as set out in the Casino Duty Agreement (CDA) recently tabled in Parliament. That agreement provides for a 9.09 percentage point reduction in gaming machine taxation at the Casino from 1 July 2000 from the current 43.5 per cent to 34.41 per cent.

The net result from these amendments is that hotels and clubs operating gaming machines will be revenue neutral from the introduction of the GST. That is, the additional tax liability of the GST is offset by a reduction in state taxation. The government will also be revenue neutral since the reduced income from State gambling tax will be offset via the receipt of GST revenue from the commonwealth government.

Council Notification

Under section 29 of the *Gaming Machines Act 1992*, applications for the grant of a gaming machine licence must be advertised. Applications for an increase in the approved number of machines may be advertised at the discretion of the Commissioner. If an application is for a significant increase in gaming machine numbers that will change the character of the venue, a direction to advertise will be made. Where an application has been advertised any person, including the relevant Council, may object to the application.

The Social Development Committee's Gambling Inquiry Report recommended (recommendation 1.6) that:

> "Local Government be notified, and have the right to be heard by, the Liquor and Gaming Commissioner, before any decision is made to grant a gaming licence in its area, or to expand the number of gaming machines.

Taking account of this recommendation, the government determined to amend the *Gaming Machines Act 1992* in a manner which mirrors the provision in the *Liquor Licensing Act 1997*.

The bill includes this amendment.

Consistent with the government's previously indicated response to the Social Development Committee this requirement to notify councils will only apply in relation to applications that are advertised. Many applications for an increase in the approved number of machines are for a few machines in an existing approved gaming area. These applications may not warrant the cost or delay of advertising or council notification. The discretion to require advertising and hence council notification will remain with the Liquor and Gaming Commissioner.

Refunds of Gaming Machine Tax

The current drafting of the *Gaming Machines Act* places the liability for taxation on the holder of a gaming machine licence, not the premises for which the licence is held. The effect of this is that if a transfer of a licence occurs during a financial year, or some other event occurs which results in a change of the licensee of the premises, the NGR received by each licensee is assessed as if it was the annual amount of NGR. Each licensee can potentially benefit if their combined NGR for that year would otherwise have taken the venue to a higher marginal tax bracket.

This gives rise to the anomalous situation where two venues with identical NGR may thus be liable for different levels of tax simply as a result of a change in licensee during the year. The current Act prevents rorting by ensuring that the transfer of a licence in respect of the same premises and person would not impact upon the tax calculation (s72A(2)). It however does not address the more general issue.

The bill addresses this anomalous situation by providing for continuity of the licensee for taxation purposes. That is, the level of tax payable for a gambling venue will be determined on the basis of net gambling revenue derived for the whole period regardless of whether the revenue is derived by one or more persons or pursuant to one or more licence. The liability for the duty will rest with the holder of the licence at the end of the month and as at present where a transfer in ownership occurs during a month each party's liability for tax is a matter for the parties to address as part of the property settlement.

The effect of the amendment is that the out-going licensee will not receive a tax refund and the new licensee will immediately begin paying tax at the level consistent with the year to date NGR, not necessarily the lowest marginal tax rate. This amendment only effects venues whose activity exceeds the first NGR tax threshold since those venues below the lowest threshold ($399,000) pay a flat rate of tax.

Summary Offences

A further amendment is included in the bill to amend s.84 of the Act to apply only to 'summary' offences. This amendment means that the 5 year time period stated in the bill for prosecution of offences relates only to summary offences and not to more serious indictable offences.

Date of Operation

The proposed Act will commence from 1 July 2000 to match the timing of the introduction of the GST.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 29—Certain applications require advertisement

This clause replaces subsection (2) of section 29 of the principal Act with a provision that requires that notice of an application need be published in only one newspaper circulating generally throughout the State but if the application is in respect of a gaming machine licence it must also be published in a newspaper circulating in the area in which the licensed premises are, or are to be, situated. New paragraph *(b)* requires notice of an application in respect of a gaming machine licence to be served on the council for the area in which the licensed premises are, or are to be situated.

Clause 4: Amendment of s. 72A—Tax system operable from beginning of 1996/1997 financial year

This clause amends section 72A of the principal Act. This section imposes a tax being the prescribed percentage of the net gambling revenue derived from business carried on pursuant to a gaming machine licence. The prescribed percentage is defined in subsection (6). It increases with increases in the net gambling revenue. The amendments to section 72A made by paragraphs *(a)* to *(d)* are designed to ensure that for the purpose of determining the prescribed percentage the net gambling revenue will be taken over the whole financial year.

If there are two or more holders of the same licence in a year it could be argued that the net gambling revenue derived by each should be taken separately for the purpose of determining the prescribed percentage resulting in a lower prescribed percentage. Existing subsection (2) solves this problem where a licence is surrendered and is replaced. The amendments address the problem where there is a change of ownership of the licence and where a licence is surrendered and replaced. Paragraph *(f)* amends the prescribed percentage to take account of the GST.

Clause 5: Amendment of s. 84—Prosecution of summary offences

This clause amends section 84 of the principal Act to make it clear that the time limits provided by the section only apply to summary offences.

The Hon. P. HOLLOWAY: Like the bill we have just debated, the Gaming Machines (Miscellaneous) Amendment Bill relates to the application of the GST to gambling—in this case to gaming machines. Under the terms of the intergovernmental agreement signed by the commonwealth and the states to implement the GST, gambling taxes are to be adjusted to take into consideration the impact of the GST on gambling operators in a manner that is revenue neutral for hotels and clubs that operate gaming machines. This means that marginal tax rates on gaming revenue will be reduced by 9.09 per cent.

The net result of the new marginal gaming tax rates is that gaming patrons of hotels and clubs will not notice any impact from the GST. In effect, the additional tax revenue from the GST will be off-set by a corresponding reduction in the state's gaming taxes which this bill achieves. This reduction in the state's taxes will then be reimbursed from the commonwealth through its GST payments to the states. The tax adjustment mechanism contained in this bill is supported by the AHA and, notwithstanding the ALP's opposition to the GST, we will not oppose this particular measure.

The bill also gives effect, in part, to a recommendation made by the Social Development Committee in its inquiry on gambling, namely, that local government be notified and have the right to be heard on any application to grant a gaming machine licence in its area or to expand the number of gaming machines.

The bill amends section 29 of the Gaming Machines Act to achieve the first part of this objective. The Hon. Nick Xenophon has had a proposition to amend section 29 before this parliament for many months now under clause 41 of his Gambling Industry Regulation Bill. His proposition would go further than the government's bill. The opposition had taken a position to amend Nick Xenophon's proposed clause along similar lines to that now put forward by the government. Consequently, we will support this clause.

Another amendment in this bill corrects a loophole which may enable a highly profitable gaming establishment to pay reduced tax if the gaming machine licence is transferred during the year. Under the current act, liability for taxation falls on the holder of a gaming machine licence. If the licence is transferred during the year, each of the licensees must pay tax on the net gaming revenue received by each licensee. The tax liability of each of these licensees could fall into a lower tax bracket whereas the combined income from the establishment may be in a higher marginal tax bracket. The opposition accepts that the imposition of the tax on the net gaming revenue of the gambling establishment for the entire financial year, regardless of change of ownership, is a fair proposition.

Finally, the bill amends section 84 of the act which currently applies a five year limit for the prosecution of offences. The amendment ensures that the five year statute of limitations applies only to summary offences and not to more serious indictable offences. Again, the opposition believes that this change is desirable, so we will support the second reading of the bill.

The Hon. M.J. ELLIOTT: I support the second reading of this bill. I have had no indication that there has been opposition to the bill itself. The substantial part of the bill again relates to GST arrangements and off-sets and, as such, I support this bill for the same reason as I supported the earlier bill. There is also a change in relation to applications requiring advertisement. I indicate the Democrats' support.

The Hon. NICK XENOPHON: I do not oppose this bill but I would like to reiterate that, in relation to the GST portion of the bill, it is essentially revenue neutral. I do not propose necessarily to restate what I said earlier in relation to the lotteries amendment bill—that this bill does not deal with the broader policy issues of the impact of gambling on the community and that it is not an appropriate time, with respect to this bill, to debate and expand on those broader principles. However, the point needs to be made that, essentially, this bill is revenue neutral with respect to the GST but does not look at the 'big picture' of the social impact of gaming machines on the community.

The proposed amendments to section 29 are a small, halting step in the right direction, although they do not go as far as the amendment that I propose under section 41 of the Gambling Industry Regulation Bill. I acknowledge that it does not appear that I have the numbers in respect of that amendment. The concept of a council being notified is desirable but, in the absence of a council being given significant legislative teeth to deal with poker machine applications, this amendment is an act of tokenism in many respects. Whilst it is a step in the right direction, it is not a step that leads anywhere in terms of curtailing the expansion of poker machines in communities because councils, effectively, do not have any real role in the issue apart from broader planning powers.

I indicate that, during the committee stage, I will raise a number of issues with respect to the amendment to section 29, particularly with respect to the circumstances in which an application ought to be advertised where consideration is given to an increase in the number of gaming machines already approved. I leave that to the committee stage for the Treasurer's response. Therefore, in the circumstances, I do not oppose this bill for the reasons outlined.

The Hon. R.I. LUCAS: I thank honourable members for their support—or non-opposition—to the second reading. As the Hon. Mr Xenophon has indicated that he has one or two issues to explore in committee, I will not delay the second reading and, if possible, will address those issues during the committee stage.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. NICK XENOPHON: Section 29(1) of the principal act indicates that applications must be advertised in accordance with the section, and it sets out the four classes: an application for the granting of a gaming machine licence; an application for the transfer of a gaming machine licence; an application for the granting of a gaming machine dealer's licence; and, finally, under 29(1)(d), an application for any other class the Commissioner so directs.

As I understand it, the proposed amendments deal with an application published in a newspaper circulated generally, and a local newspaper rather than simply two newspapers. The bill does not provide for cases where gaming machines have already been installed, but the approval allows for an increased number of machines—for instance, if 20 machines had been approved but only 10 machines are installed. What criteria are there for an advertisement to be placed in situations where there is a proposed increase in machines? It appears that this clause does not deal with that type of situation.

The Hon. R.I. LUCAS: I am advised that this is generally conducted with a considerable amount of commonsense by the Commissioner: he makes a judgment—and I do not want this to be interpreted legally—in relation to the commonsense of the position. It is not correct to say that, with an existing licence with an existing number of machines and the licensee seeks an increase, this would not apply—it can apply in certain circumstances subject to the decision of the Commissioner. If, for example, a hotel with 34 machines sought to increase the number of machines by one, that is the type of application (without wishing to bind the Commissioner in any way, because he will make decisions on that and other judgment calls as well) that the Commissioner would not choose to advertise. However, if a licensee were seeking to double the number of machines from 20 to 40, that is the sort of application that he would advertise and these provisions would apply.

I am told that there are other facts that he takes into consideration without them being necessarily all inclusive. Recently, there was a case where a relatively modest number of machines in a regional community was being almost doubled and, because the original application had been hotly contested, the Commissioner made the decision that, in the particular circumstances, it should be advertised. As I have said, the Commissioner uses his commonsense. The reason for giving him this discretion is that there are occasions where, for instance, a hotel has 35 machines and requests one more machine. In that situation, the Commissioner makes a judgment. He has indicated that there are a number of cases where very minor changes are made to the operation of an outlet and, in those circumstances, they are not advertised. As I have said, in the examples I have provided, they are the types of areas where the Commissioner has in the past and will probably in the future make, a commonsense decision. This is the type of application that should be advertised and, as a result, these provisions would apply.

The Hon. NICK XENOPHON: What would be the position of the Commissioner and, indeed, the Treasurer, in general terms, in a situation where it may appear, on the surface, to be a relatively minor amendment but the Commissioner has been put on notice by the residents previously in a case where, for example, 20 machines had been approved and only 15 had been installed? There may have been correspondence with the Commissioner previously, seeking advice in respect of any proposed change in the number of machines. In other words, there was specific notice about the specific granting of an application. Would that form part of the exercise of the Commissioner's discretion, or would the Commissioner be inclined not to notify that person or group?

The Hon. R.I. LUCAS: I am advised that that would be a factor that the Commissioner would take into consideration but, again, if someone had 35 machines and the change was only to add a 36th machine, it may well be that in those circumstances, even if there had been a standing letter from a group of people who opposed a 36th machine or any additional machine, the Commissioner might, in his judgment, not advertise. Otherwise you may have a set of circumstances where the Hon. Mr Xenophon might write to the Commissioner on behalf of X hundred hotels and clubs with a standing request that that be the case, and that would defeat the purpose of the legislation.

The government, obviously supported by the opposition, is relying on the eminent good sense of the Commissioner. We think that has been demonstrated in the past. As I said, he takes a number of factors into consideration when making these judgments and, considering the stance that the honourable member has taken, that would be a factor that he would consider, amongst a range of other factors.

The Hon. NICK XENOPHON: In relation to the notification under subclause 2(b) in the case of an application in respect of a gaming machine licence and the council being notified, does the Treasurer concede that, as the position currently stands under the Gaming Machines Act, effectively local government does not have any role in being able to block an application as such and that it does not have any special powers or any greater role than those contained in the act?

The Hon. R.I. LUCAS: Local government has the same powers and rights as all other citizens. It is no better or more harshly treated than others who want to put a point of view either for or against a particular application. If the import of the honourable member's question is whether a local council has veto rights over these decisions—and I suspect if it is he knows the answer before he asks the question—it is obvious to the honourable member as a legislator, and a legally trained legislator, that that is correct: local councils do not have a veto right over decisions to be taken in relation to gaming machines. That is not how our legislation has been structured in South Australia. Until and including this day I suspect that is not a majority view of the members of the South Australian Parliament.

Clause passed.

Remaining clauses (4 and 5) and title passed.

Bill read a third time and passed.

FIRST HOME OWNER GRANT BILL

Adjourned debate on second reading.

(Continued from 2 May. Page 973.)

The Hon. R.I. LUCAS (Treasurer): I thank members who spoke a month ago for their contributions to the second reading stage. The bill is relatively straightforward, as members have highlighted. In essence, it is the necessary machinery to allow the payment of a grant of $7 000 for first home owners—a necessary part of the impact of the GST on the housing industry nationally, but in particular in South Australia. I think there has been some recent public comment that perhaps first home owners in South Australia will be better placed than first home owners in Sydney, for example, in that $7 000 is likely to be a greater percentage of a first home for a South Australian home owner than it will be in Sydney, wherever you happen to be purchasing. Given the recent discussion I have had, I understand that, particularly in some of the least expensive parts of metropolitan Adelaide where housing packages, I am told, are somewhere between $70 000 to $100 000, this $7 000 potentially is the deposit that many first home owners are never able to save.

There is potentially some attraction in relation to Housing Trust tenants as well, I am told, although I confess that I am not an expert in the housing industry. I had some people canvassing for me that a number of tenants of the Housing Trust at the moment have never been able to save the $7 000 or whatever the amount of money might be for the deposit but might be able to meet the weekly either rental or repayment options. This might be a mechanism to assist some tenants into home ownership for the first time. As I said, it is much more likely to be the case given the cost of housing in South Australia as opposed to the cost of housing in Sydney and Melbourne. I thank honourable members for their indication of support for the second reading of the bill.

Bill read a second time.

In committee.

Clauses 1 to 9 passed.

Clause 10.

The Hon. R.I. LUCAS: I will indicate the nature of the question asked by the Hon. Mr Stefani and place on the record the government's response. The honourable member has inquired, based on representations that have been made to him, about the operation of clause 10(3), which provides:

> An applicant is also ineligible if the applicant or the applicant's spouse could have successfully applied for a first home owner grant under this act or a corresponding law in respect of an earlier transaction to which he or she was a party but did not do so.

In simple terms, this provision ensures that, after 1 July, if a person purchases a home and may be eligible for the grant (that is, it is the person's first home) but does not apply for the first home owner's grant at that stage, then at a subsequent stage, whether it be 12 months or two years later, if that same person sells the home and moves into another home or to a third home, whatever that number happens to be, the individual cannot then apply for the first home owner's grant.

The thinking behind that is that this scheme, as its title suggests, is meant to cover first home owners, so individuals will have the opportunity, as they move into their first home ownership, to apply for and receive the grant if eligible, but they are not able to do it for their second or third home or for any subsequent home

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: If you moved into your first home and were eligible at that time, then subsequently, irrespective of your marital status, you would not be eligible. You have an opportunity after 1 July, as you move into your first home ownership arrangement, to apply for the grant and, if you choose not to take it up, irrespective of your marital status and how many other homes you subsequently own, you would not be eligible.

The Hon. L.H. Davis interjecting:

The Hon. R.I. LUCAS: No, the provisions are quite specific in relation to the applicant or the applicant's spouse. These provisions do not cater for the circumstances that the Hon. Mr Davis highlighted. The representations made to the Hon. Mr Stefani were that this matter was treated differently in New South Wales. I have had my Treasury officers do some urgent checking and my advice is that, whilst there might be some drafting difference, the treatment of that circumstance is the same in New South Wales and, I understand, amongst all the states. There has been an agreement between the states and territories as to how this is applied, and that is the position in all the states.

Given that the Hon. Mr Stefani is at this stage unable to be with us because of an important engagement, I place the government's advice on record. Obviously, if it were to be established to my and the government's satisfaction that that advice from other states was incorrect, I would be happy to have further discussions not only with the Hon. Mr Stefani but with the people who made representations to him to see the possibilities not only from South Australia's viewpoint but from that of other states.

In general terms, in response to the representations that have been made to the Hon. Mr Stefani, my advice has been that the states and territories by and large have tried to have a common understanding in relation to the implementation of this scheme. Obviously, it makes sense for that to occur. However, I am advised that in this area there has been a slight difference of approach by Parliamentary Counsel in at least two of the states, although the Treasury advice (particularly from New South Wales and also here) is that the import of the scheme in relation to these issues is the same, as are the implications.

The Hon. CAROLYN PICKLES: I have been approached by a number of constituents who are wondering whether the $7 000 can be used as part of a deposit arrangement with the bank, or is that subject to the bank's arrangements with a particular bank loan?

The Hon. R.I. LUCAS: I am told that that is possible. That is really an issue for negotiation between the eligible applicant and the financial institution. The honourable member might not have been with us earlier when I indicated that some discussion is going on at the moment and that, particularly in Adelaide as opposed to Sydney, this may well be an important vehicle for home ownership for low income earners, particularly Housing Trust tenants. If you have a home of $70 000 to $100 000, the deposit may be of the order of $7 000.

Whilst they have been able to meet the weekly rental payments and would be able to meet a weekly loan repayment, some people have never been able to save up the $7 000 or $10 000, so this particular grant may be the vehicle to assist some of these low income earners into home ownership, because it gives them a lump of money up front. As long as they can meet the weekly payments, they may well be a viable banking proposition in terms of home ownership.

The other point I made earlier was that, obviously, $7 000 on an Adelaide-priced property is a much higher percentage of the end result than on property in Sydney. So, given that it is a constant $7 000, South Australia and Adelaide stand to be advantaged a little. There was some discussion earlier as to whether or not it should be a higher grant in the eastern states. South Australia obviously did not agree with that view:

on this occasion we thought an equal amount across the lot would be sensible, and that is ultimately to the advantage of low income earners from South Australia.

The Hon. P. HOLLOWAY: I know that the state government gives an exemption on stamp duty for first home owners. Are the conditions that apply to that exemption the same as those that apply to this new home owner's grant scheme or are there some differences in qualifying for those schemes?

The Hon. R.I. LUCAS: I am told that they are very broadly similar but there are some differences. In broad terms, our state-based scheme might be slightly narrower; our scheme might cover a slightly broader category of persons. Obviously, to the degree that we could, there are very broad similarities. You have two competing influences here: one is a desire to have consistency between all the states and territories in terms of how they apply it, and the other is to have some sort of consistency in our own state-based scheme. The state government's view and the officers' view was to have consistency across the board as the major criterion.

Clause passed.

Clause 11.

The Hon. R.I. LUCAS: I indicate that some representations were made to the Hon. Mr Stefani about this clause, and I place on the record the government's response to that. Prior to 1 July this year, an applicant under subclause (1) is ineligible if the applicant or applicant's spouse has before that date held:

(a) a relevant interest in residential property in South Australia; or

(b) an interest in residential property in another state or territory that is a relevant interest under the corresponding law of that state or territory.

That makes it clear that, if prior to 1 July, an applicant purchased a property, which they rented out and did not live in, and if after 1 July that individual purchases another house, they would be ineligible for the first home owner grant on the basis that, prior to 1 July, they had previously owned or had a relevant interest in their first home, whether or not they lived in it.

The Hon. T.G. Cameron: Or their partner.

The Hon. R.I. LUCAS: Spouse.

The Hon. Carmel Zollo: It is a good pamphlet.

The Hon. R.I. LUCAS: I hope it replicates the legislation.

The Hon. T.G. Cameron: I hope that is the same as your answers.

The Hon. R.I. LUCAS: Yes, hopefully my answers are replicating both the pamphlet and the legislation. In those circumstances an applicant would not be eligible for the first home owner grant. I am advised that that is the circumstance that applies in New South Wales. Treasury officials have spoken with the relevant officers in New South Wales and, whilst there might be some difference in drafting by parliamentary counsel, the set of circumstances that I have just outlined appertain in New South Wales as well.

The final representations that were made to the honourable member related to subclause (3), which provides:

An applicant is also ineligible if, before the commencement date of the relevant transaction, the applicant or the applicant's spouse—

(a) held a relevant interest in residential property in South Australia or an interest in residential property in another state or territory that is a relevant interest under the corresponding law of that state or territory; and

(b) occupied the property as a place of residence.

My advice in relation to subclause (3) is that, if an individual purchases a first home after 1 July and chooses to rent it out, so in essence it is a rental property, and if that individual subsequently purchases a home and moves into it so it becomes their principal place of residence, this provision allows them to be eligible for the first home owner grant.

So, the issue that has been raised by the Hon. Mr Stefani's constituent is in part correct, I am advised. In other words, the commonwealth and the states and territories have agreed on differential treatment where that set of circumstances occurs after 1 July, as opposed to before 1 July. However, I am told that, contrary to the representations that have been made to the honourable member, this is a common set of circumstances between the states and the territories. Again, Treasury officers have consulted the appropriate officers in New South Wales this afternoon and have had that confirmed.

As I did in relation to clause 10, I again indicate that if at some stage the advice with which we have been provided proves to be incorrect I undertake to have further discussions with Mr Stefani and others to see what possibilities there might be to further consider these issues. Based on the advice we have, this treatment is consistent between the states and territories and the commonwealth. I am not sure who drove whom in relation to this issue, but I am told that this is a common understanding between the states and territories on this matter.

Clause passed.

Remaining clauses (12 to 46) and title passed.

Bill read a third time and passed.

HIGHWAYS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 May. Page 1173.)

The Hon. T.G. CAMERON: My contribution will be brief. This is a significant piece of legislation, and it does the following things. It abolishes the office of deputy Commissioner, makes the Commissioner of Highways subject to the direction of the minister and gives the Commissioner extra powers over local roads. The legislation also provides for a private sector operator to build a third river crossing at Port Adelaide and for a toll to be levied on users. Shadow tolling is provided for with funding through the Highways Fund. SA First supports the building of the bridge and supports the comments made by the Hon. Sandra Kanck in her second reading contribution.

I do have some concerns regarding clause 22(2) of the bill, and I have received correspondence from the Local Government Association. I was going to wait until I heard the debate on that clause, but I have just been handed an amendment lodged by the minister which addresses my concerns in relation to clause 26, which is the provision in relation to street lighting. I have a query on how much the toll will be and precisely who will be paying it. I indicate my support for the second reading and, with the amendment lodged by the minister, my support for the bill.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I sincerely thank all members for addressing this bill and for the positive manner in which they have done so. As the Hon. Terry Cameron mentioned during his contribution a moment ago, there has been correspondence and discussion among the Local Government Associa-

tion, officers from Transport SA and me in relation to street lighting, significant tree issues and also local government powers in relation to roads. I will address those matters by reading from a letter I have sent today to Mayor Brian Hurn, President of the Local Government Association. It reads as follows:

Thank you for your letter of 30 May 2000 regarding the Highways (Miscellaneous) Amendment Bill 2000, indicating that the Local Government Association has accepted the government's rationale for making explicit the road powers of the Commissioner of Highways. In relation to the issues of significant trees and street lighting which you raised in your letter, I can advise as follows:

Significant trees

I am advised that the amendments to the Development Act relating to the protection of significant trees bind the Crown. This means the Commissioner of Highways must lodge a section 49 application for the removal or damage—other than maintenance pruning as defined in the act—of significant trees or groups of trees as defined in the act and regulations.

Street lighting

I wish to make it clear that the Commissioner of Highways does not seek payment from councils for street lighting infrastructure that councils do not or will not own, and there is no intention that present arrangements be changed. The proposed section 26(11) as presently drafted is a restatement in modern language of the present section 26C of the Highways Act and it does not change the arrangements which have existed since 1944. However, the section will apply only to roads under the care, control and management of the Commissioner of Highways, rather than to all roads as is the case under the present section 26C of the act. To that extent the provision has, if anything. been narrowed.

Transport SA has advised me that there are essentially two types of light poles and two types of tariff.

- The standard tariff is for standard lights mounted on stobie poles. These lights are owned by ETSA Utilities and the tariff reflects both an equipment rental component and the electricity tariff. ETSA Utilities maintains the equipment.
- The customer lighting equipment rate (CLER) is a tariff charged for lights owned by the customer (for example, Transport SA's slip base poles, councils' heritage style poles). In this case the tariff charged is for electricity supply and routine maintenance such as globe replacement, but not for damage to the poles or lights themselves. Ownership of lights under the CLER arrangements has never been an issue. The Treasurer's direction concerning the transfer of ownership of lighting equipment applies to standard tariff lights only, with ownership passing from ETSA to the new ETSA Utilities under the sale arrangements. Councils are already paying for the maintenance and operation of the infrastructure through the equipment rental component of the tariff.

The Commissioner seeks a contribution from councils only in respect of roads under the care, control and management of the Commissioner where there is a balance between the Commissioner's duty of care in relation to road safety and the council's interest in relation to amenity for local rate payers. At present ETSA is negotiating with councils to settle arrangements under the new electricity supply regime. These negotiations do not include demands for councils to pay for CLER infrastructure that they do not, or will not, own. The Commissioner will not seek a retrospective payment for CLER lights already installed. Councils will continue to own CLER lights they have installed and they do not own standard tariff lights. There are, therefore, no circumstances where councils are being asked by the Commissioner of Highways to pay the infrastructure costs of lights they do not own.

However, I am prepared to amend the bill to clarify the situation and to reflect the status quo as I have described it. I thank you for your acceptance of the amendment that I propose. This amendment will enable the Commissioner to require the payment of half the reasonable costs of the operation and maintenance of the lighting. This makes it clear that councils will not be required to pay for infrastructure and installation costs. The full text of section 26(11) of the act would now read:

> If the Commissioner installs or causes the installation of street lighting in a district in the exercise of the Commissioner's powers under this section, the Commissioner may require the council to pay to the Commissioner for payment into the highways funds (by payments made at times specific from time to time by the Commissioner) half the reasonable costs paid by the Commissioner to an electricity entity for the operation and maintenance of the lighting.

I acknowledge that the cost sharing arrangements between state and local government are a wider issue than can be addressed in this bill and they may merit further joint examination in order to reassess the relative costs and benefits to both parties. This could occur after the current independent review of pricing and service standards for public lighting has been completed. Thank you for bringing these matters to my attention. I trust that I have addressed your concerns.

As I indicated earlier, that letter was forwarded today to the president to the Local Government Association. I have provided a copy of that letter to the Hon. Terry Cameron, the Hon. Sandra Kanck and the Hon. Carolyn Pickles.

Arising from that letter, an amendment will be moved to clause 16. I have not yet been provided with that amendment to circulate so I propose to sum up the second reading debate, go into committee at clause 1 and hopefully tomorrow morning I will have the amendment to place on file.

I would also highlight that there are four clauses—clause 27 relating to the Highways Fund; clause 28, adjustments to the Highways Fund; clause 29, applications of the Highways Fund; and clause 31(3)(a) relating to the Gillman Highway and the third Port River crossing project—that are printed in erased type. They are not subject to a vote by the Legislative Council at this time but, because they have been deemed money clauses, they will be first debated in full in the other place.

The Hon. Sandra Kanck interjecting:

The Hon. DIANA LAIDLAW: I was not—

The Hon. T.G. Cameron: It shows how much you listened to my speech.

The Hon. DIANA LAIDLAW: I did listen to your speech, but I though you referred to the letter.

An honourable member interjecting:

The Hon. DIANA LAIDLAW: No, you are never a waste of time, Mr Cameron. I listen to you all the time.

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: Yes, but I had foreshadowed an amendment. I did not appreciate that it was possible to have it on file today. We may be able to get through this bill today.

I highlight that the Hon. Carolyn Pickles, the Hon. Sandra Kanck and the Hon. Terry Cameron all raised issues in relation to the toll, including which vehicles are likely to be exempted from paying the toll. They sought assurances that the government is not intending to extend the toll elsewhere. They also sought assurances about the likely cost per vehicle to cross the bridge and how the toll will be collected, the proposed timetable for the construction of the bridge, how soon after construction the transfer of the bridge to government will occur and, once the transfer does occur, for how long the government will continue to collect the toll.

My answers to all those questions are as follows. The bill provides for direct tolling of vehicles but only for vehicles that access the proposed third crossing of the Port River. The government has no plans for any direct tolling of any further road or bridge structure in the state. Therefore, if any future government wanted to pursue another direct toll on road bridge projects, it would be necessary to seek an amendment to the act at some future date.

As I outlined in my second reading explanation, the government's commitment to match the federal government's $18.5 million through the Roads of National Importance (RONI) program for the Gillman Highway component of this major project is conditional on the bridge being funded by the private sector.

The bill facilitates this matter by setting out a framework for the government to attract equity funding from the private sector and for a direct tolling mechanism. At this time, no arrangements have been made with the private sector other than to confirm that the selection process will be competitive. By this means it is anticipated that the government will gain the best terms. That means the taxpayers will also gain the best terms including the total cost from the companies willing and able to design, build, own and operate the bridge structure. The final bids from the private sector will determine the application and value of the toll.

I do highlight, however, that from the government's perspective this whole project, including the Gillman Highway and the rail crossing has been advanced from the perspective of efficient freight movements. There will, of course, continue to be alternative road access available for vehicles but not necessarily heavy vehicles. The bill, however, does exempt emergency vehicles from any direct toll. The bill also makes provisions for classes of owner or driver and classes of vehicle to be exempted by regulation. I make this point, because the Hon. Sandra Kanck asked whether it was desirable to address vehicles by weight, and that could possibly be accommodated by regulation if it was considered necessary when the bids, price and toll is determined.

I highlight that, in the context of the Hon. Sandra Kanck's question relating to the toll arrangements, the Hon. Carolyn Pickles has given notice that in the other place it will be moved that the financial arrangements for funding the toll bridge be referred to the Economic and Finance Committee of this parliament. The amendment which the government will accept in the other place must be moved in the other place and not in this chamber because it is deemed to be money clause.

Meanwhile I can also confirm that, like the final toll measures, the timetable for the construction of the bridge is also dependent upon an agreement with the proposed private company engaged to build the bridge. However, initial plans allow for preconstruction activities such as the environmental impact assessment, pre-structural advice, site surveys and geo-technical investigations to be completed by early next year, 2001, with a registration of interest process commencing from April 2001 and concluding late in 2001. Construction would commence in mid-2002 and it is estimated that the project would take 18 months to complete, giving a final finish day, if we are optimistic, of late 2003 or, possibly more realistically, early 2004.

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: The Hon. Carolyn Pickles has pointed out to me that I have erred in terms of my reference to the ALP's amendments in the other place. It is proposed by the ALP that the financial arrangements for funding the toll bridge will be referred to the Public Works Committee, not the Economic and Finance Committee of this parliament. We are comfortable with that, because I suspect the acquittals, in any event, will have to go through that committee and it is appropriate that the same people look at the tolling arrangements in terms of the acquittal arrangements overall. I thank the Hon. Carolyn Pickles, especially when she is on one and a half legs, for walking across the chamber to point that out to me.

Meanwhile I can also confirm that, like the final toll measures, the timetable for the construction of the bridge is dependent on agreement with the successful private company engaged to build the bridge. Ultimately, the bridge will be transferred to the government at the end of a period specified in the agreement with the private sector builder and operator. Therefore, at this time, it is not possible to say for how long the toll will be imposed.

As the provisions in the bill relating to equity finance and the toll are, essentially, enabling provisions it is not yet possible for me to provide definite answers to all the honourable member's questions relating to the funding or the environmental issues. The environmental issues will be addressed by the environmental impact assessment due to commence in the near future. The assessment will be undertaken in consultation with all the stakeholders and, certainly, we encourage the Australian Democrats to be part of that process in terms of the environmental impact. We are very conscious of the sensitivity of the area in terms of the stirring up of the river bed, the marine life in the mangroves downstream, and so on. We will undertake this issue with great sensitivity.

I refer briefly to a matter raised initially by the Local Government Association and by the Hon. Carolyn Pickles that there had been too little consultation with the Local Government Association. Today, in my letter to the President of the Local Government Association, I indicated that we have successfully resolved these matters. Perhaps more work could have been done during the initial stages, and I heed local government and the Hon. Carolyn Pickles in that regard. As I indicated, the ability of the Commissioner to override councils' powers in relation to roads has been successfully concluded with the LGA, as have the financial contributions from councils to public library infrastructure and the relative powers of state and local government.

In concluding the second reading, I hope I have addressed the questions posed by honourable members as much as I am able in terms of this being an enabling bill, and also because many of the central provisions of the bill have been deemed money clauses and therefore must be debated in the other place before we consider them.

Bill read a second time.

In committee.

Clauses 1 to 15 passed.

Clause 16.

The Hon. DIANA LAIDLAW: I move:

Page 8, lines 21 and 22—Leave out 'half of the cost of the lighting by payments made at times specified from time to time by the Commissioner' and insert:

(by payments made at times specified from time to time by the Commissioner) half of the reasonable costs paid by the Commissioner to an electricity entity for the operation and maintenance of the lighting.

Today, in my letter to the President of the Local Government Association, I advised that I would be moving an amendment related to the costs between local councils, the government and ETSA Utilities and the costs to be paid to the Commissioner in terms of any electricity entity, and that this would be based on reasonable costs. I indicated in that letter that the Local Government Association had accepted this amendment. I am pleased that we have been able to resolve an issue of concern to local councils across the state. Concerns have been raised by every speaker to this bill in this place.

Amendment carried; clause as amended passed.

Clauses 17 to 26 passed.

Clauses 27 to 29.

The CHAIRMAN: I point out that clauses 27 to 29, being money clauses, are in erased type. Standing order 298 provides that no question shall be put in the committee upon

any such clause. The message transmitting the bill to the House of Assembly is required to indicate that these clauses are deemed necessary to the bill.

Clause 30 passed.

Clause 31.

The CHAIRMAN: Clause 31 is also a money clause and is in erased type and therefore will be dealt with in the same terms as clauses 27 to 29.

Remaining clauses (32 to 36) and title passed.

Bill read a third time and passed.

WATER RESOURCES (WATER ALLOCATIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 May. Page 1075.)

The Hon. T.G. ROBERTS: The opposition will support the select committee's recommendations and the application of its principles in respect of the bill. I indicate that we accept the principles contained in the amendments to be moved by the Democrats. The bill will then return to the lower house for further debate and consideration. The bill is the result of an extensive investigation by the select committee into many of the problems that emerged as a result of the government's drafting of recommendations for the issuing of licences and allocations of water in the South-East.

Although the select committee did its work in reasonably quick time, visited all the places it had to visit and took evidence, it was clear that whatever bill was drafted would not please everyone because of the competitive nature of the issuing of water licences and the reasons for which the potential applicants intended to use that resource. One had to look at the economic climate in which the select committee found itself.

The government, through its bill, had to look at the potential for the use and changing use of land and land management. As I have said in this chamber before, it is the opposition's position that one had to look at land management and water management as an integrated process, that one cannot separate the two. Obviously, the government thought differently. Its position was that one looks at the allocation and licensing of water, at allocations for environmental purposes and allocations for industrial, agricultural and domestic use and that the marketplace would then determine how best that water would be used. The conservation aspects of that use would be part of the marketplace, which would look after and respect the licensing process system, its volumetric distribution and the allocations.

Unfortunately life, and particularly a renewable but very necessary resource, was not seen by a lot of people in the South-East at that time in those terms. Instead, the government has had to intervene in the marketplace to make sure that the water resource is not over allocated and that the licensing system takes into account an environmental component. Water quality is to be an issue that must be looked at in the release of the licences and the application of those licences in respect of where they are used.

The South-East is quite unique in relation to the rest of the state, not only because of the reliability of rainfall and the collection and harvest of that natural resource but also in that it has underground resources, including the unconfined and confined aquifers, which include large areas of limestone caves that hold pristine water. As well, there is the volcanic lake system that holds Mount Gambier's water supplies.

We had to integrate the competitive use of industrial, commercial, domestic, agriculture, horticulture and the competitive and changing nature of land use in that time. The government had a difficult job, and the opposition recognised that the task before it would be difficult, and the cooperation that opposition members of the select committee gave to the government has been recognised in the other place. The bill we have before us, with the Democrats' amendments, tries to come to grips with some of the problems that I have listed.

As I said, it does not matter what regime we bring in, we will never get full agreement on a way to proceed: there are winners and losers in whatever allocation and licensing system we make, but the principle that most of the long-term residents and agriculturalists in the area were using was that the water allocation went with the land. They were not keen on seeing it tradeable (that is, sold). Many people would have liked to see a lease-only arrangement with leases being transferable.

Those sorts of issues the local member has had to wrestle with. In fact, the local member was actually elected on the basis that he would make it his job to ensure that a fair licensing allocation and distribution system would be put in place. I hope that his constituents are happy with the government's bill.

The Hon. M.J. Elliott: Give them two years and see what they think.

The Hon. T.G. ROBERTS: We will watch and wait. The other consideration that needs to be made in any legislation or any intervention by government is protection not only of the quantity but also of the quality of water in that area. I did say that the South-East was relatively unique in the state and was one of the few areas that had consistent rainfall and restocking of the confined and unconfined aquifers, but over the past few years that has not been happening. Mount Gambier is concerned about the recharging of the unconfined aquifer in relation to its drinking water.

There have been many complaints from landowners who have had bores down in the unconfined aquifer for some considerable time, who have had to put on four and five metre extensions to take into account the drying-up of the unconfined aquifer, and people now are being encouraged to tap into the confined aquifer. As we and the Democrats have been saying for some considerable time, it is difficult to make allocations of the kind that the government is making, since we really do not know what the recharging of the aquifers is in relation to long-term use.

At the last public meeting I attended at Glencoe, government representatives were there to make sure that the local people were kept informed of the government's program, and the most asked question was: what improvements will you be making to benchmark the volumetric principles of allocation when you do not know what the recharging rate is in all areas?

That question was fielded quite well by the officers who attended, but it did not satisfy the locals, because those people in the Glencoe area had been impacted locally by a lot of draw-down, primarily by pivot pumps that had been put in quite recently as the rush for investment infrastructure, particularly into dairying, was impacting on other users who were perhaps just needing their allocation for other purposes.

We now have a rush to the South-East, primarily out of the Adelaide Hills, by a lot of the traditional Hills activities of agriculture, horticulture and dairy farming because of the pressures for clean, harvestable water for Adelaideans to survive. I am sure that much more has to be done in relation

to the potential for more harvestable water in the Adelaide Hills. I suspect that there will be a lot more movement of investment down to that South-East area, which will put more pressure on the confined and unconfined aquifer.

I am sure that the activities of the Drainage Board will be looked at closely. The management system of the harvestable water that is collected will be looked at, as will the wastage of the surface water that now goes on. We have a disallowance of a regulation at the moment in relation to illegal clearance associated with the drainage of water into the Coorong, in the mid to upper South-East, so all those questions in relation to water quality, quantity and distribution must be looked at by the government in the form of a land management program taking into account land use.

I understand that some of the maps are now starting to look at soil types and variations, and that recommendations are being made in some ways in relation to land use, but we now have a new gold rush of blue gum investors, some legitimate and some I will not comment on in this chamber until I get more detail. But the government needs to play a stricter role in relation to land allocation for land-based activities, because you cannot manage the underground water and water management systems, allocations, distribution and licensing without looking at a land management program that looks at agriculture, horticulture and the integration of all those activities.

I know that there will be a further increase of larger, more intense dairying, because the trend is towards larger herds. That brings with it a potential for pollution that did not exist with the accumulation of a lot of smaller herds spread around the place, although the practices of the milk producers, the butter and cheese factories, added to the weight of nitrates in the water down there.

As I said, we will be supporting the government's position on this bill but will be supporting the amendments the Democrats are putting forward. We look forward to the challenge that this very productive area of the state makes in relation to government resources and their ability to manage some of those problems associated with the potential salinity and the making of productive land unproductive.

There is the challenging role concerning the competitive use for land. There is the role that traditional graziers have played over the years, and the contribution they have made to the Lower South-East. In relation to their roles, will they be squeezed out? Will the horticulturists, who are now paying something like $3 000 a hectare for land, squeeze out family based farm industries which are now considered almost cottage industries by economists when they look at how land is used? What will be the outcome of land management once the large intensified agricultural/horticultural pursuits start to impact on the quality and quantity of water in the South-East, as opposed to the managed programs that have been running since settlement by people who have worked in those pursuits for some considerable time?

All those conflicts need to be managed and I am sure that the government is keeping its eye on this, for electoral reasons as well as for economic and social reasons, and I am sure that it will put in a regime along with the allocations and licensing. So the impact of the bill is not strictly on water quality, quantity and distribution; it is also to do with social development and potential industrial development in a very important area of the state.

The Hon. A.J. REDFORD: I rise to make some comments yet again on this vexed issue of water, particularly underground water and its appropriate allocation to landowners in the South-East. Much has been said on this by many in the past, and, indeed, I think my longest contribution since being elected to parliament was on this topic. The objectives of this bill are four-fold. The first objective is to create an opportunity for a water holding application to be made and an opportunity given to those people who currently do not have access to water, in order to redress some of the injustices that were created when the water resources legislation was first promulgated in this place, and then the rather inept fashion in which the Department of Environment and Natural Resources proceeded to implement that legislation, and I will make some comments on that a bit later. The second object is the creation of a differential levy. The third relates to a taxation issue and, finally, there is a very important provision which requires the minister, whoever he or she may be, to cause a review of the operation of the act to be conducted and a report of the results of the review to be completed by the end of 2001 and 2002.

The first comment I will make on this bill is in relation to the last object concerning the review of the act by the minister. I would be most grateful if at some stage the minister could set out what the parameters of that review might be. In fact, what is he intending to review at that time and on what basis? Are we confining it solely to environmental issues, or are we confining it to economic issues? Are we confining it, or are we extending it to issues pertaining to fairness and equity in the allocation of this resource? I might say this, and I think my comments in relation to this bill are coloured by this simple proposition that I have made on numerous previous occasions: until the government decided it would interfere in the way that it has, water generally was available to most landholders in the South-East because of plentiful supply.

Those of us who were fortunate enough to be brought up in the South-East were always told that the resource was unlimited and that it was available to all. We know that that is not true and we know that events have overtaken that principle, but what that attitude and that view led to was the fact that land values in the South-East were intrinsically related to and associated with access to water. When the government brought in the Water Resources Act, and there was considerable discussion about this, the government was warned that there would be a severe impact on land values. Some provisions were suggested by the Hon. Michael Elliott, which I agreed with, but they were not accepted by the then minister David Wotton and the then government—and I am referring to a time prior to the last election. Those who were making decisions on water allocation seemed to put that down as a low level objective.

Be that as it may, it caused substantial political problems. There is no doubt that it had a fairly substantial impact on the political fortunes of the then member for MacKillop, Dale Baker. It certainly led to the rise of the current member for MacKillop, Mitch Williams. It had some impact in the seat of Gordon, although perhaps not to the same extent as in the seat of MacKillop. I think even the most sanguine of members on my side of politics, after some gentle reminding on numerous occasions, came to the conclusion that perhaps the vast majority of people in the South-East were not entirely satisfied with what was happening in relation to the allocation of this resource.

I do not want to belabour issues that I have raised in the past, but I think part of it was that a number of the bureaucrats involved in what they call consultation, and what I call

a one-way consultation, misused certain concepts and certain principles in order to advance an agenda which from time to time I am at a loss to understand. One of the principal things they advanced on a constant basis was this issue of COAG and water reform. A number of people suggested that COAG and water reform in terms of establishing a water market in the South-East was not the driver. In fact on a number of occasions when I attended public meetings it was said over and over again that we have to comply with COAG principles and that we have to establish a water market.

That is fine. If that is the path that the government chose to go down and the parliament facilitated that, one would have hoped that they would have approached that on a fair basis. I have to say that until the appointment of the Hon. Mark Brindal to the position of Minister for Water Resources there was a confused approach about this. As I have said on a number of occasions, if you really want to establish a water market you cannot hold back water, because, in effect, what you are doing is distorting the establishment of a market. Indeed, if you do allocate water for the purpose of a market, you should start from a position of being fair in the first place.

It is a bit late, and we are not in coalition with the National Party in this state, but from time to time the National Party has been somewhat slow in representing the respective constituencies and that perhaps reflects some of its electoral fortunes, particularly in Victoria and New South Wales. I could not help but notice a recent article in the *Border Watch* written by Chris Oldfield on about 21 June entitled, 'National water reform deal review'. In the first paragraph, the article states:

> A national water reform agreement is under review and the federal government has slammed some states for not paying compensation to those who lost water rights.

I am pleased to see that, if it is the case that this whole process has been driven and generated by COAG principles and national competition policy. However, that conflicts with statements made by the former Minister for Defence and former member for Barker who said both in writing and orally that COAG and competition policy did not apply to water and he was at a loss to understand why state bureaucrats were insisting on and justifying a rather inequitable, ineptly applied system of water allocation on the basis of competition policy.

Be that as it may, if competition policy is what the government suggests should be the policy that has driven the reforms that we have seen in the past four years, we need to take very seriously what Minister Anderson says. I suggest that getting this bill right will have, potentially, some impact on the state in so far as the commonwealth attitude to the implementation of water reform is concerned. The Deputy Prime Minister, Mr Anderson, who endorsed the statements in writing made by the then member for Barker and who endorsed the statements made by Senator Chapman in correspondence throughout the South-East that COAG principles did not apply, has now said that, if it does apply, the state government ought to have a serious think about it. The article continues:

> Announcing the COAG 1994 water agreement would be overhauled, federal Minister for Regional Services, John Anderson, said that the 1994 agreement was a sound framework. . . 'But the slowness and even the failure of some states to implement reforms and in some cases, selective interpretation, have left the on-ground reality a pale shadow of what might have been. Water property rights are not being recognised and the COAG agreement is effectively being used to prevent states from investing in new water development projects or to upgrade existing infrastructure, even where they stack up ecologically.'

I am not sure how he justifies that assertion but the article goes on to say, and I am sure it will strike a chord in the heart of some graziers in the South-East who have been excluded from this process because of accidents of timing or the way the generational transfer happened to coincide with this water reform, as follows:

> The COAG agreement provided for the states to recognise water property rights and they therefore had a moral obligation to ensure that, whesayre these rights were removed, compensation or adjustment assistance was available. The federal government is providing hundreds of millions of dollars to the states as bonus payments under the national competition policy. This was the most appropriate source of assistance to irrigators.

And to others who have had water rights or their access to water taken from them by legislative interference, and I suggest that it is not the legislature that is at fault but that it is through the executive arm of government. It goes on to say:

> If it is good enough for the Australian constitution to require just terms of compensation for the acquisition of property, it should be good enough for the states. It is a question of justice.

The article goes on to say:

> Mr Anderson said he was equally concerned by the way the COAG water agreement was being interpreted under the umbrella of national competition policy.

Some in this chamber might say, 'So what? What has that got to do with this bill?' It has a lot to do with this bill in the context that this is probably the last chance the government has to get it right because, if it does not get it right, one suspects that there will be some significant discussions, perhaps even heated discussions, particularly in the context of a federal electoral result that—

The Hon. T.G. Roberts: And possible legal action.

The Hon. A.J. REDFORD: Yes, and possible legal action. If this is not right and it does not give some degree of fairness to those who have been excluded from the process, there is a real possibility that those people who have been deprived will go directly to the federal government and say that it gave the states COAG and the competitive market, even though the government is only now conceding that, and that it says that the money that is to go to the states is up for grabs. If their asset value has been substantially stripped as a result, they might want the government to give them the money instead of giving it to the states. A legitimate argument can be put in relation to that. The point that I am really getting to in relation to this aspect is not directed to the minister, because I have the utmost confidence in him. He is a breath of fresh air in relation to this.

The Hon. R.I. Lucas: A drop of fresh water.

The Hon. A.J. REDFORD: A drop of fresh water, as the honourable member interjects. He has applied a fine intellect and a fine mind to a very complex issue. However, I would be remiss in my duty if I did not point out that, unless this is done correctly, other opportunities and options are available to those who have been excluded from the process. It may well impact substantially on the state's finances. I hope that those bureaucrats who have incompetently managed this in the past will also take that into account. If the state does lose significant resources as a consequence of incompetent management, it may well be—and I know that they are all sitting back, waiting for my contributions with bated breath, making a mental note to ensure that I get voted last on the ticket if they get that opportunity—

Members interjecting:

The Hon. A.J. REDFORD: I assure the honourable member that they are not on my college because I do have a bit of influence in that respect. However, they have a vote on the Saturday in question, and they will put me last. In implementing the principles and objectives of this bill and the desires of the members who comprised the select committee, they have a fundamental responsibility to ensure that they get it right this time because, if they do not, the ramifications will not involve coming back to parliament because it will be too late but the finances of the government will be directly affected, if one is to believe the head of the National Party and the Deputy Prime Minister in relation to the sentiments expressed in that article in the *Border Watch*.

I only say that in the context that I have every confidence that the minister, who is a decent and fair person and who can recognise injustice from a hundred miles away, will apply an approach to this whole process that will have fairness inculcated through it. I hope that the public servants will also take it into account, because I know he cannot manage that on a day-to-day basis.

An honourable member interjecting:

The Hon. A.J. REDFORD: The honourable member interjects and says that it sounds as if he would make a good Legislative Councillor; he would make an excellent Legislative Councillor.

An honourable member interjecting:

The Hon. A.J. REDFORD: The honourable member interjects about pre-selections, and we all know that he is not up for pre-selection this time around. I know that members opposite like to speculate about these things, but I assure them that there are no difficulties other than in the minds of some people who from time to time might ring the Hon. Terry Cameron.

I now turn to some comments made by the opposition, because I have to say that the opposition has been a big disappointment in this area. On every occasion it has sought to have two bob each way, and I suspect that on one issue in relation to this bill it will have two bob each way again. I will allude to the Hon. Michael Elliott's amendments later in this contribution. We on this side all know that the opposition will have two bob each way on his amendments. I look forward to watching how the opposition supports it and then dumps it. We all know that that is what will happen, and we all know that it will seek to campaign in the South-East on that basis. In relation to the select committee report, the shadow minister in another place said:

> It is said that we should have pro rata allocations of the remaining resource, that full tradability should come into operation, and that, in order to encourage trading of water and ensure that the water would go to the best economic and environmental use, a rent or charge should be placed on the holding of that allocation.

He then said:

> In addition, the bill allows a minister or the various water authorities to charge a levy on the holding of the water as well as on the use of the water.

Interestingly, in relation to those who are sitting on water in perpetuity and not using it, he went on to say:

> Rather, they should pay a holding charge, the rate of which should increase as the value of the water in that area increases, so that there is encouragement for people to use the water or trade in the water so that it does not get held onto for generation after generation and not used.

Some might say that that is a pretty unremarkable quote. I am not sure whether Mr Hill is speaking as a future minister for trade and development or as a future environment minister, because he seems to have been caught up in some of the rhetoric of some of the officers within the environment department. One thing that has really got up my nose during this debate is the almost quicksilver nature of some of the debates put by the pro-irrigators or some members of the department. On the one hand we are told consistently, over and over, that we need development in the South-East; we must encourage development; and we should discourage people from sitting on water, because they are holding up this great god, development. That is fine if you look at it by itself. Then, on the other hand, they will say that they need to protect the environment. No-one has come out and said in any clear or definitive way how they will balance those two competing issues.

Indeed, the shadow minister says they should pay a holding charge where they do not use the water. One wonders whether his direction in relation to this issue is the environment and the protection of the water resource or alternatively development, and where and on what basis he draws the line, because he certainly has significantly embraced the concept of a water market.

After looking at the contribution made in another place I have to say that I agree with a number of the current member for Gordon's comments. He said:

> I think it is very dangerous to continue to allocate water when we do not know how much we have or how much is already allocated.

He went on to say:

> We do not know how much water exists. We continue to get arguments about whether there is recharge under native vegetation under plantation forestry or under the impact of clay spreading or changing agronomic practices. We do not know how much water is available.

I quote that with the endorsement that that is a very important starting point. I am not sure that he is entirely correct, in that some people appear to claim that they know how much water is there, but certainly a lack of financial resources have been put into the study of the water and how it operates in the South-East. Just as importantly, a lack of money has been spent on informing land-holders in the South-East what that research reveals. The level of knowledge has improved significantly in the past couple of years, but this is an issue that needs constant attention.

The Hon. M.J. Elliott: Why did the minister halve the PAV in the Mount Gambier area?

The Hon. A.J. REDFORD: The honourable member's question supports what I have just said. When we looked at this in 1997 and 1998, we were confidently relying upon the sorts of figures we were being given, and now we find that we have had to make some pretty savage adjustments as a consequence. I suspect—

The Hon. M.J. Elliott: That is only two hundreds.

The Hon. A.J. REDFORD: I agree with that. I suspect that, unless we have two or three wet years, we will have more of this, because we have had historically low rainfall over the past decade. Having driven down through the Coonawarra and seen where grapes have been planted in the past few years, I well remember that when I was a boy a lot of that land was under four to five feet of water. That is not to say that, with significant rainfall and getting back to the sort of averages we experienced in the 1950s and 1960s, that will not happen again. I hope that some of those people who are in speculative industries do not come back to the government and say they need some financial assistance.

The member for Gordon then went on to make an extraordinary admission and one which is consistent with

what I have said on a previous occasion; I go on record as saying how grateful I am that he has acknowledged this. In relation to the development of the first water allocation policy, which caused a lot of these problems, he stated that the member for MacKillop believed that the forum which was developed was a sham. That was Wotton Mark II, an allocation policy which was developed at a meeting at a motel in Mount Gambier at which the Hon. Terry Roberts and I attended. I happen to agree that it was a sham forum. Indeed, I think if the member for Gordon reflects carefully, he will acknowledge that he had a particular agenda that day. The agenda was completely inconsistent with—

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: The honourable member says 'Preselection.' I would not be so crass as to say that, but it has been suggested to me by others as well that he overlooked that, at the end of the day, this policy which he foisted upon us as chair of that meeting and the way in which he conducted that meeting has caused the South-East significant problems. I am pleased that the Hon. Terry Roberts made that astute observation.

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: And without prompting and without having any previous discussion. Wotton Mark II has caused us some significant problems. In any event—

The Hon. M.J. Elliott interjecting:

The Hon. A.J. REDFORD: The honourable member interjects and says that this is Brindal Mark 1.

The Hon. M.J. Elliott interjecting:

The Hon. A.J. REDFORD: And I agree with that. The reality is that, if the minister gets this right, I think we will have done as best we can in some very difficult circumstances. I am not sure that we will be able to revisit it because, once all the water is allocated, as is intended under this legislation, it will be an awfully difficult political exercise to take that water back.

The Hon. M.J. Elliott interjecting:

The Hon. A.J. REDFORD: The honourable member interjects and says, 'Take it back pro rata.' We should come to that position: that is the only fair way to do it. If you start picking winners, you completely run against this whole principle of trying to establish a water market.

I would hope that those people who do take up these holding licences do not get rated out of it too quickly or aggressively because, at the end of the day, they may well be playing an important environmental role in terms of protecting both the quantity and the quality of the water that might be available to others. One needs to be cautious before rushing in and saying, 'You're not using the water; we are going to rate you out of it so you're forced to give it up and someone else uses it', because you may well compound a difficult environmental management problem in some other area.

The other area I would like to touch on is the existing water plans. When I say 'water plans' I am talking about the irrigation management plans that people get when they apply for a licence and, if one has seen them, one knows that a whole range of conditions are imposed, such as that they must buy an irrigation plant and they must do this and they must do that—but not one of them says that they must actually irrigate. When some of the bureaucrats have been pressed on this, not one of them has conceded that there is a policy forcing people to irrigate. I know why they say that: it would be a very bad and dangerous policy. If you are given a right, particularly under our sort of economy, then you should be given a right not to use it.

I turn now to the amendments proposed by the Hon. Mike Elliott in relation to the control of planting of forests. I understand where he is coming from. In simple terms, I understand him to be saying—and I am sure he will correct me if I am wrong—if you plant a forest or trees on your land, you are getting rid of all the recharge and, as a consequence, you should not be—

Members interjecting:

The Hon. A.J. REDFORD: I understand that the Hon. Mike Elliott is saying that, if one plants a forest, there is a significant reduction in recharge and, therefore, one's water licence should be revoked. I understand that the argument is that, because there is no contribution to the recharge, there is no entitlement to a water licence.

The Hon. M.J. Elliott: No; I said one should have a water licence.

The Hon. A.J. REDFORD: Sorry; I stand corrected. The honourable member said, 'One should have a water licence if you want to plant a forest'. The difficulty I have with that is that it is anti-forest. I have a view that—

The Hon. M.J. Elliott: I am pro forest.

The Hon. A.J. REDFORD: I have always understood the honourable member to be that way. I believe that the policy he is referring to will have precisely the opposite effect. If people who want to plant trees are required to obtain a water licence—and the licences are fully allocated and held—that will do nothing other than discourage the planting of trees. During the committee stage, I invite the honourable member to respond to that issue because, in a very simple sense, that is what I observe.

The Hon. M.J. Elliott: Water cannot be used twice.

The Hon. A.J. REDFORD: You cannot use water that you do not have, either. Referring to the honourable member's earlier interjection, if people do not obtain a water licence and, say, in the South-East, madly plant trees to the extent that it affects the aquifer and the water available for more traditional forms of irrigation—vines and other cropping pursuits, such as potatoes and dairy—water allocations will be reduced across the board. I know what the honourable member's interjection will be—

The Hon. M.J. Elliott interjecting:

The Hon. A.J. REDFORD: The honourable member is picking winners.

The Hon. M.J. Elliott interjecting:

The Hon. A.J. REDFORD: Maybe I am, maybe I am not. However, my view is that we should not do anything that hinders or discourages the planting of trees.

The Hon. M.J. Elliott: I am actually advocating neutrality.

The Hon. A.J. REDFORD: That is where the honourable member and I part company. He is advocating neutrality. One could argue about the use of that term in relation to the honourable member's position. My position is strongly pro tree and pro forest. If it has an adverse impact on other irrigators when taking into account the multiplier effect in terms of forests and the extraordinarily important role it plays in employment in the South-East, so be it. If we reduce the use of water across the board for other irrigators in areas such as vines, potatoes, and the like, so be it. At the end of the day—

The Hon. M.J. Elliott interjecting:

The Hon. A.J. REDFORD: The honourable member talks about vines. Come the wine glut—which is surely

coming—the Coonawarra, and places like Koppamurra and Padthaway, will reduce their use of water, and that will enhance the quality of their product and they will remain at the premium end of the market. Looking at the wine industry in the South-East, it will not be the disaster that some might think it will be.

The Hon. M.J. Elliott: What about dairying?

The Hon. A.J. REDFORD: I think that dairying has problems in a lot of other respects, anyway. I am not sure that the policy the honourable member is suggesting in the legislation will do the dairy farmers any good. Dairy deregulation will lead to a couple of things: first, some people will be put out of business or out of the dairy industry; and, secondly, it will create enormous pressures for those remaining in the industry to increase production.

The Hon. M.J. Elliott interjecting:

The Hon. A.J. REDFORD: That is a risk that one takes when buying anything of a commercial nature. For instance, in 1995 no-one knew that, having paid $1 200 per acre in the Naracoorte Ranges, the government would implement a policy that reduced the land value to $600 per acre, but that is what happened.

The Hon. T. Crothers interjecting:

The Hon. A.J. REDFORD: Exactly.

The CHAIRMAN: Order! Honourable members can raise these issues in committee.

The Hon. A.J. REDFORD: At the end of the day, that water is fully allocated and they will have to buy it in the brave new world of the water market. I am criticising the Hon. Mike Elliott's well intentioned amendment—and I am saying this in the kindest possible way—because it is anti-tree, it is anti-investment, and it is anti-job and, in my view, in the long run, it may prove to be anti-environment. It might prove, in some areas, to be popular. I am well aware of the arguments, in some quarters in the South-East, against blue gum—and I will touch on that very quickly.

It is my view that the forestry industry ought to be encouraged in every way possible for a very simple reason—not only because of the employment issue—and that is, over the past 80 years, trees have been the single best horticulture investment. Trees have consistently provided the highest return per hectare of land—in an environmentally friendly fashion—than any other product. The forestry industry has also created more jobs, and it is likely to create more jobs in the future. However, I am distressed when I see more and more houses being built with aluminium rather than wooden frames—but that is another issue.I have concerns about the honourable member's amendment because it is anti-forest.

I know the minister is anxious to get this legislation through. I would be happy if the minister, at some stage, read the answers to these questions into *Hansard* post the passage of the bill. I know some of the answers because the minister has been very good in providing them. My first question relates to section 29(1)(b), which provides:

> (1) A water licence granted by the minister under this part . . .
> (b) will not, if the licence is endorsed with a water (holding) allocation but not a water (taking) allocation, authorise the taking of water but will enable the holder of the licence to make a request to the minister to convert the allocation to a water (taking) allocation under section 35A.

In relation to the amendment, what is the government's intention in creating a water (holding) allocation with respect to precisely what rights are created? If it is not clear what rights are created, the whole intention of creating a water market will be undermined. I know that the conversion of a water (holding) licence to a water (taking) licence is subject to a hydro-geological assessment. I believe the uncertainty associated with the transfer from a holding to a taking cannot be avoided. There are other uncertainties that might impinge on the rights of land-holders with a water (holding) licence.

What happens if there is a substantial increase in the demand for water in other areas? Does that mean that a person holding a water (holding) licence will not get a water (taking) licence because of a substantial increase in use?

Again I take up the Hon. Michael Elliott's suggestion that there should be across the board cuts that affect everybody equally, whether you have a holding licence or a taking licence. If you do not give people that assurance, they will not take up the option of a water (holding) licence and will regard it cynically. I need only draw the attention of the minister to the way in which some land-holders are being treated, particularly in the Naracoorte Ranges area, where they were told, 'Don't worry, you will get a licence', and on the day they applied they were told, 'Sorry, you can't have a licence'. There needs to be some sense of security in the holding of a licence.

Clause 9, which amends section 120 of the principal act, provides:

> (3) For the purposes of this Division, the Minister may declare on a water licence that is endorsed with a water (holding) allocation—
>
> (b) the purpose for which that water will (notionally) be used.

I know the minister has responded to this privately, but I have concerns that the minister will tell people how they can use their water and what crops they can grow. As a Liberal, I do not think it is appropriate for governments to tell people how they should use their land within reason and with proper environmental and planning restraints, and nor should they be able to do it in relation to water use.

Thirdly, clause 10 amends section 122 of the principal act by inserting new subsection (8a). I ask the minister on what basis he might declare different levies for the right to take water under a water (taking) allocation or a water (holding) allocation, what principles will be applied and whether some formula will be used. I think it is appropriate that that formula be fully disclosed to the public and to those who are affected by this legislation to enable them to make a fully informed decision as to whether they will take up the option for a water (holding) licence.

I say that in the context that people who hold what would currently be considered a water (taking) licence might hand it back with a view to getting a water (holding) licence because it might be cheaper, thereby freeing up water for other land users. I think that that is an important principle that needs to be taken into account.

Finally, new section 35B(4) refers to the right given by this section—and I would be grateful if the minister could confirm this—that all allocations after the freeze is lifted will be on a pro rata basis and that they will be developed and issued prior to lodging applications under the old regime. In other words, there will be no queue jumping; if you want water in the South-East from now on, you either get it through the pro rata process or go to the market and buy it. There will be no special deals and no favours; you go to the marketplace. Once we clearly establish that, we will develop greater confidence in the market and land-holders will have greater confidence in the system and as a result there will be fewer rumours and less political drama. With that, and given the timing, I commend the second reading of the bill.

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

[Sitting suspended from 6.05 to 7.45 p.m.]

LIQUOR LICENSING (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 25 May. Page 1125.)

The Hon. CARMEL ZOLLO: Whilst the opposition supports the general thrust of this legislation, the provision for direct delivery sales, which is a new type of liquor licence, is viewed as a conscience issue because it provides for further points of sale of liquor. We understand that this provision for direct sales is in response to the rapidly increasing activity of electronic commerce, and I indicate my support. The Attorney pointed out that a number of web sites already offer liquor sales to a purchaser who does not attend the seller's premises but merely places an order over the internet for the delivery of liquor to a nominated address.

At the moment it is used as an ancillary to conventional sales under an existing form of licence. With this relatively new type of commerce increasingly becoming the norm in some cases, I understand the importance to facilitate trade in the area of liquor sales by establishing a licence in South Australia that would allow people to run a liquor sales business entirely by way of the internet. The direct sales licence does not permit liquor to be sold, displayed or served to customers in person.

The only type of sale allowed by the licence is for the licensee to arrange the delivery of packaged liquor to the home or other premises of a customer who orders the liquor by telephone, mail, fax, the internet, email or other like communication. I note that all the necessary processes to meet the criteria of a direct sales licence will be put in place.

In particular I note that, whilst it would be possible to dispatch liquor interstate or overseas at any time from within South Australia, the dispatch and delivery of the liquor to any address can take place only during the hours when it could be sold at a liquor store. So as not to disadvantage the holders of current hotel, producers', wholesale or retail merchants' licences, such holders will also be permitted to transact business by direct sales as an automatic condition of these licenses.

Licensed clubs, on the condition that their members cannot obtain packaged liquor without great inconvenience, will also be able to transact business by direct sales. The bill makes clear that holders of direct sales licences will not be able to trade at times other than those when traders can presently supply liquor.

The concept of electronic commerce has been upon us now for several years: one can buy pretty much anything over the net, from a book to a car, and there are also an increasing number of web sites where you can bid, as with any auction, for a similar range of goods. This new licence in South Australia will allow persons who wish to set up as liquor merchants using only e-commerce to do so without the need to keep a shop or hotel to which the public can have recourse.

The opposition welcomes in particular the provision in the bill for the licensing authority, when granting a liquor licence and fixing the conditions to be imposed on such a licence, to consider the effect the proposed licensed premises will have on the safety and welfare of children attending school in the vicinity. My colleague in another place, the member for Mitchell, was unsuccessful recently in trying to pass private member's legislation that addressed this concern.

I am certain that we all remember the Hon. Nick Xenophon's recent amendment expressing similar concerns in the Liquor Licensing (Regulated Premises) Amendment Bill, which was also defeated. I appreciate that the Hon. Nick Xenophon's bill has some retrospectivity in relation to the commencement date of this clause, which members were uncomfortable with, but the opposition was happy to support the amendment as such. I understand that the clause in this bill is different in two respects.

First, the licensed premises are clearly spelt out, be they hotels, clubs, entertainment venues or other premises. Secondly, there is provision for discretion in granting a licence in such circumstances. The authority is not bound to refuse a licence because of proximity to a school but must consider the children's welfare and may refuse the licence or attach any conditions necessary to protect the children. We are happy to support this clause, but I can assure the Attorney that all members will be vigilant in ensuring that the community's concerns come first and, I am certain, will take appropriate action if the interpretation is found wanting.

Whilst the opposition supports the majority of clauses in this amendment bill, I indicate that we will be opposing several clauses and their consequential amendments in the committee stage. This is regrettable, particularly in relation to one clause, because quite clearly it could have been avoided through consultation with the people who work in the industry and those who represent those workers. There appears to be no place in this Liberal government for consultation with the unions.

I question why the Liquor Hospitality Miscellaneous Union is not part of the liquor licensing review working group. I refer in particular to the amendment in this bill abolishing the concept of the manager of licensed premises and, instead, using only the concept of licensee, or responsible person. Whilst the Attorney will no doubt claim that such changes strengthen or clarify legislation in that it makes more people accountable in practice, I understand that it is considered to be a further watering down of who is responsible.

The last change in this concept was made in February 1998 under the Liquor Licensing (Licence Fees) Amendment Bill. The Attorney may remember that the opposition sought an amendment, supported at the time by only the Hon. Nick Xenophon, that the act require a record of duty times in order to protect workers, the public and individual responsible persons.

The Hon. Nick Xenophon: A very sensible amendment.

The Hon. CARMEL ZOLLO: It was a very sensible amendment, yes. Perhaps if that amendment had been supported, we would not find it necessary to keep refining who is a responsible person. The opposition is particularly concerned with section 107 and section 103 of the act and the implications for minors as responsible people, in widening the number of responsible people.

The other change that the opposition has a problem with has been highlighted by the Law Society, and that is in relation to clause 7, the amendment of section 34, 'Restaurant licences.' The act will be tightened so that the business conducted under a restaurant licence will be so conducted that the supplier of meals is at all times the primary and predominant service provider to the public at the licensed premises. I understand that a meal would have to be served every time.

The act at the moment provides that the licence must consist primarily and predominantly of the regular supply of meals to the public. Over the past few years, we have seen the emergence of a pleasant cosmopolitan street culture, particularly in some popular areas of Adelaide, for example, the east end and some parts of Norwood and North Adelaide, to name a few. Whilst it would be fair to say that it is not unusual for some better patronised restaurants in these areas sometimes to serve drinks only (probably depending on the time of day) rather than a meal as well, I would like to hear some proof that it is causing such serious problems that the act needs to be amended.

Surely, the test should be that it is providing lunch and dinner at the appropriate time. By this amendment are we suggesting that restaurants should open only at these times, or that we define what constitutes a meal? I suspect not. The Law Society pointed out the case of a restaurant also used at times as a function venue and only providing drinks. I understand that the Attorney has an amendment on file, which may well take care of this concern.

The opposition agrees with the Law Society that this amendment is too restrictive and unnecessary. Certainly, the public seems to enjoy flexibility in their eating and drinking habits, especially when entertainment is provided as well. In these 'popular to be seen' areas it is not at all unusual for people to be dropping into more than one restaurant for the evening, seeing people about and mixing, and that adds to the cosmopolitan flavour of Adelaide.

Regarding clause 19 and the amendment to section 59 of the act—certificate of approval for proposed premises—given the recent Supreme Court interpretation that planning approval is not required under the current act before a certificate of approval is granted for proposed premises, the opposition understands the logic of the amendment as proposed under this clause. However we note the concerns of the Law Society, which has suggested that developers may want many approvals in place before proceeding to full planning. I ask the Attorney to comment on the merits of the suggestion by the Law Society, to have the certificate of licence made subject to particular planning conditions so as to allow some flexibility in issuing licences.

The bill also makes a number of smaller technical and consequential changes to the act, which the opposition supports. Under clause 35, and the Commissioner's power to deal with a disciplinary matter by consent, I would ask the Attorney to further explain in committee this new power to the Commissioner and detail the full extent of this new function and what effects it may have on the function of the tribunal; namely, will it be a requirement that action proposed by the Commissioner in such cases be in writing and in some prescribed form?

The opposition intends at this time to file an amendment in relation to barring people under clause 37(c)(aa). I indicate that in relation to the sale of liquor to minors, for the reason that this clause 30 is consequential to our opposition to the concept of 'responsible person'. We will be opposing 30(a) and (b), and we view 30(c) and (d) as conscience matters because they are consequential to the direct sales clause.

The Hon. T. CROTHERS: I rise to speak in support of the government's measure. There is one clause that the Hon. Ms Zollo referred to that I would have to have a good look at, but by and large I am supportive of the measure. I want to take some issue with the Hon. Ms Zollo, and I speak now as a former secretary of the liquor trades union, the union responsible for coverage of the industry about which she was waxing grand eloquent. There are a number of points I wish to make relative to that. One is in respect of the fact that provision has been made to enable producers, manufacturers, or wholesalers to be able to sell their liquor goods over the internet. This state's wine industry produces 66 per cent of the Australian wine. The Australian wine industry will export this year $1 000 million worth of wine, two-thirds of which comes from South Australia. It is a great employer of labour in our rural areas. This was alluded to, to some extent in the oblique, by a previous speaker who was speaking with respect to water earlier today.

I do not know how many members the liquor trades union has in the wine industry, but when I was secretary it was close to 3 000, the bulk of whom were employed in rural South Australia, either in the Coonawarra district, the Clare Valley district, the Barossa Valley district, the Hills area, or in the Southern Vales area. There are many areas where, in fact, the rural based wineries are the major, or even, indeed, the sole employer of correctly paid labour in this state. Likewise with Cooper's Brewery, which has a very large export market for its products, its stouts, its ales and its light beers, into the United States—North America—and other places. It is the same with associated products, such as malt and those other products that are produced in this state at at least three malting stores which between them would employ some 80 or 90 people. Of course, the malt is made from South Australian grown barley, most of which is drawn from our peninsula area and, indeed, even from irrigated fields of barley outside of Broken Hill.

So there is a consequence in respect of the internet provision. Whilst the Hon. Ms Zollo did say that she could understand—and I agree—as to why that should be put on, she seemed to me to confine her remarks to Australia, whereas with the way things are going now relative to globalisation it may well mean, and in fact it will mean, that a lot of our wines, which are even being sold, dare I say, into France now, particularly our premium variety of wines, will be able to be exported much more easily than is currently the case. Bill Cooper himself has on many occasions had to go to the states to take orders. The SA Brewing Company, when it was functioning at its best, had a former Labor member's son in charge of its export ales business out of Winwood Street down at Southwark.

That is worth tens of millions of dollars a year to this state, along with export malt, and of course the by-products of beer, and there are by-products of beer that can be exported. There are by-products of beer that are used in the pharmaceutical industry that can be exported, and indeed are exported by Cooper's Brewery. So, in respect of the two breweries in this state there is an ease of access in respect of ordering their product from overseas which currently is not enjoyed by them, unless the companies themselves, maybe contrary to their licence, have a situation where they have fax machines, etc.

But it is the wineries that I think will strike the biggest pot of gold of all, relative to the ease with which going on the internet will facilitate the export sale of their products overseas. South Australian wine has an international reputation, and I know that. I am not a wine drinker—in fact I am not a drinker, full stop, now, but never was a wine drinker—but I have a second cousin, who if his name had been Smith would have changed it to Smyth, and who is to say the least a bit of a one of them, and he drinks a bit of wine. He asked me about a South Australian wine, whether I knew where

Oxford Landing was, because he had bought a case of Oxford Landing wines and found them very, very good indeed. Of course, I said, 'Yes, it is in the Adelaide Hills.'

The Hon. T.G. Cameron: It is a bit rough!

The Hon. T. CROTHERS: I don't know; I'm not a wine drinker, but given some of the rough merchants who tell me it is a bit rough, well anything could happen! So that will make the export of the product much more easy. Indeed, I think it will expand South Australia's exports. The Hon. Angus Redford was right today when said earlier that it may well be that there could be a glut of grapes in this state in five or six years. It may well be the case. So it is propitious, not only with the opening of the privately owned Wine Barn—

The Hon. T.G. Roberts interjecting:

The Hon. T. CROTHERS: Well, you are from the South-East. Do you want me to read a letter about your activities down at Padthaway—I might just be tempted—down at Rouge Homme, Redmond's and Colin Kidd's? It may well be propitious as we assist the wine industry, if it needs any assistance, because it is already exporting a billion dollars worth of wine overseas, and all that has occurred in the past 15 to 16 years. Prior to the time before Britain joined the common market, we exported about £5 million worth of wine, which was a considerable amount, and wineries such Emu Winery in the Southern Vales area were set up by London companies. Just about all the product was exported into the UK. That is not the case now. The bottom fell out of that, as it did with many of our export markets, and it fell out until the wine industry was exporting zilch wine from Australia 20 years ago.

The Hon. T.G. Roberts: How much a bottle was that?

The Hon. T. CROTHERS: I don't know. You are the fellow who drinks the red ned: you tell me. It has gone from £4.5 million to zilch and back up to $1 billion this year. It may well be more propitious than we think for us to tap the internet so that more people can order wines made here in South Australia, given the amount of plantings in recent times and with the proprietary companies trying to put in big plantings to freeze out the small blocker. We may well be committing an act for which the smaller people in the industry will be forever grateful.

The more wine that we produce, the more labour is employed, the more members the union will have, and I find it strange that the union was not spoken to because in my day as secretary we were always spoken to, by different governments, and, if that attitude has changed, I find that very disheartening. That is the position: the more you run through a production line, the more labour you employ, even in this day of mechanisation. Terry Roberts is shaking his head. He has obviously worked out on a production line on the basis that every time he shakes his head, hit it. The position is very clear to me.

In respect of the restaurant scene, I point out that, when they were first brought into play by the Hon. Don Dunstan, restaurants were considered a very good thing. There was a proliferation of licences, as there was with club licences. These people did not and never have played the game. They have been the least unionised of the work force and were the subject of a protracted dispute between the shop assistants union and the liquor trades union. The shop assistants union signed up people in the restaurant area for which it had constitutional but no award coverage and, when the ACTU brought down the decision that unions had to stick to the constitution in respect of members, many of the restaurants that were not organised were handed back to the liquor trades union by the shop assistants union.

Restaurants were never meant to be anything else than a place to pick up a meal at any time, along with a nice drink. Some of them have become hotels by default. If they put on entertainment they can apply for a licence, not a restaurant licence, that covers that. It is called an entertainment venue licence. I just checked that with the Attorney-General and it is still written into the licensing act. That covers the point made by the Hon. Ms Zollo about what happens with a restaurant that provides large-scale entertainment. It was only a new form of licence when I was—

The Hon. Carmel Zollo: The issue is the selling of liquor.

The Hon. T. CROTHERS: Of course they can sell liquor.

The Hon. Carmel Zollo: They are not wanting to sell it any more without food.

The Hon. T. CROTHERS: We are not talking about a restaurant licence; we are talking about an entertainment venue licence. That is not a restaurant licence; that is a different form of licence. I am saying that, where there is entertainment of the magnitude that the honourable member touched on in a restaurant, they have got the wrong licence. They should apply for an entertainment venue licence.

The Hon. Carmel Zollo: I was not debating that.

The Hon. T. CROTHERS: I think the honourable member might have been, because she made a point about the level of entertainment. Whether she was debating it willingly or by implication, it does not really matter to me. The facts are that such provision has been made in a different form of licence from the cafe and restaurant licence. It is almost like the club licence. The clubs were using so-called voluntary labour. When we checked out Whyalla we found that, instead of paying the $8 an hour that casuals were entitled to, they were paying them $2 a hour and all the grog they could drink. They were pulling 20 eighteen gallon kegs a week. If I walked into a hotel or a fair dinkum bona fide club that was pulling that many eighteens per week, along with the other appropriate levels of service, I would have found between 20 and 24 people gainfully employed. But when we checked some of those clubs in Whyalla, and I can name them, they were pulling 20 to 22 eighteens a week and they were using so-called voluntary labour simply to cheat on wages.

Likewise with restaurants. If members check with the department of labour and industry, they will find that the biggest cheats on award rates of pay in South Australia are to be found year in, year out in cafes and restaurants. I find it strange that the Labor Party would, by implication, support that. I will be supporting the licensing act as the government has proposed, with the one exception that was raised earlier, and I will check that out. I will be supporting the government's bill almost in its entirety because I believe that what is good for the hoteliers, the fair dinkum clubs and the fair dinkum wineries with licences and capacity to entertain is good for the members of the old union of which I was president, secretary and assistant secretary for many years—the union I grew up with.

I know it very well and it was to my chagrin that, when the licensing act was last addressed, the Labor Party in its wisdom chose not to have me present it, despite the fact that I had represented the shadow Attorney-General over and over again in this place on another matter. The member who was given the task to do it—I suspect it had something to do with affirmative action—did it very well, but she did not have my

knowledge so I had to sit in here and kibitz her clause after clause. The new secretary of the liquor trades union had written a letter that was passed on to me by Michael Atkinson for comment. I finished writing comments when I got to clause 109 at 9.30 on the Friday night and left it on his desk. When I asked him on the Tuesday whether he had got my letter, he said that he had but he had lost it somehow or other. When I turned up at the upper house caucus meeting that morning, I found that I did not have carriage of the bill any more because it had been handed over to someone else.

I thought that was just terrible. I was the person who not only knew the licensing act but who had helped write part of it, so what thought was given by the Labor Party to those 12 000 members who work in the liquor industry when it had someone who was reasonably expert to look after their interests in this place, and who was not given the opportunity to do so? On at least half a dozen occasions I had to intervene because the person who was presenting the bill did not have my experience relative to the Liquor Licensing Act.

The Hon. T.G. Cameron: But you are a slow learner.

The Hon. T. CROTHERS: Yes, I am a sucker for punishment.

The Hon. Carmel Zollo: I was trying to look after their interests this evening.

The Hon. T. CROTHERS: I hope I have told you that you may not be. The president of the union, who had not been in that position long, had written a letter, but it was terribly wrong. She had signed it and all, and I understand that, although she was president of the amalgamated union, she was spoken to sharply by her boss who was a lawyer and secretary of the total organisation about signing letters. He quite rightly said that is the right of the secretary to do that and the person who sues or who is sued.

I recall that, and one might think I am up on my feet and wasting my time and should feel some bitterness about that. But when it comes to protecting workers, particularly those workers whom I have had the honour to represent for many years, from shop steward level right through to secretary of the union, I will not hesitate to do what I believe has been an honour and a privilege for me to do all these years. I will continue, even in the face of great adversity, even if it comes to my having to sit and kibitz people about what is right and wrong in what they are saying. I will continue to do that, because to me workers are the beginning and end of all creation. I support the government's bill. The one exception I do make is that, if it has not consulted with the union, it shall hear from me about that too.

The Hon. T.G. CAMERON: I support the second reading and, subject to the proviso that has been raised by the Hon. Trevor Crothers, SA First will support this legislation.

The Hon. IAN GILFILLAN: The Democrats support the second reading. The primary thrust of this bill is to set in place the necessary legislation to allow the sale of liquor via the internet. The Democrats are supportive not only of existing businesses setting up internet shop front but also encouraging businesses that wish to operate exclusively through e-commerce. This is achieved through the modification of existing liquor licences and the creation of a new direct sales licence. The current licences—hotel, retail, wholesale and producer licences—will be amended to allow direct sales. Club licences will be amended to allow direct sale on the same basis that currently exists, allowing clubs to sell packaged liquor. The direct sale licence is an additional licence created for those wishing to sell packaged liquor as a delivery-only service, whether this be by internet or otherwise. The stipulation here is that the purchaser does not attend the seller's premises.

We believe that the measures included in the bill to prevent the abuse of the direct sales licence are adequate and will prevent the licence from being used as a way of getting around existing restrictions on trading hours. We also accept the government's assurance that the bill with the Attorney-General's amendments will not lead to increased availability of liquor to minors.

The second major change within the bill relates to the powers that a licensee has in regard to barring customers. Currently, the licensee is able to bar a customer for a maximum of three months. The amendment seeks to adjust this, progressively increasing the potential period of the bar. The second time a customer is barred, the licensee will be able to set a bar period of up to six months. On the third barring, the licensee may set an indefinite period for that barring. This increased power, however, must be balanced against possible abuse, and the bill sets out a mechanism for this. If the licensee has barred a customer for six months or longer, that must be reported to the Commissioner, and the barred customer has the right of appeal through the Commissioner.

The South Australian branch of the Australian Hotels Association has stated in correspondence to me that it is in support of the changes to the powers to bar customers. In a letter to my office, Mr John Lewis, General Manager of the AHASA, stated:

> The proposal to expand a licensee's power to bar patrons is very much welcomed and will assist licensees in extreme cases where the current legislation has been ineffective.

However, there is one amendment that I believe has the potential to cause some concern in the future. This relates to the expansion of reasons for which a customer may be barred. The amendment states that a customer may be barred 'if the licensee or responsible person is satisfied that the welfare of the person, or the welfare of a person residing with the person, is seriously at risk as a result of the consumption of alcohol by the person'. Despite being a positive step in countering the abuse of alcohol, this raises the question as to whether this will result in the imposition of a new duty of care responsibility on the part of the licensee. The whole question of whether having a statutory power also entails the responsibility to use that power is a matter that is being debated around the country in courts of law. I raise this matter here and would encourage the Attorney to explore its implications further and perhaps comment on it in concluding the second reading debate.

The third major area deals with changes to the process for granting liquor licences. This is largely to require applicants to obtain development approval before beginning the process of getting a liquor licence. It also allows the licensing authority when assessing an application to take into consideration any effect of the proposed licensed premises on the safety and welfare of children attending school in the area. This is an additional consideration in the granting of a licence; it is a most welcome amendment to the act.

The remainder of the bill is devoted to some general changes in wording, in effect, cleaning up the act. These deal with clarification of the various licences and the replacement of the term 'manager' with 'licensee' and 'responsible person'. We do not have any concern with this amendment,

which brings the act into line with the current terminology within the industry. I repeat that we support the second reading.

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

WATER RESOURCES (WATER ALLOCATIONS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1292.)

The Hon. R.I. LUCAS (Treasurer): I thank members for their contribution both earlier today and earlier in the second reading debate. A number of issues were raised. The Hon. Mr Redford raised questions and indicated that he was prepared to receive answers by way of written correspondence from the minister and subsequent tabling in the parliament on behalf of the Minister for Water Resources. I give the Hon. Mr Redford that undertaking.

Bill read a second time.

In committee.

Clause 1 passed.

Clause 2.

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

Page 3—

Lines 10 and 11—Leave out paragraph (a) and insert paragraph as follows:

(a) in respect of a water licence means the water (taking) allocation, the water (holding) allocation or the water (forest) allocation endorsed on the licence;

Lines 14 and 15—Leave out these lines and insert the following:

(b) by inserting the following definitions after the definition of 'watercourse' in subsection (1):

'water (forest) allocation' in respect of a water licence means the allocation endorsed on the licence authorising the planting of the forest to which the allocation relates in accordance with section 28C;

Members will note that, although there are four and a bit pages of amendments, they all relate to a single issue so I think it would be advisable that the whole issue be considered in respect of the first two amendments. The issue that is of greatest concern to me is that this legislation has one clear and fatal flaw. That fatal flaw is that we are setting about apportioning the available ground water. That is what this bill sets out to do. The government will make its best guess as to what the annual recharge of ground water is and will then try to share it out among the licensees. My understanding is that it will create what it calls a PAV which relates on a hundred by hundred basis to the recharge within that hundred.

Licences are already held in many areas and, as I understand it, 90 per cent of the PAV—I am not sure whether it is an annual or allowable volume, so I will call it the available volume—will be allocated to licences. There are some hundreds where, I understand, all of that has already been allocated; that there is no more recharge (or best guess of recharge, I think we should really say at this stage). In areas where it has not already been allocated, the intention of this legislation is to apportion the remainder out on a pro rata basis with property owners. However, the effect will be that there will be an allocation of 90 per cent of that PAV on a hundred by hundred basis.

There is an underpinning weakness to what is happening here, and it is worth noting that no government member has denied this weakness, and that is that recharge will be affected by the existence of forests. Forests do not require a water allocation. So we are saying, 'Here is what the recharge is. We will allocate 90 per cent of it according to this legislation' and just make out that forests do not exist and that they will not have an effect. That will come back and bite us badly later on because, if forest is planted, it will decrease the recharge rate of the aquifer. It will decrease the real amount of available water regardless of whether or not it matches what our best guess of PAV is.

We will then be in a position of saying, 'What will we do now? There is not enough water to meet the commitments that have been made to the licences'. There will be a bun fight over whether or not all those people who have not used their water should simply have their allowance taken away or whether it should be taken away pro rata. In any case, there is no question that once you allocate licences they have a value, and it is intended that they have a value and that they are a tradeable commodity. Then, because forests are going in and reducing recharges, people who have paid a value for water will have it taken away from them. That is what will happen.

I think it would be bad enough if you had a water licence that you had purchased, or it had a value and you had not yet traded it—that would be enough of an impact—but I will take it a step further: imagine that you had already used all of your water allocation. Not only will you use your water allocation but presumably you will have made a significant capital investment, and it might be a dairy of a particular size, using centre pivots of a particular size and various other things or the planting of horticultural crops which cost you $10 000 per hectare and whatever else. If your water allocation is cut, you no longer have the water to sustain your infrastructure expenditure. So not only will you lose your water value but your infrastructure will also be devalued. That is what will happen.

The government has not denied that there is a potential problem, and the minister acknowledged that when I met with him; and we also heard the Hon. Angus Redford acknowledge it across the floor. The Hon. Angus Redford's view was, 'Forestry is a real winner and we really shouldn't be doing anything to preclude forestry'. I am not opposed to forestry. In fact, anyone who cares to look at the record of what I have said on the South-East over many visits down there, as reported in the *Border Watch*, will see that I have consistently advocated growth forestry, and particularly blue gums.

However, I do not believe that we can have nonsensical legislation like this which pretends that blue gums will not cause a problem when we know that they will. The fact is that they will alter the recharge to a significant value. They will use more water than a shallow rooted crop, and it is not just blue gums. The crop could just as easily be pines or lucerne. There are a range of crops which will alter the recharge in a significant way.

I would hate to be in a position of having my investment sitting there and then have a neighbour, who has no water licence, cover their property in blue gums, changing the recharge rates and then to be told, 'Your licence must be diminished because there is no longer sufficient water to sustain the allocation of licences that occurred previously'.

The Hon. T.G. Cameron: How will that situation come about?

The Hon. M.J. ELLIOTT: If the recharge is not there, the licensees cannot draw more than the recharge.

The Hon. T. Crothers interjecting:

The Hon. M.J. ELLIOTT: That is right. The minister has already acknowledged this at various meetings. I am concerned at how long it has taken to get any real reaction. I met with the minister on about 12 April and raised this matter with him personally. He acknowledged it as a problem then and said that it was something that needed to be addressed. My researcher was contacted by the minister's staff at least a week ago, before the meeting that raised this as one of the issues that was causing concern, but the minister has not been back to me since. He knew that I was moving amendments, because they had been tabled. The minister has done nothing but try to strike deals with other people, and he has said, 'We will do this later on'.

Over three months will have elapsed since the time that this was flagged as an issue that we really should be addressing now, and three months is plenty of time to come up with appropriate amendments. The minister has spent more time on the politics of trying to avoid addressing the issue than he has in addressing the issue itself. That is what he has done.

I think the people of the South-East will have every right to be angry later on when they see either their investment or their pro rata allocation decreased because the minister failed to act. I will watch very carefully to see who is planting blue gums in the South-East over the next six to 12 months while we have this intervening period.

An honourable member interjecting:

The Hon. M.J. ELLIOTT: Under my proposal they would, but at present you do not need a water licence to plant forests. Trees do not need pumps. At the moment the legislation as currently structured would rely upon pumping and metering of that pumping. What I propose is an acknowledgment that trees are part of the recharge equation. Either you leave them out and ignore them, making out they do not exist and will not have an impact—and that is what you are doing—or you seek to bring them in. It is possible for the minister to decree that one hectare of pines, blue gums or whatever—based on scientific evidence—uses a quantity or diminishes recharge by a certain quantity but that it is allowed for over the life of the forest. It is a matter of averaging, recognising that young trees are not as deep rooted as larger trees and that, in later life, transpiration will slow down again.

Many years ago when I was teaching, year 11 biology text books showed scientists working on the transpiration rates of pine trees. The whole thing was enveloped in a plastic bag and transpiration was measured. The science of that sort of thing has applied for a long time and is taught in school biology. Perhaps it is too complex for ministers: I do not know.

In recognising that there are existing forests, it seems obvious that we have to grandfather them. Existing forests have an automatic right to a water licence and it should be based on a ministerial decree as to how much water should be allocated to a pinus radiata or a pinus pinaster, or whatever species it happens to be. Existing forests would be grandfathered so that a disadvantage was not created. I am seeking not to pick winners (of which I think the Hon. Angus Redford is guilty) but, if one follows the philosophy of the government, to apply economic competition for best use of water. In fact, that is the idea of tradeability of water licences in the Murray-Darling Basin. The theory is that competition in the trading of water licences will lead to best use, and economic return will be maximised.

The government understands the theory but, regarding the South-East, it says, 'We will leave trees out of the economic best use of water.' The government understands the theory in relation to one place but not to another. It understands the recharge theory on Eyre Peninsula whereby there are regulations allowing clearance of vegetation to increase recharge of basins but in the South-East it ignores the fact that trees have an effect on recharge. The logic is applied in one place but is ignored in another. It is a very curious mix of logic.

I recognise that a fair amount of ground is covered within the amendments but, rather than going through the finer detail, it might be worthwhile if at this stage other honourable members have an opportunity to comment on the general principles and if they wish to ask questions to explore the detail.

The Hon. T. CROTHERS: When this amendment was first debated, I was quite ambivalent as to what my opinion would be. I said I would listen to the debate—and I have—and I am persuaded that the Hon. Mr Elliott's amendment is worthy of my support. I will say why I believe that is so. Earlier in the debate someone (I think it was the Hon. Angus Redford) said that there was no game plan whatsoever by anybody in respect of the maximum utilisation of water in the South-East. In a state as dry as ours, the only area with sufficient water to meet the needs and the only area, especially in the southern part, with soil rich enough to crop is in the South-East.

I am persuaded by having some foresight in this matter in so much as if the Adelaide to Darwin rail link goes ahead—and I assume it will—and is completed, it may well be that our agricultural communities that have what the South-East has—that is, a plentiful supply of potable fresh water and the soil to grow horticultural and fruit products—and our agricultural and rural industries, with access to the Japanese, eastern Asian and South-East Asian markets, will change.

No more will we find that we are growing product that is suitable for sale to the European market. I think that already we see a glimmer of that in this state because of the way in which aquaculture has been growing. Likewise, in the South-East. Tasmania is not the only place that is farming Atlantic salmon: we have one or two of those fisheries in the South-East as well. I think that, given the freshness of the water in that area, there is an enormous opportunity for aquaculturalists as well as agriculturalists in the South-East, especially given the Adelaide to Darwin rail link.

I think that at this time it would be wrong of me to do anything else but support the Hon. Mr Elliott's amendment. I understand that the minister wants this matter dealt with. He is an honourable man and he has said that he will come back to this chamber with suitable amendments. However, if his amendments do not put in place a suitable overall game plan, we will be stuck with the bill because, if it passes through these portals and goes to the lower house and is stamped, the minister could put any amendment he liked in respect of this bill and still not get it right to the satisfaction of some members like myself in the upper house. If that were to happen, we would be stuck with the original bill, should the amendments go down.

From my point of view it would be far better for the 18 amendments to be passed and for the bill, as amended, to go back to the minister in the lower house to see what sort of answers we get. This is not my idea; this has been pointed out by a much loved labour colleague of mine. I listened carefully to what he said, and he is right.

What is at stake concerns the capacity of this state to have enough potable water to irrigate its edible horticultural crops. Incidentally, I point out that by the year 2025, according to

what the experts tell me and anybody else who wants to listen, there will not be enough fresh water in the world for crops grown in irrigated areas. By the year 2035 there will not be enough potable water to give every living being on this earth a sustainable life-succouring drink.

This is the one thing that I have dealt with in all the years I have been in parliament that is of importance above all others—and there have been a few, but this is one of them—and, if we do not get it right now, we will not get it right at all. In the interests of getting it right—and the minister should take as much time as he likes to consult with parties in the South-East—and in the interests of ensuring that we have a game plan which says that because our extraction rates are greater than our input reservoir, because water covers the whole of the South-East, we have to have an overall plan.

That means that we must limit the planting of trees to areas that are showing some salinity, because there is not much of that in the South-East. I make the observation that, because of the plenitude of water in the South-East, you do not see farmers building dams on their properties to catch rainwater, for example. There is very little of that in the arable areas of the South-East. I was informed, when I asked a question, by the Hon. Terry Roberts that you get a bit of that up in the stock areas beyond Goyder's line in the northern areas of the state; but there is very little of it in the agricultural areas of the South-East.

The position at Bolivar, where treated effluent is now being used in the horticultural areas of Virginia, Two Wells and beyond for the export of produce to the Asian market, is commendable. Who knows where else that might extend. One of our two major towns is in the South-East, and I refer to Mount Gambier. With Naracoorte and Millicent, there is probably a population of up to 50 000. It may well be that, if this situation with respect to Bolivar effluent works out, there will be a second area in respect of having even more water to spare for horticultural and fruit growing crops. That is something else that can be looked at in the not too distant future.

So, all in all, the completion of the Adelaide to Darwin rail link will mean that this state, in my view, will be at a turning point in its history, because it will give us ease of access to markets that hitherto was not the case when we tried to transport lettuce and other perishable horticultural crops. We have always been in trouble with respect to the produce we transport if it is likely to take more than five or six days to get there, even though the CSIRO has developed ways and means of making horticultural and fruit crops last twice as long. I recently watched an experiment with a mango which made that fruit last three times longer than had hitherto been the case.

There are many things at work for this state, and the government is to be commended for leading us down that path. If the government wants to push ahead with this bill, it will do itself a disfavour because I believe that thus far it has got it right, and time will tell as to how much of it the government has got right. I have a lot of time for Mr Brindal, who is a very hard working minister. I am sure that we ought to go back, revisit the bill and consult with people. Let us no longer have the sort of patchwork quilt legislation that often occurs in this place, whereby we take a pinch of this and a pinch of that, throw it into the pot, stir it together and hope that it suits an element of the population. I heard the Hon. Angus Redford today refer to himself as a South-Easterner. Perhaps he forgets that there are a million and a half other South Australians who live in this very dry state, and that what is good for the people in the South-East is ultimately good for the people of South Australia.

I conclude by saying that in the interests of South Australia and all its people, not just in the interests of a few, people should be consulted more. The Hon. Mr Elliott's amendments should be looked at closely. We should come up with an overall game plan, bearing in mind the changes that the Adelaide to Darwin rail link may impose on us. A bigger quid is to be earned by exporting our edible horticultural product to parts of Asia such as Taiwan, Singapore and Japan, which are countries wealthy beyond our wildest dreams. So, after those few words, I will support the Elliott amendment and the subsequent amendments that are a corollary to that, if only for the fact that I say that it is in the best interests of a changing world that is about to descend in this state much quicker than any of us can foresee or think will occur.

The Hon. NICK XENOPHON: I support the amendments of the Hon. Mike Elliott. When the Hon. Mr Elliott said that the trees are part of the recharge equation, that to me is the nub of this issue. His amendments deal with that issue: the government's bill does not. I also thank the Hon. Trevor Crothers for his most erudite contribution on this issue: he took the words right out of my mouth.

I think that the Hon. Trevor Crothers summed up the big picture issues very well, and I do not propose to unnecessarily restate those. With those few words, I indicate my support for the Hon. Mike Elliott's amendments.

The Hon. R.I. LUCAS: One thing that I have learnt in 20 years is to count, and it would appear that the numbers are not with the government in relation to these amendments. The process that the Hon. Mr Elliott has suggested in relation to the amendments is sensible: that we treat this clause as a test clause and the other amendments can be taken as a package, if that is possible, one way or another.

The first thing to indicate, as a number of speakers have, is that the minister, who is a new minister to the area, has been acknowledged by a number of people as someone who very quickly has managed to get across the complexity of the portfolio and has acknowledged to members that he accepts that this is an issue. He is not a minister who has been criticised for having sat on this for two or three years and not done something.

I think it is a touch unfair to say, as the Hon. Mr Elliott said, 'I raised this two months ago and he has not sorted it out yet.' To be fair to the minister, he has indicated in conversation with the Hon. Mr Elliott and others that he accepts that this is an issue but that his view and, therefore, the government's view on this is that this amendment does not solve the problem that has been identified.

I am advised, first, that there has been either no consultation or very little consultation with most of the interested parties on this issue. The Hon. Mr Crothers, I think appropriately, in the last bill potentially took the government to issue when he indicated that, if there had not been consultation with the unions as people who should have been consulted in relation to the bill, he would bring the government to account. The government's view would be the same: that we have something that is very important in relation to this, acknowledged by the minister and the government to be important, and my advice is that there has been very little consultation, if any at all, with all the interested parties in relation to the issue.

If I can be so bold as to use the words of the Hon. Mr Crothers from the last debate, it is important in these issues

that interested parties do not have inflicted upon them from a great height a particular solution; that at least they have had an opportunity to put a point of view, to try to be part of a solution rather than part of the problem; and then ultimately it is for the parliament to make a final decision.

Whilst I come from the South-East, let me say that, unlike the Hon. Mr Redford and the Hon. Mr Elliott, I have not followed the issues of water with a great passion. I am a relative novice in relation to the intricacies of this debate, but I am advised that this bill seeks to implement the cross-party recommendations of a select committee that were agreed to unanimously, I am told, by Labor, Liberal and the former Independent member for MacKillop.

This bill is essential, in terms of the next two weeks of sittings, to implement those agreed recommendations. People identified a problem. Some may have been critical of how long it took to identify the problem but, putting that to the side, the problem is identified. Labor, Liberal and Independents sat down and worked through the issue, came up with a solution and said to the parliament, 'Go ahead and implement it.' There was consultation with everyone: everyone had the chance to put a point of view, and that agreed position was put forward.

I am not making a criticism of the issue, but what I am saying here is that the Hon. Mr Elliott and the Democrats have come up with a solution as they see it, but they have not consulted anyone who is affected by this. The forestry industry, in particular, I am told, has had no input or discussion in relation to the drafting of the amendments. I just raise one issue for the Hon. Mr Crothers, the Hon. Mr Cameron and the Hon. Mr Xenophon to contemplate.

I am told, and the Hon. Mr Elliott's speech makes clear, that this amendment has been drafted to include lucerne crops. I come from the South-East: I have lived in the South-East for as long as the Hon. Mr Elliott has and I have to say to him that, as a long term South-East resident, I have never heard a lucerne crop referred to as a forest. The amendment has been deliberately drafted by the Hon. Mr Elliott—

Members interjecting:

The Hon. R.I. LUCAS: I am not doubting that it consumes water, but I consume water, too, and I am not a forest! A lot of bushes, weeds and grasses consume water but they are not forests. The Hon. Mr Holloway has had a little time in the South-East, much less than the Hon. Mr Elliott and me, but I have never heard lucerne crops referred to as forests.

The Hon. M.J. Elliott: That is just a matter of definition.

The Hon. R.I. LUCAS: That is exactly the point that I am making. I am saying that we have in this bill an example of a problem that was identified. Labor, Liberal and Independents tried to work out a solution, agreed on it unanimously and the government, through the minister, is trying to implement it.

Members interjecting:

The Hon. R.I. LUCAS: It was a solution agreed to by Labor, Liberal and Independent at the meeting.

The Hon. T. Crothers: Not by this Independent.

The Hon. R.I. LUCAS: I accept that. It was not everyone: it did not include No Pokies, upper house Independents or the Democrats. But we have a minister who is prepared to sit down with Democrats, upper house Independents and No Pokies and try to work out a solution. He accepts that there is an issue but, as a new minister, he also has a process that he has to work through.

He cannot say, as the Democrats can, 'Here is our solution: we don't have to consult the forestry industry in relation to this. This is our view of the world. This might be too complex for a minister to understand, but the Democrats can understand it: let's do it this way.' I think that it is a reasonable request although obviously the numbers are not here in this chamber, but I put it to members nevertheless to contemplate should it come back, or should it get to a conference, where there is further discussion, that the minister is trying to adopt a reasonable position.

If members opposite are prepared to give him the opportunity to sit down with each of them and sort through a problem, then if he has not sorted it out by October shaft him and shaft the government, as you have the capacity to do, through the various mechanisms that you have available in both houses of parliament. That is the issue. When I raised the question of why is a lucerne crop called a forest and therefore caught up in this, the Hon. Mr Elliott said that it is just a matter of definition. I agree, it is just a matter of definition, but there are number of things caught up in this definition of forest that I do not think all members in this chamber are fully aware of, in terms of what the intent and drafting of this set of amendments incorporates.

I think the other point the minister would make on this issue—much more eloquently and knowledgeably than I will—if he were here concerns why the Hon. Mr Elliott has drafted it this way. I can understand why he has done this. The Hon. Mr Elliott is looking at individuals or companies who plant new forests. They will have certain rights and allocations. There is the important issue of equity; that is, you will have somebody with a blue gum forest next door to someone with an existing forestry plantation, whether it happens to be blue gum or something else, and under this current proposal they will be treated in completely different ways.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: I accept that there are mechanisms to try to achieve that, but the government's contention is that in the way that this is drafted there are inequitable circumstances in relation to some owners of forestry plantations, and others. That is one of the issues that, if the minister was allowed an opportunity to try to work through this issue with interested parties, and with members, I am sure he would try to seek some resolution on. As I said, I can count, and the numbers are not with the government during this debate, but, as I said, should it come back to this chamber from the other house we will have another opportunity to review this chamber's approach or, indeed, if we get to a conference of managers we can try to hammer out some sort of compromise in relation to these issues. But I have been given a series of other problems with the definitions and with the drafting—

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: As I just said, if we are going to have an end game in this, and the numbers are not there at the moment, I am not in a position to argue the detail. The honourable member knows that I am not the Minister for Water Resources. This is the sort of thing that should be discussed with the Minister for Water Resources, in a forum where he and his expert advisers can sit down with the Hon. Mr Elliott, the Hon. Mr Crothers, the Hon. Mr Cameron, and all the other interested parties and try to sort through a process. That is the sensible way to try to reach a resolution to what is acknowledged by the minister, and even the Hon. Mr Elliott acknowledged that the minister had acknowledged

that there was a problem and an issue to be resolved in this area.

So it is not a case of someone closing their eyes and hoping that this will go away. It is a case of somebody trying to sensibly work through a potential problem area and finding out what a reasonable solution might be. As I said, as it moves back to the other house and then back here, we do have the capacity ultimately as a chamber to review our current thinking on this to see whether or not in the interim the minister can convince members in this chamber of his bona fides in relation to this, his willingness and genuineness to try to seek a solution and perhaps to map out a process, which may or may not be—and I speak for no-one other than myself on this—acceptable to some other members of the Council. Mr Chairman, given the fact that the numbers are not with the government I do not choose to delay the proceedings this evening by calling divisions on the package of amendments. I will accept the first vote and, as I said, the others will be taken as consequential amendments.

The Hon. T.G. ROBERTS: I would indicate on the amendments that have been put before us by the Democrats that it is an indication of the current position. The contributions by members in the other house indicate that there are a number of uncertainties about the subject matter that we are dealing with. We are not dealing with something that is based on best scientific evidence, because the best scientific evidence in a lot of the areas in which we are legislating, on the run, is not available. So there is a certain amount of guesswork being done. When committees meet they take the best possible evidence that they can, call in the best expert witnesses and then, as lay people representing the interests of their community, make recommendations based on the information that is put before them. I think the jury is still out in relation to a lot of the matters that we are discussing.

Already in the time frames between the committee making its final recommendations and the legislation being drafted the government has made changes to the allocations in the Mount Gambier area, because of the seasonal conditions. We are not talking about something of a consistent nature. Basically, we are talking about the recharging of the aquifers via the weather. The allocations may change. The allocations may have to be flexible. The allocations may have to have a different principle apply—not just the recommendation put forward by the honourable member, which is left out of the recommendations. There may have to be a flexible approach. That is the role that government plays. Governments have to make decisions based on best information put before them.

What the Legislative Council is basically saying in the amendments put forward by the honourable member is that, although there are those vagaries based on an absence of best scientific information, there are available to governments facts and figures on the impacts of forests, and potential expansion of forests in some areas, on underground water supplies and the recharging of the aquifers that perhaps were not considered, or that a solution was not considered, in the recommendations put forward to the minister.

It is the opposition's position that this is an opportunity to take the bill back to the lower house—and it was a lower house committee that was formed; it was not a Legislative Council committee—where the two major representatives of the people in the area have major differences in their understanding of how to proceed. I think they may have been more unified when they were under one independent roof at one stage, but since that is no longer the case there are now two viewpoints on how to proceed on this matter. So it is not only the community that has its differences, because the representatives of the community have their differences as well.

I think it is incumbent on us to put together the best possible package that governments can actually administer that protects the resource from exploitation and that protects the interests of those people who have put investment into the projects, because the freeze that was put on to allow the moratorium to run and for the legislation to change while further negotiations were continuing did have a potential impact on the investment packages of a lot of South-East businesses. So potential investors have to be warned that even the legislation that we bring back from this council may have a variable component in it, on the basis of the recharging of aquifers. We may have 10 years of droughts down there, or we may not; we may have three or four winters that bring up the levels of recharge so that it takes all the vagaries out of the allocation.

The point I make is that, on behalf of the opposition, we would like to see it taken back to the lower house with the amendments put forward by the Democrats so that consideration can be given to them. If the government rejects them, and puts forward a proposition that comes to terms with the problems that are outlined by the honourable member, and perhaps some of the concerns that other members have, then when it comes back to this Council we will have given the best consideration to all of the propositions that have been put forward by representatives of those people in the South-East. We will have given due consideration and tried our best to get a bill to suit.

The Hon. R.I. Lucas: Are you prepared to have further discussions with the minister?

The Hon. T.G. ROBERTS: We are prepared to have further negotiations with the minister. We also lean to the position that, as the government will have to administer this and take the responsibility for the final bill, whatever the legislation is in its final form, we are prepared to work with the government to get a program or a regime—and I know that not everybody will be happy with it—that has the basic tenets of licensing allocation, best returns to the state and protection of the environment, so that the resource is not abused.

The other problem that the minister has to face is that some people are saying that a sea of fresh water in the unconfined aquifer, which is still untapped, has the potential for 600 or 1 000 years of allocations, depending on whom you talk to, that governments are too cautious and that the environmental movement has grabbed the ear of the minister and hoodwinked everybody. They believe that, if we tapped into the unconfined aquifer, there would be untold riches for everybody. In my view that would be an environmental disaster, but I understand the difficulties that the government is having in trying to put forward the best possible solution in the existing climate.

There is a lot of sympathy from the opposition in relation to framing the best possible legislative network for coming to terms with the problem, but this is one of the problems that needs to be examined so that we can get a composite program together on which we can agree when we next see the recommendations.

The Hon. T. CROTHERS: The minister in his last reply indicated some fears in the Elliott amendments that had been pointed out to him by advisers. There might be fears, but my view is that there are 24 Liberals in the other place—24 members of the government on the front and back benches—

and therefore the Elliott amendments will not get up. The bill will either come back to us in a further amended form, which will try to pick the eyes out of the Elliott amendments, or we will get a meeting of managers of both houses. Either way, the fears that have been drawn to the attention of the Treasurer can only eventuate if this bill becomes law as amended, and I cannot see that happening at this time. One never knows. Mitch Williams or one of the other members from the South-East might decide to jump ship and cross the floor. However, I doubt that.

We will have the best of both worlds. We will have the fears of a majority of the members of this place embraced at least in part by the Elliott amendments being presented to another place for its consideration and then, subsequently, if the play reaches its third or fourth act, the matter will be referred back to this chamber or there will be a meeting of managers of both houses to try to reach some conclusion on the bill. Either way, rest assured minister, your fears are not justified.

The Hon. R.I. Lucas interjecting:

The Hon. T. CROTHERS: Who knows?

The Hon. T.G. Roberts: We might have tobacco there.

The Hon. T. CROTHERS: There's a possibility. The old addict speaks—reformed smokers are always the worst. It may be that out of all this mayhem some good will come and the bill in its present form could be short-term gain for long-term pain. When the EEC came into being, the face of Australian agriculture changed. The Adelaide to Darwin rail link will have the same impact in this state, even more so, because the world is much more globalised and moves much more quickly than it did when Britain decided to join the EEC and a lot of our products, including dairy products, became surplus to requirements. Let the minister's fears be assuaged. His fears are based on the Elliott amendments being carried in both houses. I believe his fears are groundless but I thought I would give him that assurance.

The Hon. M.J. ELLIOTT: I find it amazing that the government is acknowledging a flaw within its legislation that it is quite happy to leave in place for at least three months. It does not happen too often that a government admits that something needs to be fixed. The very reason this legislation exists is to establish an equation for the sharing of water. A component is missing from this equation and that makes the whole equation illogical. The very thing the legislation seeks to address, the very basis of the legislation, is flawed, yet the government is prepared to wear that.

The minister said that, although there are a number of issues that he could raise, he would not and perhaps we could talk about them later outside this place. It is important that, if there are issues of concern, the discussions should not happen behind closed doors between me and the minister or between other members of parliament and the minister. Those discussions should take place but the debate should also take place in the chamber so, if there are flaws in what I am moving, I would be prepared to acknowledge them if they were pointed out. However, we should be prepared to thrash through the issues so that, no matter where we go from here, everything is on the table as it should be.

I argue strongly that, although the government has acknowledged a flaw, I believe that the flaw is a major one and potentially a fatal one to the whole purpose of the legislation. We are capable of getting it right now because, now that the government has decided to have an extraordinarily long session and sit an extra week, we have time to work our way through these amendments if the government thinks that there are real flaws in them and to address them. If we do not, what happens if we have to address the bill in October? Mr Williams would be unhappy about that, and I can understand that, but losses are set up no matter what we do and those losses were not set up by the current minister in the first instance because the government got it wrong for a long time. The present minister does not bear anything like the majority of the blame in terms of the situation that we are currently in, but he is in a position to fix it.

If we go ahead and pass this legislation now with the flaws within it, people will be reluctant to invest. If members had a water allocation, would they be prepared to plant up on the basis of the whole allocation if they felt that later on they were likely to lose some of it? Alternatively, what price would they pay for water if they feel that some of it might be taken away later on? It would devalue the water. Even those people who are getting pro rata allocations but want to sell them will have the value of that water devalued until the issue is addressed.

The major beneficiaries of passing it right now are those people who, in the next 12 months, intend to get trees into the ground and, the longer the delay in addressing this issue, the better off they are because it is absolutely inevitable that we will have to grandfather existing forest. We cannot tell people after the event that we are going to pull it out, and they know that. The smart alecs in the Lower South-East, the ones with the money (and we know who some of them are), will be flat out getting trees into the ground knowing that they will be granted a water allocation after the event. I will be very interested to watch who takes advantage of any leeway the parliament decides to grant by not addressing this issue now. I will keep a close watch on what is going into the ground, where it is going into the ground and who owns it. The government could find itself deeply embarrassed in those situations.

The Hon. R.I. Lucas interjecting:

The Hon. M.J. ELLIOTT: I can hear you sneering and snarling, and you are the expert, as you skulk in your seat! I can understand if people want to get this over and done with because it has been around a long time. However, if push came to shove, waiting until October to get the whole thing right without flaws would be worthwhile if the government does not feel it is capable or competent to do so now. It is also worth pointing out that the minister has a fair bit of flexibility. In fact, the areas this applies to are decided by proclamation, which is totally within the minister's purview. The minister has to include crops within it, so the minister chooses whether or not he or she applies it to pines or any crop, the only limitation being that the mature height of the crop must be over 1.5 metres. The minister could choose—

The Hon. P. Holloway interjecting:

The Hon. M.J. ELLIOTT: Mature lucerne will get over that height.

The Hon. R.I. Lucas interjecting:

The Hon. M.J. ELLIOTT: That is very smart alec, but we do not expect anything else from this minister, because that is largely when he relies upon. Clearly, what we are seeking to do with these amendments is to ensure that crops which are significant users of water will be picked up. We are not talking about shallow rooted crops such as the clovers and the various grasses: it is attempting to tackle deep rooted plants that are large users of water.

The Hon. R.R. Roberts interjecting:

The Hon. M.J. ELLIOTT: Lucerne is a known deep rooted heavy user of water; it is one of the reasons lucerne is

recommended for use in areas with salinity problems, because it has a significant capacity for lowering water tables. You can have your arguments about whether or not lucerne should be called a forest, but it is a definitional problem. We use the word 'forest' because it applies mostly to trees. In fact, the only crop I can think of which is not a tree and which will be picked up or that we would want to pick up is lucerne itself. That is only a definitional thing. You can be funny about it if you like, but you are avoiding the fundamental issue as to whether or not we are prepared to address deep rooted, heavy users of water. That is what this is seeking to do. The term used happens to be 'forest' because everything I can think of except lucerne is in every sense of the word a tree. Let us not play funny games.

That was the only criticism that the Treasurer offered in relation to the amendments. He said there were others but that we should not worry about them now. I am disappointed that he did not decide to point out the other errors, mistakes and flaws in the amendments; they may well be there and, if so, they deserve to be debated. I would certainly say that it is playing with words to argue whether lucerne should be included. In fact, lucerne is not specifically included. I certainly had it in mind, but under these amendments the minister would ultimately decide what plants would be covered, and in what areas. So, even with the inclusion of all these clauses, the minister could decide not to enact any of them. It would certainly be a contempt of this parliament, which other ministers have been known to do on a number of occasions; nevertheless, even if all of this were passed, the minister would be in a position effectively to ignore the whole lot if he or she so chose.

It is worth pointing out that the member for Gordon in another place raised the same sorts of concerns I raise; in fact, he went further. In discussions, his only criticism of my amendments was that he would have gone further. He believed that other activities which interfered with recharge, such as clay spreading, etc., could be picked up. In my discussions with him I said that I thought that was getting far too complex and that I did not think it was capable of being handled in the time we had and that, in any event, I did not think the speed and impact of clay spreading would be anywhere near as great as the impact of forests. We did not disagree over the idea that perhaps we need to go further but, as one of the two Lower South-East members of parliament, he is supportive of the underpinning of these amendments.

The Hon. R.I. LUCAS: I do not intend to prolong the debate, but I thought we had had quite a reasonable, sensible debate, and I want to rise and reject on behalf of the government the snide inference from the Hon. Mr Elliott. I let it go earlier when he made it the first time but he has come back to it again. That snide inference was that in some way the government is seeking to delay this and that he personally will be watching every forest tree, product or bush—whatever we call lucerne—that will be grown in the South-East, the inference being that the government wants to delay this in some way because friends of the government would be able to plant their lucerne crops or forest products between now and whenever this bill is enacted and that the government would be embarrassed by his monitoring and revelations in relation to this issue. I thought the debate had been handled in a rational and sensible way. I deplore the snide inference from the Hon. Mr Elliott in respect of the minister, because he is the minister responsible. I think it is an attempt to impugn his and the government's integrity.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: Who else would it be? He is the minister; he is in charge of this. The inference you are suggesting is that in some way the government is seeking to delay this and that you will be watching who is putting in these lucerne crops and forest plantations, because the government will be embarrassed by what you will reveal. The *Hansard* record reveals that. I deplore the Hon. Mr Elliott's attempt at those snide inferences and character assassination of the minister and the government.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: I thought the debate had been conducted at a rational level by all members, until the Hon. Mr Elliott chose to raise these issues. He could have objected to the government's position on the issue of policy. I have no argument—and never do—with having a sensible debate about these issues. What I do object to is an attempt by these snide inferences to impugn—

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: The Hon. R.R. Roberts said I never do that, and I thank him for that acknowledgment. As I said, on behalf of the minister and the government I reject the snide inference that has been made in relation to this. The minister has a genuine commitment to try to tackle this issue. He accepts that there is an issue that needs to be tackled, and he is willing to work together. I am sure the government is pleased to hear the commitment made by the Hon. Terry Roberts on behalf of the Labor Party that he, together with other members of the Labor Party, will enter into sensible discussions with the minister in a genuine endeavour to try to resolve this issue.

I am told that that is the way the select committee operated in trying to tackle this issue. I know the minister will be prepared to work with the Hon. Mr Roberts and his other Labor colleagues—and anyone else who is interested in this issue. I welcome the Hon. Mr Roberts' commitment on behalf of his party to sit down and try to work through the issue with the minister to see whether we can come up with a sensible resolution to this issue.

The Hon. M.J. ELLIOTT: I ask the minister one more time: having indicated that he thought there were a number of problems with these amendments, will he give at least some indication as to what they are?

The Hon. R.I. LUCAS: I have said on a number of occasions that I am not the Minister for Water Resources; I am not the expert in these areas.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: It is not correct to say that the only issue that we raised was that of lucerne crops that the honourable member has raised. He has also raised the issue that, given the way these amendments are drafted, a future minister (I am sure not the current minister) may well choose not to proclaim anything. It appears that there is a bit of an issue in terms of the drafting of the amendments.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Elliott says he cannot draft them any other way. It may be that, if people had a chance to work through the issues in the way that I have suggested, there may well be a way of resolving these issues, perhaps with consultation with the industry and with other interested parties. Allowing others to be consulted on this issue may well throw up a better solution to this issue in these areas. I am advised that there are potential issues (and I raised this matter earlier) in relation to inequities in the way various plantation forest—lucerne or whatever—owners and

operators would be treated if the amendments were to go through in the way they are currently drafted.

There are a number of other definitional problems of which I am advised in relation to the language in the definitions. It needs to be made clear what is intended to be covered by the proposed amendments. The amendment proposes that a licence with a water forest allocation must not have endorsed on it a water forest allocation for more than one forest. There is the question of exactly what is to be the definition of 'one forest'. Those who know the South-East will appreciate the potential definitional problem that that will create in terms of how it is tackled.

As I said, there are a range of other definitional issues which have been raised in terms of questions of clarification and which will need to be resolved but not by me acting as the middle man in relation to this issue this evening. It has been acknowledged by the Hon. Mr Crothers in particular that he accepts that there are areas for improvement in the amendments but he sees the process being pretty much as I have outlined. The numbers in this chamber and the government working with the Hon. Terry Roberts' colleagues in the lower house and others may realise a landing ground on either alternative amendments or an alternative process acceptable to the majority of members in that chamber. As the Hon. Mr Crothers indicated, we as members of this chamber would need to consider that.

Amendments carried; clause as amended passed.

New clause 2A.

The Hon. M.J. ELLIOTT: All other amendments are consequential. I move:

Page 3, after line 27—Insert new clause as follows:

Insertion of Division 4 of Part 4

2A. The following Division is inserted after Division 3 of Part 4:

DIVISION 4—CONTROL OF THE PLANTING OF FORESTS

Interpretation

28A. In this Division, unless the contrary intention appears—

'forest'—

(a) means trees planted, or to be planted, for commercial purposes; and

(b) includes other plants that are planted, or are to be planted, for commercial purposes and are declared by regulation to be included in the ambit of this definition; but

(c) does not include trees or other plants—

(i) of a class excluded from this definition by regulation; or

(ii) if the number of trees or other plants is less than the number prescribed by regulation;

'prescribed wells area' means a part of the State prescribed by regulation under section 8 for the purpose of declaring the wells, or some of the wells, in that part of the State to be prescribed wells;

'tree' means any tree or bush that, at maturity, usually has a height exceeding 1.5 metres.

Application of this Division

28B. (1) This Division applies to, and in relation to, a forest that is growing, or is to be planted, in a prescribed wells area (or a part of such an area) that has been declared by the Governor by proclamation to be an area, or part of an area, to which this Division applies.

(2) The Governor may make a proclamation referred to in subsection (1) and may revoke or vary such a proclamation at any time.

Control of the planting of forests

28C. (1) The owner of land, or any other person, who plants a forest to which this Division applies on the land is guilty of an offence unless he or she—

(a) has applied for and obtained from the Minister a determination under section 28D of the quantity of water that, in the opinion of the Minister, will not be available for other purposes because of the existence of the forest; and

(b) holds a water licence that has endorsed on it in relation to the forest a water (forest) allocation for that quantity of water.

Maximum penalty: where the offender is a body corporate—$10 000

where the offender is a natural person—$5 000.

(2) A water licence that has a water (forest) allocation endorsed on it—

(a) must identify the forest to which the allocation relates; and

(b) must not have endorsed on it—

(i) a water (taking) allocation or a water (holding) allocation;

(ii) a water (forest) allocation for any other forest.

(3) The following provisions apply in relation to a water (forest) allocation:

(a) the holder of the licence on which the allocation is endorsed is entitled to plant and maintain the forest to which the allocation relates, but, subject to paragraph (b), is not entitled by virtue of the allocation to take water from the water resource to which the allocation relates;

(b) if all or some of the plants comprising the forest are destroyed or die, the holder of the licence on which the allocation is endorsed may request that the Minister—

(i) convert the whole or part of the allocation to a water (taking) allocation or a water (holding) allocation; or

(ii) endorse on the licence or on another licence the whole or part of the allocation as a water (forest) allocation in relation to another forest;

(c) if the Minister grants a request under paragraph (b), the new water (taking) allocation, water (holding) allocation or water (forest) allocation will be subject to such conditions as the Minister thinks fit;

(d) a water (forest) allocation may be obtained—

(i) from the Minister; or

(ii) from the holder of another licence (the allocation may have been endorsed on the other licence as a water (forest) allocation or a water (taking) allocation or a water (holding) allocation).

(4) The Minister must grant an exemption from subsection (1) to a person who satisfies the Minister that—

(a) he or she proposes planting a forest that will replace a forest that had been planted and was living when this Division first applied to the area in which the forest is situated (the original forest) or that will replace a forest that had previously replaced the original forest (or a successor to the original forest) and was itself the subject of an exemption under this subsection; and

(b) the forest will be planted on the same land as the original forest; and

(c) the plants that will comprise the new forest will be of the same species as the plants of the original forest; and

(d) the number of plants per hectare of the new forest will not exceed the number of plants per hectare of the original forest; and

(e) the period between the destruction or death of the original forest (or of the last forest that was a successor to the original forest and in relation to which an exemption was granted under this subsection) and the planting of the new forest is not greater than three years or such longer period as the Minister considers to be appropriate in the circumstances.

(5) Compliance with the requirements of subsection (4), (b), (c), (d) and (e) is a condition of an exemption under subsection (4).

Application for determination by Minister

28D. (1) A person who proposes planting a forest to which this Division applies may apply to the Minister for a determination of the quantity of water that, in the opinion of the Minister, in the year referred to in subsection (2), will not be available for other purposes because of the existence of the forest.

(2) The relevant year for the purposes of subsection (1) is the year in which, in the opinion of the Minister, the quantity of water referred to in subsection (1) will be greatest.

(3) An application under this section must—

(a) be in a form approved by the Minister; and
(b) be accompanied by such information as the Minister requires; and
(c) be accompanied by the fee prescribed by regulation.

(4) When considering an application the Minister may require the applicant to provide the Minister with such further information as the Minister requires for that purpose.

(5) The Minister may, at any time after making a determination under subsection (1), vary it on the basis of information or expert advice that was not considered by the Minister when making the original determination or a previous variation.

(6) The Minister must serve written notice of the variation of a determination on—
(a) the applicant; or
(b) where the applicant is not the holder of the water licence in relation to the forest—the holder of the licence instead of the applicant.

(7) If the Minister has increased his or her determination of the quantity of water under subsection (5), the Minister may, in the notice under subsection (6), require the holder of the water licence—
(a) to obtain an increase, specified by the Minister, in the water (forest) allocation of the licence; or
(b) to destroy an area of the forest specified by the Minister.

Order for the destruction of a forest

28E. (1) Where a person has planted a forest in contravention of section 28C(1), the Minister may, by written notice served on the owner of the land on which the forest is situated, order the owner to destroy the forest.

(2) A person who fails to comply with a notice under subsection (1) is guilty of an offence.

Maximum penalty: where the offender is a body corporate—$10 000
where the offender is a natural person—$5 000.

(3) Where a person fails to comply with a notice served on him or her under subsection (1) or with a requirement included in a notice under section 28D(7) within three months after the relevant notice is served, the Minister may enter the land and—
(a) in the case of a notice under subsection (1)—destroy the forest; or
(b) in the case of a notice under section 28D—destroy the area of the forest specified in the notice,

and take such other action as the Minister considers appropriate in the circumstances.

(4) The Minister's costs of acting under subsection (3) will be a debt due by the person on whom the notice was served to the Minister.

(5) Compensation is not payable to the owner or any other person for the destruction of the forest by the Minister.

New clause inserted.

Clauses 3 to 8 passed.

Clause 9.

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

Page 6, line 24—After 'water (holding) allocation' insert:
or a water (forest) allocation

This is a consequential amendment.

Amendment carried; clause as amended passed.

Clause 10.

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

Page 7, line 6—Leave out this line and insert:
, a water (holding) allocation or a water (forest) allocation

Again, this amendment is consequential.

Amendment carried; clause as amended passed.

Clause 11.

The Hon. R.I. LUCAS: I move:

Page 7—
Line 8—After 'is amended' insert:
—
(a)
Line 10—Before 'if two or more' insert:
subject to subsection (5a),
Line 13—Before 'if two or more' insert:
subject to subsection (5a),
After line 20—Insert paragraph as follows:

(b) by inserting the following subsection after subsection (5):

(5a) Paragraphs (b) and (c) of subsection (5) only apply to land if the owner of the land or some other person has, on or before 31 December in the financial year preceding the financial year to which the levy relates, satisfied the relevant constituent council that the paragraph concerned applies to the land.

These amendments are part of the one package. New paragraph (b) will allow the owner of land used for primary production to seek to pay only a fixed levy. A land-based levy of a fixed amount on all rateable land or a fixed levy of an amount that depends on the purpose for which the land is used is applicable where the owner has more than one piece of rateable property within one council area. The amendment will apply as from the commencement of the 2001-02 financial year. The landowner must apply by 31 December of the financial year preceding the financial year in which the levy is to apply.

The Hon. T.G. ROBERTS: Will the Treasurer advise the reason for the amendments?

The Hon. R.I. LUCAS: I am told that the amendments were originally supported by the government as being initiated, or partially supported, by the member for MacKillop. For certain landowners, it will lead to a slightly lower levy. There is meant to be some parallel between the way this issue is tackled and the recent amendments to the emergency services levy.

Amendments carried; clause as amended passed.

Clause 12 and title passed.

Bill read a third time and passed.

NATIVE TITLE (SOUTH AUSTRALIA) (VALIDATION AND CONFIRMATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 April. Page 819.)

The Hon. T.G. ROBERTS: I indicate that we support the progress of the bill but we will not support its passage unless agreement is reached between the stakeholders between now and the third reading. I know it is an unorthodox approach to progressing legislation in this chamber but, in this case, we do not have too many options. I understand the government's frustration in progressing this bill—

An honourable member interjecting:

The Hon. T.G. ROBERTS: I am not sympathetic to its position, but I understand the state government's frustration in progressing this bill. Putting together a response to the commonwealth legislation makes it difficult for this state to provide legislation that satisfies all the stakeholders, given that each state has a different historical approach to the way in which it approaches native title. The history of each state is different and the attitude of the key stakeholders is different. Problems exist in other states with the way the commonwealth 10-point plan was drafted, and many of the problems that underlie the philosophical direction the commonwealth took were not influenced at all, I would hope, by the state of play in relation to the attitude of this government, or any previous government, in correcting some of the problems which have been passed down since settlement.

Through negotiations, the government has tried various approaches to the differences between the stakeholders. I must say that the negotiating approach taken by the Attorney-General expressed some sympathy with the work that has

been done. At this stage, we are close to a total agreement on both bills, but there is a little difference, particularly in philosophical terms. Two questions are being debated among the stakeholders, but as yet we do not have a match on the legislation or an agreement.

However, I am optimistic that we will agree. There are two days before the end of the week and we are already at the second reading stage. I hope that, by the time we reach the committee stage, we may reach agreement on the outstanding matters that are being discussed, I understand, tomorrow and Thursday.

The state government has come a long way from the position that was first developed when it introduced legislation that was complementary to the commonwealth act. To give a bit of history, I point out that the existing native title legislation was enacted in 1994-95 following the commonwealth's Native Title Act 1993. The commonwealth's Native Title Amendment Act 1998 came into effect on 30 September 1998, and in December 1998 the state government tabled a bill to amend the Native Title (South Australia) Act, the Mining Act, the Opal Act, the Petroleum Act, the Land Acquisition Act and various other acts.

That was one strategy that the government developed. The government involved itself and the Attorney-General involved himself at a personal level in a whole series of negotiations at round tables, trying to explain the practical impact of the legislative changes contained in those bills. However, the bill never passed the second reading stage and, around October 1999, lapsed.

Up until that time, a lot of the stakeholders, particularly groups representing Aboriginal interests and Aboriginal elders, felt that they were not getting the due respect that was being paid to them in the field in relation to the negotiations that were going on away from the parliamentary process and away from the protection of legislation. This reflects not only on the current government but on the previous Labor government as well. There was an accelerated period of exploration and mining and changes to the Pastoral Act. The Aboriginal representatives and elders and various groups in regional and remote regions gained the impression that the respect that was due to them was not being paid by the negotiators and stakeholders, who appeared to be gaining the ascendancy through that period. A lot of the financial gains and benefits via the use of what they regarded as their lands were not being passed onto those regional and remote communities.

That argument was proposed. The other argument that was proposed was that due respect was not being paid to their representatives in relation to the protection of their heritage. There were additions or changes to the Heritage Act and there were negotiated changes which, I think, tried to address those programs during that period.

I know that the leader in this chamber was a member of a committee with me negotiating behind the scenes with the Attorney and others changes to the Heritage Act. They started off as a bit raw and rough around the edges but in the end there was an agreement with which everyone felt reasonably satisfied when the compromises were finally negotiated.

There was a change during the 1980s and 1990s. The Aboriginal groups found that in the late 1960s and early 1970s changes were being made, particularly in the period of the Dunstan government and then carried on by the Tonkin government. As the Attorney stated in his second reading speech, he was a part of the historical transfer of lands, particularly in the north-western region, to Aboriginal people. Land rights was a progressive determination that was being accepted by both sides of politics and it was recognised that self-determination had to involve land transfer and respect for religious and spiritual aspects. If there was a weakness in the Dunstan-Tonkin period it was that, as a result of self-determination, land ownership and transfer, there was no ability for Aboriginal people to be financially independent or supported by projects that allowed for that sort of progressive determination that manifested itself in independence from government and welfare. I suspect that there were gaps in the health and education programs, mainly because of the isolation that a lot of the remote and regional Aboriginal groups found themselves in.

In the year 2000 the government's position is that we are moving towards reconciliation and a change to strategy development in dealing with native title and self-determination. The principle of native title involves all stakeholders sharing access and the benefits of the potential for wealth in remote and regional areas, which I think members on both sides of the chamber support with various forms of commitment. The government's position is to introduce two bills, the Native Title (Validation and Confirmation) Amendment Bill and the Native Title (South Australia) (Miscellaneous) Amendment Bill. We have indicated that we are prepared to support the Native Title (South Australia) (Miscellaneous) Amendment Bill in its original form and we were waiting for negotiations to be finalised in relation to an amendment introduced by the government prior to the estimates committees. I understand that those negotiations are continuing and that there is near agreement. I hope that we can announce on Thursday or later in the week that there is agreement around those issues.

These bills were circulated for comment in November 1999, and they amend the Native Title (South Australia) Act only. The miscellaneous bill, in line with the commonwealth amendments, provides for the new registration test and contains other substantially uncontroversial provisions. The State Aboriginal Native Title Committee does not object to this bill, and nor do we. The committee had strongly opposed the validation and confirmation bill but, as I understand it, there is closer agreement as we speak.

The bill provides for the extinguishment of native title by reason of so-called intermediate period acts and previous exclusive possession acts. In so providing, this bill is a restatement of the objectionable provisions in the December bill introduced in 1998. In January 2000 the committee requested further information from the Attorney-General in relation to these intermediate period acts and previous exclusive possession acts before making further submissions on the validation and confirmation bill.

Last month the Attorney-General agreed to provide some of this information and I think that much information was provided but, from my discussions with the representatives of the Aboriginal stakeholders, they are still waiting on further information. I am told by the advisers to the government, by Crown Law and an officer from the Attorney-General's office, that further negotiations were continuing around a lot of this information but, because of the nature of the information required and because it is so detailed and goes back to settlement, almost, much of that information is very difficult to get.

So, the request for all the information to be provided will be a very difficult issue in itself. One of the reasons for the bill's introduction is to try to overcome some of the individual validation and confirmation clauses in addressing some

of those tenements and those areas that, if individually addressed, would take up a lot of time of either the courts or tribunals. The committee that has been set up to advise and to discuss with the government hopes that negotiations will continue until a final position is determined. That brings us to where we are now.

I would hope that those sensitive negotiations continue and that the outcomes are positive, so that in this state we can get agreement across the government and the opposition and continue in the spirit set by Don Dunstan through the 1960s and 1970s, carried on at commonwealth level by Gough Whitlam and other Prime Ministers, to try to obtain negotiated settlements and to address some of the problems that have been created by legislators in absence up until this time.

The difficulty that indigenous people have at the moment is trying to understand why, when there is an acceptance in principle by most Australians of Mabo and Wik, and an acceptance of many of the mistakes made in the past in relation to dealings with indigenous people over native title, we cannot address it in a way that brings about resolution without conflict. From what I am being told—and I hope that it is not going against a briefing that I was given by representatives from the Aboriginal groups—they would hope to be able to put together recommendations for a better way to proceed than already exists in this state, so that neither the parliament nor the courts can be a barrier to negotiating outcomes with stakeholders.

The recommendation that is being discussed amongst Aboriginal people and is running parallel to the legislative program has been outlined to me to include representation by legal representatives in an informal way, not the costly method of negotiations through the courts. As the Attorney pointed out in his second reading explanation or in a ministerial statement, the cost of dealing with native title claims has become prohibitive because of the legal cost for representation and the costs of the courts. On this side of the Chamber we would have to agree.

As the Attorney-General noted, $6 million was the appropriation for the next financial year. I am sure that Aboriginal health, education and housing could do a lot with that sort of money if it were allocated for their benefit and welfare, rather than being soaked up in litigation. The goodwill is there for the government to capture, and I would hate to see the legislative process do anything to overturn that.

I do not think it will: I think that the negotiators on behalf of indigenous interests still understand that it is a daily struggle to progress their case and that, while they are putting together an overall structure that is set up to try to prevent some of the worst aspects of delivery of justice (in terms of advancing their native title claims), the legislative process should not be put in place to weaken any of their best progressive arguments in relation to protecting their interests.

The reason why they are not supporting the progress of the Native Title (Validation and Confirmation) Bill as it stands at the moment is that they believe there are principles inherent in the bill that compromise their ability to do that. I am waiting for the outcome of the discussions to be held. As I said, I will be holding our powder dry, if you like, until those negotiations are completed.

I would like to be able to join with the government in putting together a bill that has general acceptance within the community, between the stakeholders and between the government and the opposition, and nothing will give me greater pleasure than to see the Attorney-General sign off on a native title bill that complements the commonwealth bill, which allows the government to absolve itself of its responsibilities to the commonwealth but which allows this state to remain a progressive state in relation to how it handles its duties of care in relation to dealing with indigenous interests.

It allows for capital development and investment to progress in the mining industries, and allows for pastoral interests to be protected, so that pastoralists, who do a very good job in very difficult circumstances in remote and regional Australia, have nothing to fear from native title negotiations. I was going to use the National Native Title Tribunal as a short guide, as it describes itself, to native title, but in view of the lateness of the hour I will not go into the structure and form of what native title is and why we are at our current position. But suffice to say that South Australians, all the stakeholders, believe that if we can continue in the vein in which we have handled the issues over the past 30 to 40 years, that if we can do it in a consensual form, that we do it through conciliation rather than through the parliaments or through the courts, that would probably be the way to proceed. But if we cannot then I guess the struggle will continue both legislatively and litigiously.

I suspect that when we do find out what the final position is—hopefully that will be this week—we will have the extra week, I understand, to debate this issue. So I will make further contributions when we get our final determinations from those negotiations. Let us hope that we are at a closer point of agreement than we are now. I again say that I have sympathy for the government's position in relation to the time frames and the pressures that it has been under, but if we allow it to run for a little longer and let the negotiating process run a little bit longer perhaps we can come away with an agreement.

The Hon. A.J. REDFORD secured the adjournment of the debate.

CREMATION BILL

Adjourned debate on second reading.

(Continued from 31 May. Page 1207.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The opposition supports the second reading. We appreciate that the intention of the new legislation is to comply with the outcomes of the competition review of the Cremation Act 1891. I note that the proposed changes to the bill seek to simplify and up-date procedures for the establishment of crematoria. No longer is it necessary for the Governor's approval, nor will objectors to a crematorium also have the right to veto, which is inconsistent with the Development Act. Instead, they will have the right to have their objections heard. Furthermore, I note the introduction of penalties for offences, and these penalties seem fair and reasonable. We have consulted with a number of organisations that have not got back to us so I would ask the Attorney whether the Local Government Association and the AMA, which I suppose are probably the key stakeholders in this area, have been consulted by the government.

The Hon. A.J. REDFORD secured the adjournment of the debate.

BUILDING WORK CONTRACTORS (GST) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 23 May. Page 1075.)

The Hon. P. HOLLOWAY: This bill is yet another of the bills that we have dealt with in recent times that deal with the complications of the GST. One can only contemplate how many small business operators in this country must see red every time they see the Howard government's $363 million advertising campaign which promotes the so-called simplicity of the new tax system. I would have thought that if there was any word that was inappropriate about the GST it would be 'simple', and I think we have seen ample illustration of that with the mass of legislation that has come through this parliament. I understand that the GST bills that have now passed the federal parliament, when they are all stacked together, make a pile that is very, very high indeed.

The Building Work Contractors (GST) Amendment Bill poses a particular dilemma for members of this parliament. Twelve months or more ago members of the housing industry approached the Attorney-General about the problems that could arise when the GST on building work commenced to operate on 1 July 2000, just a few days from now. I understand that the Attorney was asked to change the legislation so that contracts that are let before and after the GST could legally apply that GST to building work. We need to understand that at present builders are constrained by section 29 of the Building Work Contractors Act, which sets conditions for contracts that are let within the building industry that prevent any passing on of additional costs.

Of course, as we know, the Attorney delayed introducing amendments to section 29. They were finally passed by this parliament on 2 December 1999. My understanding of events is that the Attorney opposed any retrospectivity to that legislation. In other words, that legislation took effect from 2 December 1999 and if any contract was let after that date then the GST, if it was in the contract, could be applied. If a contract was let prior to 2 December 1999, the GST would not apply, even if there was a contract to that effect.

At that time, the opposition supported the legislation. We believed that it was reasonable to expect that any building work in a contract that was signed seven months or more before the GST would be completed or substantially completed by 30 June 2000. Unfortunately for 1 800 consumers who are having houses built and unfortunately for numerous builders that is not the case. In fact, for 1 800 consumers their houses will not be completed by this Saturday when the GST applies, even though their contract was signed seven months ago. That creates the dilemma for us today.

Many reasons have been given as to why those buildings have not been completed within those seven months. I am sure that some of those reasons are legitimate and some are not so legitimate, and I will go through them in more detail in a moment. There has been talk about the Olympic Games, a pre-GST rush, a shortage of tradespeople, delays in local government approvals, and so on, but, for whatever reason delays in completing buildings might be, the fact remains that 1 800 families who reasonably expected their homes or additions to be completed before the GST applies on Saturday have not had their work completed.

I am sure the delays that they have experienced over those seven months are annoying and frustrating enough for them but, if this bill is passed, they will cop the GST as well and many of those consumers may not be in a position to pay. If the bill is not passed, however, builders will have to pay and many of them will be under severe financial pressure, as will the consumers if they have to pay. The dilemma for parliament is who we make suffer for this situation—the home buyers or the builders. To solve this dilemma, the government has chosen to introduce retrospective legislation and it has sided with the builders. The builders will not have to pay, but the consumers will.

The opposition believes that the only fair solution would be for the commonwealth to exempt from GST work on contracts signed before a certain date, provided that work is completed in a reasonable time. However, the commonwealth has shown that it is not prepared to do that and we have seen how the commonwealth is prepared to breach a whole lot of other undertakings that were given in relation to the GST—for example, petrol prices. The commonwealth, which has really created this problem, is not prepared to do anything, so unfortunately it falls upon this parliament to deal with this most unsatisfactory situation.

I point out a complication of the situation. Retrospectivity under this bill would apply only if the GST clause was in the contract contrary to provisions of section 29 of the Building Work Contractors Act 1995. Some builders were well aware of the legal situation prior to legislation coming before this parliament on 2 December last year. They knew that, if they let a contract that had a GST clause in it, it would be illegal, that under the act that existed until 2 December, they could not apply the GST even if it was in the contract, and it is the opposition's understanding that some builders chose not to do so. Because it was illegal to apply the GST in any contract before 2 December, they did not do so. On the other hand, other builders included GST clauses in their contracts, even though they knew it was not legally enforceable. Whether they knew it was illegal or whether they hoped the government would change the law, we can only speculate.

The complication is that, if this legislation passes and if there was a GST clause in a contract signed before 2 December last year, those builders would not be liable to pay the GST; it would fall on the consumers. On the other hand, if there was no GST clause, the companies that did the right thing because they knew it was illegal to put it in the contract would have to pay for the GST. The point that I am trying to make is that, even in terms of fairness as far as builders are concerned, this bill creates complications.

I do not want to be overly critical of this government, because after all it was the commonwealth government that created the situation with the introduction of the GST in such a short time and with its inflexibility in dealing with some of these problems. It is the commonwealth government that should take most of the blame for the problem before us. Nevertheless, this parliament has to deal with this situation. If this bill goes through, it will punish those builders who thought they were doing the right thing and reward those who, through ignorance, good luck or malintent did not do the right thing.

On balance, the opposition will oppose the bill. Those who created the problems—the federal and state governments—are passing on an expensive problem. All we can do is choose which of the innocent parties will cop the outcome of that. In the month or so that this bill has been before parliament, the opposition has made the effort to find out the situation confronting those 1 800 people who signed contracts prior to 2 December last year. While no cases are the same, we can say that, in many cases, builders prominently advertised to

its prospective clientele on or about the middle of 1999 onwards to 'sign now to avoid the GST'. Builders were actively promoting it and many consumers signed up on that basis. All the contracts that we are considering in this bill were signed prior to 2 December last year.

We also know that, in many cases, the representatives of the builders reiterated the claim that the customers would not be liable for the GST. That was done by builders' sales consultants in negotiating and organising the building works, and many consumers were continually reassured that the building works would reach practical completion by or well before 30 June this year. Those consumers who signed up prior to 2 December last year had every reason to expect that their building work would be completed by that date.

The other point we need to understand is that many consumers who signed up for their building prior to 2 December often devoted the maximum amount of finance they could obtain to that building and did not account for the GST in their financial arrangements. If the GST is now to be applied to those people, it will cause considerable hardship. In some cases, consumers who were having houses built were compelled to renominate choices for selections of fittings and fixtures included in the price of the building contract. We know that in many cases those builders suffered significant delays in the progress of their building works, including that due to the lodgment of documents for and obtaining of council approval. There are often lengthy and in many cases unexplained delays between each phase of the building works.

The Hon. T.G. Roberts: Hear, hear!

The Hon. P. HOLLOWAY: Perhaps the Hon. Terry Roberts has his own experiences to tell later. The other thing we need to note in relation to these 1 800 consumers is that most of the property owners who have contacted the opposition—and I might say that many dozens of them have—have generally been assiduous in contacting the builders to express concerns about the delays, the uncertainty and the increase in the incidental costs such as rental and furniture storage that many of them have had to bear as a result of delays in the building. In many cases, the property owners have not had their telephone calls or correspondence returned or dealt with in a satisfactory fashion by the builders. That is the point of view of the 1 800 people who are having homes built and to whom this legislation applies.

The builders' excuses have been varied. As I said earlier, some of them are no doubt legitimate but some are perhaps not so legitimate. Additional contracts enclosing a specific GST clause have been sent after the enactment of the first amendment—the one that applied from 2 December last year—to the property owner stating that it is to be signed and returned to the builder before building works can commence or continue. In other words, some builders have tried to bluff the customers into signing new contracts so they could get around this problem before December last year. There have also been those who sought to blame the lack of certain tradespersons due to a South Australian housing boom and also lucrative work in New South Wales generated by the Olympics to be held in Sydney in a few months. It should be remembered that neither of the standard domestic building works contracts for the Housing Industry Association and the Master Builders Association expressly provides an excuse for the builder to delay building works on the premise of lack of available tradespersons.

In some cases, builders have sought to blame the property owners, alleging that they themselves have caused the delay at some stage of the building works. Builders have denied that any representations or assurances were ever made to the property owners to the effect that no GST would be incurred or payable. In some cases, builders have sought to rely on the provisions in the building contracts that allow for the start and completion dates to be widely interpreted and varied. They have used that to justify delays. The opposition is also aware that in one case a builder has sought refunds of any discount or incentive offered by the builder as an inducement prior to signing the building contract. In another instance, a builder sent a letter of demand to a property owner providing notice that the building works would not resume until a proportion of the anticipated GST was paid, well before the GST implementation date of 1 July 2000.

They are just some of the cases. Obviously, that is not the case with all builders. In some cases prior to 2 December last year builders signed contracts that specifically omitted a GST clause because they knew it was not legal, and those builders would not be covered by this clause even if there were legitimate reasons why they had not been able to complete their building work by 30 June. One point we need to understand is that in many cases the owners who are having work completed and who signed contracts prior to December last year are small business people or fixed wage employees with families who do not have the capital or asset base to absorb any additional costs imposed by the GST or to investigate refinancing options should this bill pass.

Another point that needs to be made from the point of view of consumers is that, had many of those consumers been put on reasonable notice by their builder that it was likely that they would be liable for the GST, they would have had the option to purchase a pre-existing property to which no GST attaches or they could have entered into a contract resulting in a more modest and less expensive building project. They were the options that would have been available to many of these people had they known what the case would be. I have heard a number of discussions on radio and in public about the reasons; I know that many builders have used the reasons I mentioned earlier such as the Sydney Olympics and so on to say that they could not get tradespeople and therefore could not finish the contracts in time. That may well be true in some cases; in other cases builders might have taken on more work than they knew they could ever complete just to get the business.

It is a difficult situation; the opposition is not pretending that there is an easy solution to this, except that, as I mentioned earlier, the commonwealth could have made some provision for this chaos in the building industry, not just here but throughout Australia. Given that the commonwealth does not appear likely to intervene in that way, we have this very difficult choice before us. As I indicated earlier, the opposition has decided that we will not support this bill: we will oppose it. We will support those consumers, because we believe that on balance most of them signed up in good faith prior to 2 December last year. In many if not most cases they were given assurances that the work would be completed before the GST; it is certainly not their fault that that work has not been completed by now. With that summary of the position, I indicate that the opposition will not support this bill.

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

SOUTH AUSTRALIAN HEALTH COMMISSION (ADMINISTRATIVE ARRANGEMENTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 May. Page 1071.)

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I would like to sum up and thank members for their contribution to this debate. I propose to speak only briefly at this stage. In the debate so far members have made particular observations or expressed particular points of view rather than raising specific questions. As members have noted, the Auditor-General raised issues about the validity about the appointment of the chief executive of the Department of Human Services to be also the chief executive officer of the South Australian Health Commission. The Crown Solicitor on the other hand was of the view that it was a valid appointment and did not give rise to incompatibility of public offices. The government therefore had differing views from two senior officials and, in order to resolve the legal argument, our ministerial colleague the Minister for Human Services in another place introduced the amendments that are before us today.

Various comments have been made about health service arrangements, overhauls of the system and articulation of a 'vision'. What seems to have been overlooked is that health is now part of a much broader human services portfolio. The vision for the department as a whole is 'to significantly enhance the quality of life and safeguard the health and well-being of South Australians by leading the development of high performing integrated health, housing and community services for individuals, families and communities'. The Department of Human Services' strategic plan for 1999-2002 lists as its strategic directions:

1. improving services for better outcomes;
2. increasing the state's capacity to promote quality of life;
3. redistributing resources in the changing environment;
4. strengthening a culture of working together; and
5. providing sound management.

One aspect of an integrated system has been the merging and integration of administrative arrangements between the Health Commission and the Department of Human Services. In order to achieve a true human services perspective on work being done, managers and staff are linking into other parts of the department rather than having a narrow focus. However, even though in practice the Health Commission and the Department of Human Services have merged their functions, the accounting arrangements and financial reporting on the amounts specifically spent on each function must continue to be kept separate under current legislation.

Continuing to maintain separate accounting and financial reporting arrangements is inefficient and possibly misleading. It is not possible to subsume the financial reporting requirements of the Health Commission into those of the Department of Human Services through a simple mechanism. Instead it is necessary, as this bill seeks to do, to transfer many of the functions of the Health Commission to the minister who will have the ability to delegate functions to the chief executive of the department. The chief executive of the department will then be responsible for financially reporting to the department as a whole.

However, the Health Commission has not been 'gutted' (and I quote) as some honourable members suggest. It is vested with very significant powers and functions to enhance, protect and promote public health across the state.

I look forward to honourable members supporting the passage of this bill. I respect that the Hon. Sandra Kanck in addressing the bill said that she was still seeking advice and on 23 May she indicated that she could not at that time support or oppose the whole bill but that she did support the second reading. I understand she has a further position to put on that matter and would be prepared to do so in committee.

Bill read a second time.

In committee.

Clause 1.

The Hon. SANDRA KANCK: As the Hon. Diana Laidlaw said—perhaps she guessed my wishes about what I wanted to do—I indicated when we were addressing the bill at the second reading stage that I had some concerns about the bill and that I wanted to speak with other groups. That is part of the reason why I want to speak at this point, because it has been extraordinarily difficult to get feedback from any groups. In particular, I sent a copy of the bill to the Public Service Association, because I had met with representatives earlier in the year and they had told me that that union represented the most number of workers in the health industry. I chose them as a target group. Despite repeated phone calls and messages to the Public Service Association over three months, we failed to get any response.

For me it is important that it go on the record that I made that attempt because, when something goes wrong in the future, I would at least like people to know that we tried and that it was the union's failure in getting back to us that prevented us from being able to represent it. In his second reading contribution the Hon. Paul Holloway said that most of the outside groups that are interested in health have just basically given up, and this is probably the reason why we did not get any feedback from the Public Service Association.

I also sent a copy of the bill with a request for feedback to the Hospitals and Health Services Association. It sent copies and information to its member groups and seemed to get a similar sort of response. The country hospitals and health services, being mainly in conservative areas, have a view that this is their government. They are conservative people: they vote for a conservative government; this is their government; and their government would not do anything to compromise health out in the regions.

I think it is a little bit of a pipe dream. It is wanting to almost believe in fairies, but that was the view that came back. From my own point of view, I understand that there was virtually no feedback at all to the Hospitals and Health Services Association from the large metropolitan hospitals, and my interpretation of that is that the government has succeeded over the last two years or so in putting a series of 'yes' men into CEO positions at hospitals. It was not very surprising, therefore, that they did not bother giving any feedback.

Nevertheless, despite the lack of feedback, I remain concerned about this bill. It is a bill about which I am distinctly uncomfortable. I do not understand the need to centralise power to the degree that this government has done with the health minister in the last six months. Although I will not call for a division on it, my general feeling is that the concerns I have raised about centralisation have not been adequately addressed and, as a consequence, I cannot support the bill.

The Hon. DIANA LAIDLAW: I thank the Hon. Sandra Kanck for pursuing her feedback. I find it interesting to hear

the feedback she got from the country areas and her dismissal of the response from country hospitals simply because she did not like it. Because she did not like it, she will now dismiss it completely in her decision not to support this bill. I think it is unfortunate that feedback from country areas would be dismissed so resoundly by the Hon. Sandra Kanck.

Nevertheless, I respect the fact that she has tried hard to find support for her judgment from many quarters. She has not found it anywhere. She has found no support for her view but, nevertheless, she will stick to it and we will just have to live with that. I note that the Labor Party indicated support for the bill and perhaps on that basis we should wish the bill speedy passage.

Clause passed.

Remaining clauses (2 to 52), schedules and title passed.

Bill read a third time and passed.

SPORTS DRUG TESTING BILL

Adjourned debate on second reading.

(Continued from 23 May. Page 1074.)

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): Earlier in the session, this bill gained support from the Hon. Ron Roberts (for the Labor Party), the Hon. Mike Elliott (for the Democrats), the Hon. Terry Cameron (for SA First) and the Hon. John Dawkins. Early in May—after honourable members had supported this bill without qualification—a matter arose in the High Court relating to the Hughes case and concerns were raised about the implications of the case in respect of this bill.

Considerable work was undertaken by the South Australian Crown Solicitor's Office, together with legal officers at the commonwealth level. I have now received advice from the Crown Solicitor's Office that no problems arising from the implications of the Hughes decision exist in relation to this bill. Therefore, it is appropriate to continue with the legislative process. I suggest that the Hon. Mike Elliott might like to come into the chamber if he wants to say anything in the committee stage, because we are all looking for him. Otherwise, the bill will go through the committee stage promptly.

Bill read a second time.

In committee.

The Hon. DIANA LAIDLAW: Mr Chairman, I draw your attention to the state of the committee.

A quorum having been formed:

Clause 1.

The Hon. DIANA LAIDLAW: While we stopped in our tracks to find the Hon. Mike Elliott, and he has bounded in, I have been alerted to the fact that he does not wish to say anything and that we can now progress. I thank him for coming.

Clause passed.

Remaining clauses (2 to 15) and title passed.

Bill read a third time and passed.

RENMARK IRRIGATION TRUST (RATING) AMENDMENT BILL

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

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

That this bill be now read a second time.

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

Leave granted.

This Bill makes minor amendments to the *Renmark Irrigation Trust Act 1936.*

The *Renmark Irrigation Trust Act 1936* provides for the supply, from the River Murray, of irrigation water and its subsequent drainage from privately owned properties at Renmark.

The Renmark Irrigation Trust operates as a self-managed cooperative of irrigators to manage and maintain the Trust's irrigation infrastructure and provide irrigation services within the Trust's district at Renmark.

The Trust has a long and commendable history of service to the community of Renmark. In line with its irrigation responsibilities, the Trust is seeking to facilitate the effective ongoing management of irrigation water resources under its control. Within this context, the principal Act provides for a restricted basis for water pricing to irrigators. At present, water rates may only comprise of a fixed dollar charge per hectare of land within the district. The liability of each individual ratepayer is therefore directly proportional to the number of hectares included in the relevant assessment and cannot be linked to the volume of water consumed or other appropriate water pricing factors. As a result, to-date the Trust has been unable to introduce a "two-part" rate structure, as commonly used by other irrigation trusts and authorities both within South Australia and interstate. Two-part rating structures are also in line with COAG's water pricing reform principles.

In contrast, irrigation trusts operating under the *Irrigation Act 1994* enjoy considerable rate setting flexibility. Under that Act, water rates may be based on one, or a combination of two or more, of the following appropriate factors:

(a) the fact that the land is connected, or the owner or occupier of the land is entitled to have it connected, to the irrigation works: or

(b) the volume of water supplied to land during the rating period to which the declaration applies; or

(c) the area of the land to be irrigated; or

(d) such other factor or factors as a Trust thinks fit.

This Bill provides for the existing rate related provisions of the *Renmark Irrigation Trust Act 1936* to be amended to bring them generally into line with the more flexible rating provisions of the *Irrigation Act 1994*.

The proposed changes to the Renmark Irrigation Act have been the subject of extensive consultation with the Trust. In addition, in its previous three Annual Reports, the Trust has publicly advised of its intentions to move to a new two-part rating structure, subject to the passage of legislation to suitably amend the Act. The Trust has also consulted widely with its member irrigators on this subject, with general support being forthcoming.

The fine tuning of the principal Act that this Bill represents will facilitate continuing efficient management of irrigation water resources by the Renmark Irrigation Trust.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 65—Power of trust to expend moneys for certain purposes

This clause makes a consequential change to section 65 of the principal Act. The old concept of the special rate is going with the repeal of the rating sections of Part 7. From now on a special rate will only be for the purpose or repaying loans.

Clause 4: Amendment of s. 65E—Power to construct embankments

This clause makes a consequential change to section 65E of the principal Act.

Clause 5: Amendment of s. 78—Assessment-book

This clause makes a consequential change to section 78 of the principal Act.

Clause 6: Substitution of ss. 91, 92, 93, 94, 95 and 96

This clause replaces the rating provisions with new provisions along the lines of the provisions in the *Irrigation Act 1994*.

Clause 7: Repeal of s. 124

This clause repeals section 124 of the principal Act which is a change that is consequential on the new special rating provision.

Clause 8: Substitution of s. 217

This clause replaces section 217 of the principal Act with a provision that is consistent with the new rating provisions.

Clause 9: Repeal of Schedule 3
Clause 10: Repeal of Schedule 7
These clauses remove Schedules 3 and 7. These schedules are now redundant in view of the new rating provisions.

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

GAS (MISCELLANEOUS) AMENDMENT BILL

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

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

That this bill be now read a second time.

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

Leave granted.

This Bill proposes some amendments to the *Gas Act 1997*. At present section 24 provides for an annual retail licence fee calculated as a percentage of the previous financial year's sales. The percentages fixed have progressively reduced year by year. To give legislative effect to the Government's decision to phase out this method of calculating the fee, the Bill provides that from 1 July 2001 annual retail licence fees will be fixed in the same way as distribution licence fees are fixed under the Act—namely an amount the Minister considers appropriate as a reasonable contribution towards the costs of the administration of the *Gas Act 1997* and the *Natural Gas Pipelines Access (South Australia) Act 1997* having regard to the scale and nature of the operations authorised by the licence.

At present the power of the Pricing Regulator (the Minister) is confined to fixing prices for 'non-contestable' consumers. Under the *Gas Regulations*, on and from 1 July 2000 a consumer will be a contestable consumer in respect of a site if the site is to be used by the consumer principally for the purpose of business (whether or not for profit). When a consumer is contestable, the consumer has a choice of retailer. The time involved in the approval of an access arrangement under the *Natural Gas Pipelines Access (South Australia) Act 1997*, necessary to provide for the ability to ensure access to distribution networks, has meant that there are concerns that there will not be a fully competitive market come 1 July 2000. Amending section 33 to empower the fixing of maximum prices for consumers whose consumption is below 10 terajoules should ensure that prices for contestable consumers below 10 terajoules will not unreasonably increase come 1 July 2000. Section 33 will expire on the Governor's proclamation, as it is to be seen as a transitional measure pending the advent of a competitive market. Similar provisions have been enacted interstate.

The Bill contains various amendments and additions to section 37 to make better provision for temporary gas rationing in the event of a gas shortage. In August 1999, following unusually high gas consumption and an incident at the Moomba Plant, it became necessary for the Minister to use his powers under section 37. That situation led to a realisation that there were various ways in which the present provisions should be improved, in particular by ensuring that directions could be given to all those to whom such directions should properly be directed in such unusual situations.

It has become apparent that the present provision in section 91 of the Act, dealing with the recovery of profits from contravention of the Act, is inappropriately confined to 'gas entities' (operators licensed under the Act). Accordingly this section has been repealed and wider provision inserted to provide that a person who gains financial benefit from a contravention of the Act, which would include a consumer breaching a direction given under the temporary gas rationing powers contained in section 37, can be required to disgorge that financial benefit.

Provision is made to allow offences against section 56, dealing with gas fitting work and the completion of certificates of compliance in respect of such work, to be prosecuted within two years from the date of the alleged offence. Experience has shown that breaches often do not become apparent within the present time limit of 6 months. The safety of consumers and the public is a paramount consideration. In the circumstances the Government believes it is appropriate and in the public interest to ensure that such breaches can be prosecuted notwithstanding that the usually appropriate limitation period of 6 months has expired. It should be noted that the amendment does not enable a longer time limit for the issue of an expiation notice, only a longer time limit for an offence to be prosecuted in the court.

The other amendment to section 56 clarifies the meaning of this provision and largely mirrors changes to the equivalent provision in the *Electricity Act 1996*, effected by the *Electricity (Miscellaneous) Amendment Act 1999*.

I commend this Bill to the honourable members.

Explanation of Clauses

Clause 1: Short title
Clause 2: Commencement
These clauses are formal.

Clause 3: Amendment of s. 24—Licence fees and returns
This clause amends section 24 of the principal Act to replace the current provisions regarding calculation of the annual licence fee for retailing of gas based on a percentage of gross revenue. Under the proposed provision, the licence fee for retailing will be a fee fixed by the Minister of an amount that the Minister considers appropriate as a reasonable contribution towards the costs of administration of this Act and the *Gas Pipelines Access (South Australia) Act 1997*, having regard to the nature and scale of the operations that are authorised by the licence.

Clause 4: Amendment of s. 33—Gas pricing
This clause amends section 33 of the principal Act to apply that section to contestable consumers whose actual consumption of gas at a single site during the previous financial year was less than 10 terajoules.

The proposed amendments also provide for the expiry of section 33 by proclamation.

Clause 5: Amendment of s. 37—Temporary gas rationing
This clause proposes amendments to section 37 of the principal Act to broaden the Minister's temporary rationing powers by providing for the power to be exercised not only where the Minister is satisfied that gas supplies are insufficient but where it appears they are 'likely to become insufficient' and for the giving of directions to persons who sell gas (by retail or wholesale) and the operators of pipelines in respect of which licences have been granted or are required under Part 2B of the *Petroleum Act 1940*.

The proposed amendments also make it clear that—

- a direction to consumers may relate to only specified consumers or to consumers generally;
- a direction may relate to the quantity or quality of gas that may be supplied through a distribution system;
- the period for which a direction operates may be defined by reference to specified days or to the happening of specified events);
- a direction may be varied or revoked (with effect at a specified time or on the happening of a specified event) by a subsequent direction.

Clause 6: Insertion of ss. 37A, 37B and 37C

37A. Minister's power to require information

This clause gives the Minister power to require information reasonably required for the purposes of the Division. Failure to comply with a notice requiring information is an offence punishable by a maximum penalty of $10 000.

37B. Manner in which notices may be given

This clause specifies the manner in which notices under the Division are to be given to a person.

37C. Minister's power to delegate

This clause provides a power for the Minister to delegate and provides for proof of such delegations.

Clause 7: Amendment of s. 56—Certain gas fitting work
This clause amends section 56 of the principal Act to better reflect the requirements of the *Plumbers, Gas Fitters and Electricians Act 1995*. The section currently provides that where a gas installation is carried out by a licensed gas fitting contractor the obligation to ensure the work (in all respects) complies with the regulations falls on that contractor. The proposed amendments provide, additionally, that where work is carried out by a licensed building work contractor, the obligation falls on that contractor. The amendments also provide that certificates of compliance are only required where gas installation work is personally carried out by a qualified person.

The amendments also extend the current limitation period for the prosecution of an offence against this section from six months to two years.

Clause 8: Substitution of s. 91

91. Recovery of financial benefits gained from contravention

This clause provides for the recovery of financial benefits gained from a contravention of the Act.

SCHEDULE

Transitional Provision

The schedule ensures that all instalments of an annual licence fee the first instalment of which has become payable before 1 July 2001 will remain payable notwithstanding the amendments proposed by clause 3 of the measure.

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

ADJOURNMENT

At 10.59 p.m. the Council adjourned until Wednesday 28 June at 2.15 p.m.