LEGISLATIVE COUNCIL

Thursday 5 October 2000

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

PROSTITUTION

Petitions signed by 976 residents of South Australia concerning prostitution and praying that this Council will strengthen the present law and ban all prostitution related advertising, to enable police to suppress the prostitution trade more effectively, were presented by the Hons L.H. Davis, J.S.L. Dawkins, A.J. Redford, R.R. Roberts, and Caroline Schaefer.

Petitions received.

QUESTION TIME

AUDITOR-GENERAL'S REPORT

The Hon. CAROLYN PICKLES (Leader of the Opposition): I seek leave to make a brief explanation before asking the Minister for Transport a question about the Auditor-General's Report.

Leave granted.

The Hon. CAROLYN PICKLES: I refer the minister to the Auditor-General's comments under 'Employment contracts for chief executives: some further audit comments'. At page 197 of Part A: Audit Overview, the Auditor-General states:

> The importance of matters associated with the appointment of a chief executive under a performance-based contract and the management of the relationship between ministers and chief executives of the agency for which the minister is administratively responsible should not be underestimated. Audit restates its view that there are inadequacies in the existing contractual arrangements with chief executives and in the management of the relationship between ministers and chief executives that directly and indirectly impact on the financial position of the state. In the interests of good public administration, in my opinion, it is important that the government revisit the recommendations made in last year's report to the parliament concerning:
> - performance criteria in employment contracts for chief executives;
> - the employment contracts for chief executives reflecting the terms of the ministerial protocol documents.

My questions are as follows:

1. In view of the very recent appointment of Mr Tim O'Loughlin as the new chief executive officer of the super portfolio Transport, Urban Planning and the Arts—and other things, probably—can the minister confirm whether his employment contract complied with the Auditor's recommendations which also featured in last year's report?

2. Will the minister make public Mr O'Loughlin's contract, as recommended by the Auditor-General (page 196), including detailed performance criteria?

3. What experience and qualifications in the transport sector does Mr O'Loughlin bring with him to the job?

4. Can the minister please outline the appointment and selection procedures?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): As the honourable member would be aware, the contract is with the Premier, as is the case for chief executives generally, so I will have to refer a number of the honourable member's questions to the Premier. In terms of the appointment procedures, that is the responsibility of the Commissioner for Public Employment, and the whole process was conducted by the then Commissioner, Mr Ian Kowalick. Mr Kowalick retired last Friday, so I will refer the honourable member's questions to the new Commissioner. I am not involved in the process, which is clearly defined in the public sector act. I will refer all parts of the honourable member's question and bring back a reply.

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Treasurer a question about the report of the Auditor-General.

Leave granted.

The Hon. P. HOLLOWAY: The Auditor-General states that, if reduced public debt interest reductions flowing from the sale of ETSA are netted out, since the current Premier took office, government outlays have risen in real terms and will continue to rise by nearly 20 per cent, or over $500 million in real terms, between 1997-98 and 2003-04, that the budget will continue to be in deficit until 2003-04 and that, therefore, the budget will continue to contribute to debt. The Auditor-General is critical of inconsistencies in the presentation of financial data. He points out that the government is in the third year of a four year budgetary strategy.

On page 35 of his overview, he states that other jurisdictions and the ABS do not use cash based budgetary targets. He says that it is time to re-examine the form in which budget data are presented and to look at new targets. He says:

> The issue that arises is whether the state should change its budget reporting targets.

The Auditor-General also states that the South Australian Asset Management Corporation (SAAMC) has retained profits of $243.3 million. For the second year running, the government has retained SAAMC's profits in an account to be dealt with 'as the Treasurer of South Australia may determine'. The SAAMC's profits are proceeds from asset sales which the government has said would be used to retire debt. However, the Opposition remains concerned that these moneys may be held back for unsustainable spending promises in the run-up to the next election. So my questions to the Treasurer—

An honourable member interjecting:

The Hon. P. HOLLOWAY: Well, I would not have thought that it was at all a funny matter. The finances of this state are a very serious matter, particularly the state they are in at the moment.

Members interjecting:

The Hon. P. HOLLOWAY: Well, because of the poor spending priorities of this government, and the asset sales; that is how they became like that.

The PRESIDENT: Order! The honourable member has sought leave to make an explanation and I ask him to continue with it.

The Hon. P. HOLLOWAY: Given the Auditor-General's warning that following the sale of ETSA there are few assets left to sell and that as a consequence the government must 'protect against the occurrence of future major liabilities', my questions to the Treasurer are:

1. What is the government going to do to bring its budget under control, given the deficit spending in the future that I have referred to?

2. Is the government considering changed reporting formats for the budget, together with any revised targets?

3. How will these be presented for the out-year projections in the next budget?

4. Will the Treasurer give a clear, unequivocal assurance that any presentational changes allow for full and transparent comparisons with previous years to at least 1997-98, and will the Auditor-General be consulted in making these changes?

5. Will the Treasurer rule out the use of the retained profits of the South Australian Asset Management Corporation for any purpose other than debt reduction in next year's election budget, and why has the government decided not to use these moneys for debt reduction for the last two years?

The Hon. R.I. LUCAS (Treasurer): The Deputy Leader has, sadly, started the new session of parliament in much the same way as he—

The Hon. L.H. Davis: Where he left off.

The Hon. R.I. LUCAS: —left off the last session of parliament. For the Labor Party shadow spokesperson for finance to try to be critical of the government about financial problems, when he was a member of a government that left the state with, in today's terms, around a $9 billion debt, and on an annual basis spending $300 million more than we were earning every year, is a gross hypocrisy. I am surprised that the honourable member can keep a straight face in asking his question. This government's record—

An honourable member interjecting:

The Hon. R.I. LUCAS: No, we have an answer—a very good answer. At the end of the privatisation program for electricity businesses that $9 billion-plus debt (in today's dollars) that we inherited will be down around, and just under we hope, $3 billion in South Australia. That is the sort of reductions in state debt that this government has managed, substantially over the last 18 months but, nevertheless, over most of the six or seven years that we have been in office. We have moved from a position of a $300 million-plus annual deficit to balancing our book on cash accounting. By any stretch of the imagination that is an impressive financial record. Given the mess that we inherited it is an impressive record indeed.

In relation to the honourable member's request that I give him a guarantee as to how the government will make decisions about moneys that the Asset Management Corporation owes to the budget, I will give him no such guarantee. I have no intention of giving the shadow minister, the shadow treasurer or, indeed, the Leader of the Opposition any guarantee in relation to the sorts of requests that he is putting. The guarantee that I will give to the people of South Australia—

An honourable member interjecting:

The Hon. R.I. LUCAS: No, it is not secretive. How can that be described as 'secretive' when it is reported in our budget and in the Auditor-General's Report? How can that be secretive? What on earth is the shadow minister for finance talking about?

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: He is not criticising the secretive nature of the accounts of the Asset Management Corporation. They are there in the budget reported by us and now reported by the Auditor-General. The guarantee I will give is that those moneys, when they are returned to the budget, will be spent on projects that will be of absolute benefit to the people of South Australia. I hope, and I am sure the taxpayers would hope, that they will see some benefit from the hard work that they have endured over the past few years in terms of trying to fix the financial mess we inherited. We do not intend to hide away in secret accounts anywhere lumps of money for—

The Hon. P. Holloway: You've already done it for two years.

The Hon. R.I. LUCAS: They are not being secreted away or hidden. They are being publicly reported every year. We will spend those moneys as and when we determine on projects which will be of maximum benefit to the people of South Australia. They will not be spent, if they are one-off benefits to the budget, in unsustainable ways on recurrent programs. They can be spent on one-off projects and programs and, as long as the money is distinct and defined and not an on-going cost to the budget, the Auditor-General need have no concern at all with money being accounted for in that way.

If that is of some concern to the shadow minister for finance, that is a concern that he will have to resolve himself. The government is managing the budget in difficult circumstances pretty well and, if money is available that can be spent on good projects which are not an on-going unsustainable cost to the taxpayer and the budget, there is no reason why they should not be expended in whole or in part on those projects.

In relation to the budget objectives, the government does not accept any view which says that the government has set cash accounting targets only for itself. For the past two years we have been evolving to a system where we are now producing both cash and accrual accounts. We are reporting on both of those in the budget, and the Auditor-General has access to both of those accounts in terms of his public reporting. It is not correct to suggest that the government is only setting cash accounting targets. We have set cash and accrual targets. We are slowly introducing the accrual accounting system to the public sector, which is not an easy task in itself. It will take some time and we will move with both of those accounting systems for at least the next budget or two before we ultimately move to a position where we report only in terms of accrual accounting.

ALCOHOL, WARNING LABELS

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Human Services, a question about warning labels on alcohol containers.

Leave granted.

The Hon. T.G. ROBERTS: In June last year I asked a question in relation to foetal alcohol syndrome which, in the main in Australia and South Australia, is not a recognised nor diagnosed disease. The efforts being made in other western countries (for instance, in Canada and New Zealand) have at least raised the subject of the issue to national prominence to try to get the debate around the issue discussed so that medicos, the scientific fraternity and the victims of alcohol abuse or misuse can at least recognise the symptoms of the problem and put into place preventative strategies.

The question I asked in relation to this issue has not yet been answered, as I understand it. However, the problems still remain with us—particularly in dealing with alcohol abuse within the Aboriginal community, where we need to proceed with a certain amount of urgency. I have been in touch with people working with alcohol abuse in the Northern Territory and locally. For a number of reasons it appears that there is a real need for at least casks and flagons to be labelled with a warning so that women of child bearing age might be able to gain some information from the labels. I also believe that a campaign needs to be run at a state and federal

level to try to eliminate the practice of alcohol abuse. My questions are:

1. Will the government conduct an inquiry into the measures being taken by other governments in developed countries in dealing with alcohol use and abuse in their own countries?

2. Will the minister make the issue of foetal alcohol syndrome education and prevention an issue for discussion at the next national health conference?

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

NATIVE TITLE

The Hon. CAROLINE SCHAEFER: I seek leave to make an explanation before asking the Attorney-General a question about native title.

Leave granted.

The Hon. CAROLINE SCHAEFER: In Tuesday's *Advertiser*, there was a statement by the Australians for Native Title and Reconciliation, South Australia, regarding the state government's Native Title (Validation and Confirmation) Amendment Bill. Among other claims, the statement alleges that the bill reduces the native title property rights of indigenous South Australians, that it goes too far in its provisions and that we should withdraw the legislation. My questions are:

1. Is the statement correct in its representation about native title?

2. Do we intend to withdraw some of the legislation?

The Hon. K.T. GRIFFIN (Attorney-General): We have yet another example of misrepresentation about what the government's legislation does, and we will have an opportunity to continue that debate in this part of the session. Hopefully, we will get it resolved this time around. It has been on the *Notice Paper* in one form or another since December 1998, and I guess it really came to a head in the past couple of months when the National Native Title Tribunal was required under the commonwealth act to give notice to perpetual leaseholders and miscellaneous leaseholders in the Riverland that their land was subject to a native title claim, effectively because this legislation had not been passed. They were required to consider whether or not they should become a party to the mediation. That has prompted a considerable groundswell of opinion among particularly perpetual leaseholders and miscellaneous leaseholders about both this legislation and the approach to native title issues in this state.

Right from the outset one should say that we do have a focus upon indigenous land use agreements as the ultimate means by which we can resolve issues about native title claims, and the government is putting a lot of resources into those negotiations with the Aboriginal Legal Rights Movement, with native title claimants and their representatives, the Farmers Federation and the Chamber of Mines, because we believe in the longer term that will give everybody some measure of satisfaction. If we wait for the court cases to be determined, many of the people who would otherwise have been able to give evidence—on the native claimant side particularly—will be dead or too old to give that evidence. For everybody there is not much joy in going through the litigation process with its trauma and its costs if we can resolve it. The government has been involved in those negotiations since earlier this year, and we would hope that they will bring some satisfactory outcome. In the meantime, it is still important to press on with the validation and confirmation bill which, hopefully, we will have restored to the *Notice Paper* today and that we will be able to resolve that well before Christmas.

The statement which has been made in the *Advertiser*, signed by a number of South Australians, I suggest misrepresents the position. We have to go back to the commonwealth legislation, the Wik 10 point plan, enacted by the commonwealth parliament, which authorised the states to pass legislation to confirm the extinguishment of native title in relation to a number of tenures, all of which were schedules to the commonwealth legislation. The issue of whether or not native title had been extinguished by those tenures was very extensively canvassed at that time.

It is quite clear, on all the principles that the High Court has determined, that native title already has been extinguished. The difficulty is that, unless this legislation is passed, with respect to all the claims throughout South Australia, as the hurdle of passing the registration test is met by native title claimants, the Native Title Tribunal will give notice to a whole range of property holders in those areas of the native title claim. As I said earlier, that has happened with respect to this claim.

Thousands of South Australians who have worked their land, who hold perpetual leases—war service and other sorts of perpetual leases—or miscellaneous leases, all of which have extinguished native title, will receive notices and there will be even more concern and consternation. We should remember that they comprise about 7 per cent of the properties in South Australia and, in the end, something like 80 per cent of the state will still remain claimable by native title claimants if they can satisfy, first, the registration test and, ultimately, the other tests required to establish that native title continues to exist. So, it is a misrepresentation to argue that this should be withdrawn and to argue that it is retrospective extinguishment of native title. That is a gross misrepresentation of what the legislation does.

If native title claimants want to go through the litigation process with all these leaseholders, they are welcome to do so. But it will be a long, drawn out process. They will alienate South Australians who have believed that Crown lease perpetual is given in tenure almost as secure, if not as secure, as freehold title and, I can tell members, it will create divisions rather than eliminating those divisions.

The government has no intention of abandoning the validation and confirmation legislation; we will keep on with it. We will encourage people whose properties are affected by this to continue to make representations to the Opposition, the Democrats and the Independents in this Council and in the other house with a view to getting this legislation passed.

There is a representation here that states that this group—ANTAR—calls on the state government to more thoroughly consult and genuinely negotiate with indigenous communities across the state. The Aboriginal Legal Rights Movement is the representative body in this state in relation to native title claims. The Aboriginal Legal Rights Movement has been aware of this legislation for nearly two years—in fact, probably more than two years, because the commonwealth act came into operation in September 1998.

Since that time, we have indicated that, if the members of that group want to put a proposition to us about what should or should not be covered by this, they are welcome to do so. But it was not until the last month or so that we received from them a list of questions about tenures. They wanted more

information. Of course, when they applied their minds to it, they wanted a whole raft of information, much of which I have now provided to them. But they have not come up with a proposition about what should or should not be included in the legislation. It is not much good saying, 'Keep on negotiating.' If we cannot get at least a meeting of minds within broad parameters, there is not much point in continuing to negotiate. In the end, it comes down to votes in this Council and in the House of Assembly as to whether or not this legislation gets through.

If it does not get through it will be a sad day for South Australia because, as I said, I think it will create division rather than encourage reconciliation. Even the Aboriginal Legal Rights Movement acknowledges the principles upon which this legislation is based.

Last night an ABC TV program talked about native title and indicated that this legislation had been bogged down for two years. It suggested that in some way the government was at fault for not being able to push it on, that the National Party member in Chaffey had somehow miraculously revived flagging fortunes and that she was in some way going to get it through. The fact is that the member for Chaffey became involved because a number of her constituents received these notices indicating that their properties were the subject of native title claims, and that spurred everybody to action. That is probably the trigger that hopefully will focus the minds of all members on this legislation as we debate it in the next few weeks. So far as the government is concerned, everybody can talk about the legislation being bogged down, but the responsibility for that belongs with the Opposition and particularly the Australian Democrats and does not rest with the government. The government cannot get it through if it does not get a majority of votes in both houses.

The Hon. T.G. ROBERTS: As a supplementary question, during the parliamentary recess were any grounds for compromise reached in relation to the propositions that were put forward by the ALRM or any other body representing stakeholders?

The Hon. K.T. GRIFFIN: Even before the break I had made some suggestions at a meeting that I had with both the Aboriginal Legal Rights Movement and its representatives, but they have not responded to that: they keep asking for more information. In fact, only in the past few days I received a letter from the ALRM which indicated that it was still strongly opposed to the legislation. I am happy to talk about compromises, but I am not prepared to talk about compromising on this bill in relation to those tenures where people are still actively farming. The negotiators for the Aboriginal Legal Rights Movement know that the door is open. There is no point in meeting if we are just going to talk around the bush rather than beginning to focus on the real issues.

In any event, my view is that there ought to be a very strong emphasis on trying to keep the indigenous land use agreement negotiations moving, which are, in my view, separate from this, and they are also separate from the litigation. Some people have asked, 'Why are you defending claims that are in the courts and at the same time negotiating?' Well, we have a public responsibility not to just lie down and say, 'Native title exists.' Everybody has to be put to the proof to test whether or not native title does exist, has existed and whether or not it continues, and whether those who are claiming it are the right persons. I have indicated to the Aboriginal Legal Rights Movement and native title claimants that I believe that, notwithstanding the litigation, we have had very productive negotiations in relation to indigenous land use agreements.

They are moving along. I had one meeting in January/February with all the claimants' representatives from around South Australia, and in the next few days I will be attending another one in the north of the state. I am available to try to sort these things out. I have called a meeting for certain members of the parliament in whose hands the decision will ultimately rest in relation to this, and I think that meeting is next Thursday.

The offers are there. I have been prepared to sit down, and my officers have spent countless months negotiating and providing information. There was a criticism of them that they could not commit to anything. Well, obviously they cannot commit to anything unless I approve it, and unless I approve it within the framework of the government's authority granted to me.

It is all very well to say that public servants are not prepared to make a commitment. They know the parameters within which they can negotiate. They meet with me on a regular basis, but they do not have the authority to make binding decisions that affect the government. I and the Cabinet make those decisions.

BAROSSA HEALTH SERVICES

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Urban Planning, representing the Minister for Human Services, a question about the Barossa Health Services.

Leave granted.

The Hon. SANDRA KANCK: A review of the Barossa Health Services was commissioned by the Health Commission and completed by KPMG in April 1995. At that time serious issues were raised about the state of the Angaston and Tanunda hospitals, which still await action. The Barossa Health Services has two locations: Angaston and Tanunda. The Angaston site consists of nine buildings situated on a hillside, with a 20 metre height difference between the operating theatres and the wards. Nurses are forced to wheel the patients up and down this slope.

In case of an emergency, patients would have to be transferred to barouches, as only one exit can accommodate ward beds. The passages have lino peeling off the walls. The kitchens do not meet either local council or Health Commission standards. Having two campuses creates a great deal of doubling up of resources, facilities and staff. The Barossa is a growing region, perhaps the fastest growing in South Australia, with a projected population increase of 8 per cent in the next five years and a consequent need for infrastructure funding.

Almost 12 months ago on 11 November the minister announced a new site at Nuriootpa for the Barossa Health Services but, to this day, the funding to actually build the hospital has not been forthcoming. My questions to the minister are:

1. When will the urgently needed funds for the new building be forthcoming?

2. What emergency funding is being provided to maintain the run-down sites at Angaston and Tanunda?

3. Will the Barossa Health Services be yet another of the health services in this state that are to be subject to rolling re-announcement by media release?

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

UNIFORMS

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Workplace Relations a question about uniforms for nurses, police and emergency service workers.

Leave granted.

The Hon. J.S.L. DAWKINS: I noted in the Melbourne *Age* of 5 September this year an article by Randall Ashbourne that publicised union claims that uniforms for nurses, police and emergency service workers in this state are being made by sweatshop labour. The union referred to was the Textile, Clothing and Footwear Union. Will the minister indicate whether there is any substance to these claims?

The Hon. R.D. LAWSON (Minister for Workplace Relations): I was somewhat bemused to read the item to which the honourable member refers.

The Hon. A.J. Redford interjecting:

The Hon. R.D. LAWSON: In answer to the honourable member's interjection, it is apparently a very dedicated newspaper, because Mr Ashbourne says that the union involved began investigations after the *Age* had asked it to confirm that the company in charge of uniform production employed only four workers at its official work site. Mr Ashbourne would have us believe that his investigative efforts have led to this issue being raised.

In fact, as he does later have the decency to acknowledge, a member of the House of Assembly, Ms Jennifer Rankine, raised this issue with the Minister for Police, Correctional Services and Emergency Services earlier this year. On that occasion Ms Rankine named the company concerned as Dixon Clothing Pty Ltd, a business which operates in Adelaide.

It would appear that the Textile, Clothing and Footwear Union has been embarking upon a campaign against this particular company. It wants it to adopt an enterprise agreement, which the company, for various reasons, is reluctant to do, which is its right as an employer. But in seeking to further that campaign the union has been spreading it about—and Mr Ashbourne gave publicity to the allegation that outworkers were being exploited and, by inference, by Dixon Clothing—that outworkers were being paid, and here I quote from the article, 'as little as $2 an hour to carry out complex tasks,' and it suggested that the government in some way is condoning or encouraging employment practices which are inappropriate and unfair.

The facts of the matter are that this company pays workers, in relation to the trousers for example being manufactured for South Australia Police, on the basis of $12.50 an item, and I am informed it takes approximately 28 minutes to finish each item, equating to an hourly rate of pay of $25 per hour. All materials relating to the work carried out by the subcontract are supplied by the company. So, far from being a sweatshop operator paying workers 'as little as $2 an hour', as the union and Mr Ashbourne would have the public believe, those subcontractors or workers who are employed doing government uniform work are, it would appear on the information supplied, being remunerated at rates which would certainly, on their face, appear to be reasonable.

No official complaint at the Office of Workplace Relations has been received from any worker, person or union about the practices of the Dixon Clothing company. If the member for Wright, Jennifer Rankine, was as interested as she pretends to be in the welfare of outworkers, you would have expected her to make an official complaint to the government body which is charged with the responsibility for ensuring that industrial laws and awards are complied with.

I gather that the Dixon Clothing company is a respondent to the federal clothing trades award, and of course the South Australian Office of Workplace Relations is prepared to pursue a complaint in respect of a federal award of that kind and can certainly make appropriate arrangements to ensure that any complaint is satisfactorily investigated and resolved.

DOG LEGISLATION

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the minister representing the Minister for Environment and Heritage a question about state legislation requiring the appropriate restraint of dogs in public.

Leave granted.

The Hon. CARMEL ZOLLO: I am certain that all of us are aware of the incident earlier this year when two little girls were attacked and seriously injured by a dangerous breed of dog in Bonython Park. During the parliamentary break, I am sure that most members used the opportunity to doorknock constituents throughout the state. On one of those occasions, the Labor candidate for Hartley, Quentin Black, and the Leader of the Opposition met Mr May, the father of the two little girls who were attacked in Bonython Park.

Mr May made available to the leader a copy of a letter that he and his wife had written to the current member for Hartley. In part, Mr May's letter states:

> We realise it is not possible to prevent the occurrence of all public dog attacks. Nevertheless, we understand that public safety is the state government's responsibility. Hence we feel strongly that proactive measures are required through legislation to protect the public from future dog attacks in public areas.
>
> We recognise that dogs play an important part in the lives of many community members, and regularly exercising a dog is a responsibility of dog ownership. Nevertheless, we do not accept that when public safety is at risk the responsibility of restraining dogs lies solely on the dog owner, without the protection of legislation to ensure appropriate measures are implemented.
>
> Hence we strongly support the introduction of state legislation requiring all dogs in a public place to be restrained, with the exception of specific designated parks. We believe a uniform law is necessary to address the inconsistencies of by-laws implemented across the state's local councils.

The Dog and Cat Management Board recently completed a four-month review of the act and has made a number of recommendations to the minister, particularly in the area of effective control of a dog, proposing a tightening up of that part of the act.

I understand that the RSPCA also supports a tightening up of penalties in the case of vicious dog attacks and effective control laws. In the last week or so, publicity has also been given to a child who was attacked in the northern suburbs. I understand that 50 000 dog attacks are reported nationally every year with half of all bites coming from unrestrained dogs in public places.

When will Minister Evans, who is the responsible minister, make a decision on the recommendations of the recent report and introduce appropriate legislation as a matter

of urgency to provide for improved dog control and community protection?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): It is not clear from the honourable member's question whether she—

Members interjecting:

The PRESIDENT: Order! The question has been asked.

The Hon. DIANA LAIDLAW: —deems 'appropriate legislation' to be matters raised by the constituent who wrote to the member for Hartley and that was—as I recall from the honourable member's letter—that there should be state legislation designating parks where dog owners could or could not walk or run their dogs.

As the honourable member would be aware, at the present time this is the responsibility of local councils by by-laws. I am not sure that with state legislation and having designated parks there would be any more or less consistency than with councils undertaking this responsibility through the by-laws process. I think there is inherent confusion in the proposition. So it would be with state legislation with designated parks with others providing for exemptions. The honourable member would be aware of this just from following the Adelaide City Council debate. It is not an easy matter and, I suspect, it is a matter—and this is a personal view—best conducted by local councils at the local level rather than through state legislation.

I am actually posing a question to the honourable member whether it is Labor Party policy or her proposition only that such a proposal would be an appropriate measure to advance. The honourable member may wish to tell me informally or advise the Minister for Recreation and Sport to assist him in answering the honourable member's question. In the meantime I will refer all the other matters raised by the honourable member to the minister and bring back a reply.

PENNESHAW FREIGHT LEVIES

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about levies on freight passing through the port of Penneshaw on Kangaroo Island.

Leave granted.

The Hon. IAN GILFILLAN: Last week the Kangaroo Island District Council moved to remove the levies on freight passing through the island's peak port of Penneshaw.

The Hon. T.G. Roberts: P&R are upset!

The Hon. IAN GILFILLAN: Well, if they want to come in and offer some real competition they are welcome. All cities, towns and regions throughout South Australia are linked by a road transport system that is free and open to all to use. The impost of a levy on freight travelling across Backstairs Passage contradicts this principle. The council's fee on freight is very small in comparison to the levies the state government has in place, but the council is abolishing its fee in the hope that the government will follow suit. Mr Barry Hurst, the CEO of the Kangaroo Island District Council, said this of the council's decision:

> We would certainly hope the government would see it as an act of good faith on our part and we believe that it is a right and proper thing to do. If we are concerned about government charges then it would be inappropriate for us to be charging a similar sort of charge ourselves.

The council has called upon the state government to drop its levy on freight passing through Penneshaw. The port of Penneshaw is primarily used to transport vehicles, passengers and freight to Cape Jervis on the mainland. Islanders have for some time now opposed the existing government freight charges. These state government freight levies bleed as much as $500 000 from the Kangaroo Island economy each year. The levy, according to the opinion of the council and islanders, is a clear barrier to trade with, and access to, the rest of the state. It would be, in their opinion, outrageous that such a tax would be placed on any other section of the community. The council indicates that it has taken the first step on this issue.

In the light of this issue and the background to it, I would ask the minister:

1. Does she agree that the levy imposed on the people of Kangaroo Island in this circumstance is unfair?

2. Does the minister support the removal of the levy and, if so, when will this occur?

3. If she does not support the removal of the levy, why not?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I am perplexed by the question because, through Transport SA on behalf of taxpayers, we provide some $600 000 as a freight subsidy to Kangaroo Island transport carriers to deliberately reduce freight costs to islanders. It may be that the matter to which the honourable member refers is Port Corporation charges—which is not part of my direct responsibility but that of the Minister for Government Enterprises. Therefore, I will make some inquiries of that minister in terms of any levies—I would be surprised if they are charged—and make inquiries about Ports Corporation charges in general and bring back further confirmation about the substantial, and generous, subsidies that Transport SA provide to the islanders.

The Hon. IAN GILFILLAN: I appreciate the minister's answer. However, the question is, through her to the appropriate minister: does she or the appropriate minister agree that the levy which is applied either by Ports Corp or, as she says, certainly not through Transport SA, is relatively unfair compared to other areas of South Australia?

The Hon. DIANA LAIDLAW: I cannot even confirm that there is a levy. I know that there are port charges. I do not know the level of those and therefore I think it would be most unwise for me to comment on a matter on which I am not fully informed and which is not within my direct portfolio responsibility. With respect to the honourable member and his question—and I suspect his personal interest as an islander—in the matter of freight costs, I will make inquiries of the Minister for Government Enterprises and get his opinion on the matter.

GAMING MACHINES

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Treasurer a question about credit card transactions and the gaming machines legislation.

Leave granted.

The Hon. NICK XENOPHON: I have been contacted by two unconnected constituents who have lost several thousands of dollars and tens of thousands of dollars respectively on gaming machines as a result of gaming venues providing cash advances on credit cards by misdescribing the nature of the credit card transaction; for instance, by a venue advancing several hundred dollars on a credit card transaction by falsely asserting that food and beverages were purchased when in fact a cash advance was given for the purpose of playing

gaming machines. I referred these individuals to the appropriate authorities—

Members interjecting:

The PRESIDENT: Order! Let the honourable member ask his question.

The Hon. NICK XENOPHON: —the Liquor and Gaming Commissioner and the police. I understand that the advice given by the police was that section 52 of the Gaming Machines Act relating to a prohibition on lending or extension of credit was not broad enough to cover such instances whereas, as I understand it, the police thought at first instance it may have been. My questions to the Treasurer are:

1. What advice has he taken on the legality of the practice of credit card transactions being misrepresented in the circumstances described in the context of any breach of section 52 of the Gaming Machines Act?

2. Does the Treasurer acknowledge that a misdescription of a credit card transaction in the circumstances described is undesirable and an apparent loophole of section 52?

3. Does the Treasurer acknowledge that, in relation to section 52 generally, persons covered by the prohibition, namely the holder of a gaming machine licence, a gaming machine manager or a gaming machine employee is too narrow and too open to abuse?

4. Has the Treasurer or his office considered section 126(b) of the New South Wales Gambling Legislation Amendment (Responsible Gambling) Act which deals with the issue of misrepresentation or misdescription of credit transactions for the purposes of gambling?

The Hon. R.I. LUCAS (Treasurer): I will take advice on that. As I am not a lawyer, I will not give a legal opinion. However, I would have thought that, if somebody was using their credit card and what I would term—and maybe this is not the correct legal description—fraudulently misdescribed a transaction, they would be committing an offence under some general legislative provision that relates to credit cards.

An honourable member interjecting:

The Hon. R.I. LUCAS: I understand that it might be a complex issue, but it would not seem to make too much sense if there was no law governing what you can or cannot claim on your credit card and how you describe it. Being a cautious person as I am I will take advice on it to see whether or not Crown law or others are able to provide us with any legal direction as to whether or not there is an offence in doing that without necessarily having to relate it to gaming machines legislation. If someone is doing that, they can do that whether it is gaming or a variety of other purposes. In relation to the provisions of the gaming machine legislation, I am happy to take advice from the Commissioner to get his views on that. I will again take advice on the honourable member's final question and, if I can provide any further response to the honourable member on that part of the question, I will do so.

ROAD UPGRADES

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for Transport a question about road upgrades.

Leave granted.

The Hon. A.J. REDFORD: Some news has come to my attention that confirms my view that we have a wonderful government. No doubt members would be aware that the government, notwithstanding the fact that there is not a marginal seat within miles, is spending considerable sums of money in the safe Labor seats surrounding Port Adelaide with the upgrade of the bridge and various infrastructure projects. It just goes to show that we are a government that looks after all the people in this state and not just those who reside in marginal seats.

It has come to my attention that the government now has plans—to be equally fair—to spend money in what some might describe (and we do not accept this for a moment, because you take nothing for granted) as a safe Liberal seat—and, in that regard, I am referring to the seat of Bragg and the like. I understand that there is some news in the offing about an upgrade of Portrush Road, and I would be most grateful if the minister could alert us all and explain to us what is being planned in relation to the upgrading of that area associated with Portrush Road.

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): It has been suggested to me that I should refer this question to Arndre Luks to answer, but I—

An honourable member interjecting:

The Hon. DIANA LAIDLAW: And so have I announced the project. This time I did get in before Mr Luks, but you sometimes need speedy footwork to do that, because he gets so enthusiastic—and I like his enthusiasm, except when you are announcing a $36 million federal government project: the federal government at those times would appreciate making the announcement itself. However, it is excellent that the federal government has committed to the upgrade of Portrush Road. It has been a nightmare stretch of road for a long time. I suspect that many honourable members would use the road. I know the Hon. Carolyn Pickles has—

The Hon. A.J. Redford: She will use the road. She lives out there at Rose Park.

The Hon. DIANA LAIDLAW: I am just saying that the Hon. Carolyn Pickles would be very pleased with the coalition government for making this investment. I think it is worth highlighting that the length of road between Magill and Greenhill Roads is only three kilometres (and I draw this fact to the attention of the Treasurer: I know that he also uses Portrush Road), but the cost of the operation is $36.7 million. Roadworks do not come cheap. I am making a budget bid for other issues, but they do not come cheap. When funds are being keenly fought for, it is sometimes quite difficult to argue that for three kilometres of length one should be spending $36.7 million. However, the federal government has agreed to do so: it will provide $5.5 million this financial year, $10.4 million next financial year and the rest to ensure that work commences on stage 3 in the calendar year 2003, stage 3 being between The Parade and Kensington Road.

There will be two lanes in each direction over that three kilometre length; all powerlines will be underground; and there will be parking bays and safe access for schools—of which, I understand, there are about five in that short section of road. Many discussions have been held with the schools and the community generally to try to accommodate the landscaping and all the other issues that will ensure that this road respects its important community purpose—the fact that residents live along this road and it is important from the point of view of schooling and education generally. It is also an important freight route, linking the national highway systems. So, it is a complex project to advance. The honourable member is right: the federal government, with our strong support, is funding major roadworks, irrespective of the political complexion of seats, and always to the advantage of South Australian economic development and jobs.

RALPH BUSINESS TAX PACKAGE

In reply to **Hon. T.G. CAMERON** (16 November 1999) and answered by letter 13 August 2000.

The Hon. R.I. LUCAS: The commonwealth government is currently drafting the legislation concerning the new Business tax system with the aim of introducing the legislation into Parliament in 2000. It is proposed that the legislation will be effective from 1 July 2001.

The Small Business Advisory Council, at its first meeting for 2000-01 on 15 August 2000, will address the issue of whether the proposed threshold level of $1 million annual turnover for the simplified tax system for small business is too low. Consideration will be given to approaching the Commonwealth Government on this issue.

INTRODUCTION AGENCY

In reply to **Hon. CARMEL ZOLLO** (17 November 1999) and answered by letter 13 August 2000.

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

1. Departmental investigations have now been completed. The report in the media that officers from the Commissioner for Public Employment were heading investigations was incorrect. An investigation was conducted by a Government Investigations Officer from within the Attorney-General's Department and advice provided by the Crown Solicitor's Office.

2. The allegation concerning an introduction and dating service operating from a departmental site was not proven.

3. The investigation revealed there was no evidence of any criminal activity hence no findings had been referred to the DPP nor were police involved at any stage.

4. Given the circumstances, no direct action against any employee in relation to the dating agency allegation was required.

5. Refer to number 3 above.

CAMBRIDGE, Mr J.

In reply to **Hon. T.G. ROBERTS** (13 April) and answered by letter 13 August.

The Hon. R.I. LUCAS: I am advised that when Mr Cambridge discussed the agenda item at the Education Adelaide meeting he was not a Director of Zhong Huan Group and therefore had no conflict of interest to declare to the Board of Education Adelaide. It was not until after Zhong Huan had purchased the former taxation building that Mr Cambridge became a director from which he has subsequently resigned. Mr Cambridge has advised me that he did not receive any financial benefits from his appointment as a director of this company.

EAST TIMOR

In reply to **Hon. T.G. ROBERTS** (25 May) and answered by letter 13 August.

The Hon. R.I. LUCAS: As this matter is the responsibility of the federal government, there is little information I can share with the honourable member. However, for information relating to the issue of assistance being offered and given to East Timor, I can direct the honourable member to the following websites:

www.dfat.gov.au/geo/east_timor or
www.ausaid.gov.au/hottopics/easttimor

PUBLIC SECTOR TRAINEESHIPS

In reply to **Hon. M.J. ELLIOTT** (1 June) and answered by letter 13 August.

The Hon. R.I. LUCAS: The Minister for Employment and Training has provided the following information.

1. With the introduction of the New Apprenticeship System across Australia, and South Australia's commitment to participate, the distinction between apprentices and trainees has become less meaningful.

This is reinforced by the introduction of national training packages which vary in length, some of which equate to the traditional apprenticeship length of duration.

Apprentices and trainees gain qualifications under the Australian Qualifications Framework (AQF) predominantly between AQF levels 1 to 3 (AQF levels exist between 1 to 6). The majority of traineeships are currently conducted under a Training Agreement of 12 months duration and provide an AQF level 2 qualification. The majority of apprenticeships are currently conducted under a 3 to 4 year Training Agreement and provide a minimum qualification at AQF level 3. Both trainees and apprentices can enter into subsequent Training Agreements to gain higher level qualifications.

The nationally published figures of apprentice and trainee statistics as at 31 December 1999 from the National Centre for Vocational Education Research (NCVER) provide the figure of 29 230 'in-training', as quoted in the Ministerial Budget Press Release. NCVER do not provide a further breakdown of this figure.

2. In 1999 funding provision for existing workers as New Apprentices was restricted. Restrictions were introduced to counter a trend which had emerged whereby increasing numbers of employers were placing existing workers under training agreements/contracts of training. While this had the net effect of increasing the number of new apprenticeships it did not represent additional employment growth and it transferred training costs which had been traditionally met by industry to government. Potentially this approach could have an adverse effect on employment growth, particularly for young South Australians seeking to enter the workforce for the first time by influencing employers to defer recruitment decisions. The commonwealth government also recognised this as a disturbing trend, as have all other States and adjusted policies accordingly.

3. User Choice has operated in South Australia since 1 January 1998. At the end of each year of its operation a review of policy guidelines has been undertaken. This has resulted in a progressive tightening of User Choice funding being applied to the training of existing workers ie in 1998, there were no restrictions on who could access User Choice funding provided a Training Agreement/Contract of Training was registered in line with the requirements of the South Australian Accreditation and Registration Council (ARC).

This approach was adopted in other states as well as South Australia and was implemented to ensure the maximum take-up of apprenticeships and traineeships.

In 1999, this policy was reviewed and a restriction was placed on the funding of existing workers, whereby no existing worker received funding if they were being trained up to AQF level 2. For AQF levels 3 to 6 funding was provided only to support the training for the development of additional skills required to obtain the qualification.

This would seem to be a fair and reasonable approach as it recognises that there is a legitimate role for government to provide support for additional skills development for existing workers through the instrument of apprenticeship training. However, now that the User Choice Scheme has been running for 2 years, consideration will be given to the further tightening of existing worker provisions in following years.

4. The state government will provide additional funding to support significant increases in new apprenticeship places. Whilst these places are identified as employment during the term of the training agreements/contracts of training, there is no guarantee of ongoing employment in either the public or private sectors following the completion of the training agreement. However, this training obviously makes the new apprentice more employable and therefore attractive to employers who are seeking a highly skilled workforce. It is anticipated there will be a significant uptake of qualified new apprentices by employers during 2000-01.

ELECTRICITY, PRIVATISATION

In reply to **Hon. P. HOLLOWAY** (4 July) and answered by letter 16 September.

The Hon. R.I. LUCAS: The ACCC is not intervening in a dispute between the government and AGL SA. There is a disagreement but no dispute with AGL SA, which lodged an application with the ACCC, on 14 April 2000 under Section 91C of the Trades Practices Act (TPA), seeking the revocation and substitution of the authorisations of the South Australian electricity vesting contracts given by the ACCC on 22 December 1999. The government has sought and obtained ACCC authorisation of the SA electricity vesting contracts, subject to 2 conditions which the ACCC has since confirmed have been satisfied.

AGL SA's application seeks to substitute the original authorisation given by the ACCC in relation to the vesting contracts with new authorisations, on the same terms and subject to the existing conditions, but with 3 additional conditions.

All but one of the submissions lodged with the ACCC by industry participants in this matter oppose the AGL application, and support

the continuation of the authorisations previously granted by the ACCC on the Treasurer's application.

AGL SA's application along with a Notice and Request for Submissions by the ACCC were published on the ACCC web site on 5 May 2000.

The ACCC requested that submissions from interested parties be lodged on 26 May 2000; this was subsequently extended to 16 June 2000. Copies of these submissions were made available on 18 July 2000 (by contacting the ACCC) through the ACCC web-site.

The financial and legal implications of AGL SA's actions are limited to the generator companies who are counter parties to the vesting contracts, that is Flinders Power, Synergen and Optima. With the privatisation of these businesses no Government owned Generator will be a party to the vesting contracts. Hence the AGL SA action will have no financial or legal implications for the government.

The additional conditions proposed by AGL SA, should the ACCC accept AGL's argument, would cause a change in the commercial application of the Vesting Contracts, to the commercial benefit of AGL and the commercial detriment of the generators.

PETROL PRICES

In reply to **Hon. T.G. ROBERTS** (14 July) and answered by letter 16 September.

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

The state government in its Regional Budget Statement for 2000-01 announced $16 million to reduce the bowser cost of petroleum fuel for all users in regional South Australia.

The fluctuation in petrol prices of recent times in primarily due to abnormally high oil prices combined with the lower value of the Australian dollar leading to high wholesale prices.

RADIOACTIVE WASTE

In reply to **Hon. SANDRA KANCK** (19 November 1999) and answered by letter 16 September 2000.

The Hon. R.I. LUCAS: On Wednesday 31 May, the Minister for Environment and Heritage obtained leave to introduce a Bill for an Act to prohibit the establishment of certain nuclear waste storage facilities in South Australia, and for other purposes. This bill subsequently passed the House of Assembly on Tuesday 11 July. It is now before the Legislative Council.

GENETICALLY MODIFIED FOOD

In reply to **Hon. T. CROTHERS** (28 March) and answered by letter on 13 August.

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

What bodies, if any, are currently in place to monitor the actions of such companies growing genetically modified crops, firstly to ensure that proper guidelines are observed and to guarantee improper actions as outlined above do not again occur?

States have agreed that the legislation of genetically modified organisms is best managed nationally rather than on a state basis. At present the commonwealth parliament is considering the comprehensive Gene Technology Bill 2000, which will put into place the Office of the Gene Technology Regulator, together with an appropriate framework to provide ministerial policy and oversight, community consultation and technical input. Until that legislation is passed and put into place, interim arrangements for the control of genetically modified organisms, i.e. the Interim Office of the Gene Technology Regulator, have been established within the Department of Health and Aged Care.

What precautionary measures, if indeed any, are enforced to be undertaken by companies which choose to grow genetically modified crops, so as to minimise the risk of cross-pollination with non-GM crops?

The precautionary measures put into place are, at this point in time, established in a contractual manner between the interim Office of the Gene Technology Regulator and the company being granted approval. The regulator seeks technical advice from appropriate sources in formulating the conditions under which the release approval is granted. In the case of Canola, this does include the requirement to not plan GM Canola within prescribed distances of non-GM crops. These separation distances are based on the measured movement of pollen.

Where are such crops, by law, dumped when harvested?

As mentioned above, there is no law prescribing where harvested GM material is to be dumped—the requirement is a contractual one with the IOGTR. We are advised that no site is specified for this purpose—only that material is to be thoroughly buried.

As the laws on these matters, if they exist at all, are paper thin, will the government consider setting up a select committee to review the whole of these matters?

The Social Development Committee of the South Australian parliament has commissioned an 'Inquiry into Biotechnology'. The terms of reference consider the '. . . likely social impact on South Australians', which may well lead to consideration of the implications of growing GM crops. However, these issues are being addressed more appropriately at the national level within the Gene Technology Bill and the proposed operations of the Gene Technology Regulator.

Will the Leader endeavour to ensure that this is passed on to the Deputy Premier in another place, with a view to ensuring that these subject matters are discussed when next the state and federal ministers of agriculture meet?

A High Level Working Group has been considering a number of aspects of GM crop management and will be reporting to senior officials at the Standing Committee on Agriculture and Resource Management in August 2000. Significant issues will be passed to ministers at the Australia New Zealand Council for Agriculture and Resource Management for consideration.

MEMBER FOR FLINDERS

In reply to **Hon. SANDRA KANCK** (9 November 1999) and answered by letter 13 August 2000.

The Hon. R.I. LUCAS:

1. The parliament requires MPs to declare their interests.
2. Southern Australian Seafoods Pty Ltd and Eyre Enterprises Pty Ltd are listed by the member for Flinders on the Parliamentary Register of Interests. The Rail Reform Transition Program State Advisory Committee was advised that the member for Flinders had an interest in Southern Australian Seafoods Pty Ltd. I am informed that the committee was not advised of the member's interest in Eyre Enterprises Pty Ltd, as this application was considered without the member's prior knowledge.
3. The parliament requires MPs to declare their interests.

HUMAN SERVICES BUDGET

In reply to **The Hon. P. HOLLOWAY** (27 June) and answered by letter 13 August.

The Hon. R.I. LUCAS: The honourable member has compared data in the 1999-2000 Budget at a Glance document and data in the 2000-01 Budget at a Glance document in deriving a $500 million variation between Budget and estimated result for Human Services.

This approach is flawed as the data in the 1999-2000 and 2000-01 Budget at a Glance documents are calculated on a conceptually different basis and are not therefore directly comparable.

The table in the 2000-01 Budget at a Glance presents accrual expenses. Accrual expenses are based on Australian Accounting Standards, in particular AAS 29 Financial Reporting by Government Departments and AAS 31 Financial Reporting by Governments. The table in the 1999-2000 Budget at a Glance presents total outlays. Total outlays are based on a modified Government Financial Statistics (GFS) concept defined by the Australian Bureau of Statistics.

The main differences between Accrual Expense figures and Total Outlays figures are as follows:

Items included in Operating Expenditure but excluded from Total Outlays:

- Depreciation and Amortisation expense
- Provisions for employee entitlements
- Other accrual expenses
- Operating expenses of the SA Housing Trust (except interest payments) which are reported as an offset to receipts on a GFS basis.

Items included in Total Outlays but excluded from Operating Expenditure:

- Net cash used in investing activities
- Sales of goods and services (which are offset against expenditure)

· Commonwealth Contributions (which are offset against expenditure).

It is not valid to compare a Budget prepared on one basis with an estimated result prepared on another. A correct approach would be to compare the 1999-2000 Budget and estimated result using a common conceptual basis—e.g. an accruals basis.

Rather than $500 million, the correct variation between the 1999-2000 Budget and estimated result is $167 million. The 1999-2000 budget of $2.461 billion and equivalent estimated result of $2.628 billion are shown in budget paper 4 for 2000-01, volume 2, page 6.29. Explanations for the major components of the $167 million variation are identified on page 6.44 in the 2000-01 Portfolio Statements—Budget Paper 4, Volume 2.

The estimated result of $2.628 billion varies from the figure of $2.633 billion in the Budget at a Glance document as the higher figure includes administered items (specifically the Gambler's Rehabilitation Fund and the Charitable and Social Welfare Fund totalling $5 million) allocated to outputs. This can be seen on page 6.24 of budget paper 4 for 2000-01, volume 2.

The final position of the Human Services recurrent expenditure will not be available until after the completion of the year end close off and the finalisation of the portfolio's consolidated statements.

SCHOOLS, PUBLIC

In reply to **Hon. M.J. ELLIOTT** (28 June) and answered by letter 13 August.

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

Why has the state government not set the maximum regulated and enforceable materials and services charge at the same level as the school card subsidy?

The level of the maximum materials and services charge was derived from a survey held in 1996. The survey showed that the average charge was $150 for primary schools and $200 for secondary schools. In the Regulation passed for 1997, the maximum materials and services charge was set at this limit. In 1998, the maximum charge was adjusted to $154 (primary) and $205 (secondary), and in 1999 to $161 (primary) and $215 (secondary) in accordance with CPI increases.

While the Regulation sets a maximum amount, the materials and services charge is set at each individual site through a consultative process involving the principal and school council. The charge is set at each school, at a level deemed necessary to achieve specific outcomes and priorities of the site.

The purpose of the school card is to provide assistance towards the cost of the materials and services charge.

Will the Minister confirm that the payment of the gap between the $170 school card subsidy and the $215 maximum regulated charge is voluntary, as has been claimed to me?

Payment of the difference between the school card grant and the materials and services charge for school card holders is voluntary. In addition, the Regulation allows school principals to waive all or part of the charge and to negotiate payment by instalments.

Will the minister explain why the government does not insist that parents are made aware of those components of the charges that are voluntary and those parts that are compulsory?

Information in relation to the Regulation and the materials and services charge is circulated each year to schools by the Department of Education, Training and Employment. The schools then have a responsibility to inform the parent community via letter, of arrangements in respect of the charges. The information distributed clearly identifies the legally enforceable limit for the charge, hence identifying the difference as not legally enforceable.

MEMBER FOR FLINDERS

In reply to **Hon. SANDRA KANCK** (11 November 1999) and answered by letter 15 August 2000.

The Hon. R.I. LUCAS:

1. The Member for Bragg advises that the Member for Flinders advised him of an interest in Southern Australian Seafoods Pty Ltd, via her Family Trust, after she became aware that Southern Australian Seafoods Pty Ltd was seeking assistance under the Rail Reform Transition Program.

2. The Member for Bragg advises that the interest of the Member for Flinders in Southern Australian Seafoods Pty Ltd was drawn to the attention of the Rail Reform Transition Program State Advisory Committee. Further, that the Committee was also advised that the application had been prepared by the Member for Flinders' husband on behalf of Southern Australian Seafoods Pty Ltd.

3. I have been advised the applications contain commercial information which is confidential.

4. I have been advised the applications contain commercial information which is confidential.

5. The Rail Reform Transition Program funds are commonwealth monies administered by the South Australian government on behalf of the commonwealth, according to guidelines laid down by the federal minister.

GOODS AND SERVICES TAX

In reply to **Hon. T. CROTHERS** (29 March) and answered by letter 24 September.

The Hon. R.I. LUCAS: The last advice from the Commonwealth Treasury on the impact on GST revenue from the deal that the Federal Government did with the Australian Democrats to exempt basic food and other items from GST is as follows:

Estimated GST Revenue Forgone 2000-01

	$m
Basic food	3 134.3
Other	110.9
Total	3 245.2

Had this revenue remained part of the GST pool South Australia would have received its population share. That equates to in excess of $250 million per annum in additional GST revenue for the State.

The net impact on the Budget from the deal with the Australian Democrats is however also dependent upon:

1. The transitional funding arrangements; and
2. Other amendments that were made to the InterGovernmental Agreement being:
   · Delayed abolition of a range of State taxes; and
   · Retention of Local Government funding by the Commonwealth.

Using the Budget time data, the following table provides a comparison of the net Budget impact arising from tax reform under the revised InterGovernmental Agreement and the original Agreement that existed prior to the Democrat amendments.

These estimates show that under the original InterGovernmental Agreement South Australia would have received a net benefit from tax reform earlier than under the current package and the subsequent benefits would have been significantly greater. In particular, South Australia would have received an estimated $60 million in 2005-06 as compared to nil under the revised package and more than $100 million more per annum thereafter.

Estimated Budget Impact of Tax Reform

	Original Inter-Governmental Agreement	Revised Inter-Governmental Revised IGA	Loss Resulting from Agreement
	$m	$m	$m
2000-01	-	-	-
2001-02	-	-	-
2002-03	-	-	-
2003-04	-	-	-
2004-05	-	-	-
2005-06	60.2	-	60.2
2006-07	132.0	22.1	109.9
2007-08	208.8	93.8	115.0
2008-09	292.0	170.8	121.2
2009-10	380.7	253.5	127.2

It remains true that all estimates of the net benefit of tax reform are heavily dependent upon the estimate of GST revenue and that this is the most problematic of the required estimates. It will still be some time before revenue collections give a clear indication of the actual level of GST revenue that will be collected.

PROBLEM GAMBLERS

In reply to **Hon. NICK XENOPHON** (4 April) and answered by letter 24 September.

The Hon. R.I. LUCAS: With respect to table 5.7 of the Productivity Commission's report I note that the Commission states that shares of spending for individual forms of gambling should be treated as indicative only although they are more robust for gaming machines and lotteries than for other forms of gambling.

I have no reason or alternative information to dispute the findings of the Commission on this issue.

Naturally, I, like everyone else, appreciate that problem gambling adversely effects individuals and their families. The financial hardship caused by the significant gambling losses of these individuals is clearly undesirable.

ELECTRICITY SUPPLY

In reply to **Hon. J.F. STEFANI** (31 May) and answered by letter on 24 September.

The Hon. R.I. LUCAS: Three reports have been published so far on the events of early February 2000. NECA issued both a preliminary and final report titled the Investigation into the Market's Performance in Extreme Conditions in March 2000 (which included discussion on the February Events) while NEMMCO issued its report on the Supply Situation in Victoria and South Australia on Wednesday 2 and Thursday 3 February 2000 in June 2000. The reports highlight that the events of early February were due to extreme conditions associated with the industrial issues at the Yallourn Power Station reducing capacity by 1450 MW and very high temperatures in South Australia and Victoria. Copies of these reports are available from the relevant entities' web sites, although copies can be provided to interested members on request.

Prior to the commencement of the National Electricity Market (NEM), each of the participating jurisdictions signed a memorandum of understanding on the use of emergency powers and an associated National Electricity Market Emergency Protocol. These agreements govern the consultation processes for invoking Emergency Powers in the NEM as well as providing guidance on the associated ongoing communications. The agreements are not designed to govern the ongoing operations of the NEM (i.e. interconnector flows), as this is done through the provisions of the National Electricity Code.

The design of the NEM provides that the Victorian and South Australian regions are considered together for reliability and capacity planning purposes. South Australia gains significant benefits from being a participant in the NEM because, when the interconnector is available, it has access to power from the Victorian and New South Wales regions and has improved security of supply so that customers are less likely to face load shedding than without interconnection. During a typical year, Victoria supplies a significant amount of power to South Australia, in the order of 3 million NWh, while South Australia intermittently supplies only small amounts of power to Victoria.

However, when load shedding is required in the NEM, NEMMCO is required to implement load shedding in an equitable manner as determined by the Reliability Panel established by NECA, known as the 'share the pain' rule. The Reliability Panel determined that load shedding will be implemented in proportion to the aggregate demand in each of the regions, which based on normal demand would see South Australia shedding approximately 25 per cent of the total load shedding requirement of the two combined regions and Victoria having to shed the other 75 per cent. Prior to the commencement of the NEM, if Victoria had a shortage of supply they could have reduced flow toward South Australia over the interconnector before shedding load themselves.

Section 7 of NEMMCO's report of June 2000 into the events of early February provides a table estimating the total amount of load shedding undertaken on 3 February in the South Australian and Victorian regions. The maximum amount of load shedding that occurred over any one half hour period was estimated to be 990 MW for the half-hour period ending at 13.30, with 190 MW of load shed in South Australia and 800 MW of load shed in Victoria.

South Australia transferred a total of 183 MWh of electricity to Victoria on 3 February. This was an unusual event as the interconnector is normally fully load with power flowing into South Australia. Even on 3 February, for most of the day the power flowed into South Australia (average over the day of approximate 180 MW per hour or 4 328 MWh in total) with power only flowing into Victoria for 16 per cent of the day (average over the day of approximately 7.5 MW per hour or 183 MWh in total. However, it is worth noting that on 2 February South Australian demand was able to be met by importing electricity from Victoria (at least 750 MWh), which if not available, would have resulted in South Australia experiencing extensive load shedding. In fact it should also be noted that for some of the time during the blackout in Victoria, power from Victoria continued to be exported from Victoria into South Australia.

Figure 3 in appendix 2 of the NECA report into market performance in extreme conditions graphically illustrates the energy flows across the interconnector from Victoria into South Australia for the period from 2 to 10 February 2000 and clearly demonstrates that the interconnector benefits South Australia.

The impact of load shedding on businesses and the community is understood and is avoided whenever possible. However, if NEMMCO does not take appropriate action to ensure the security of the national electricity network, South Australia would be at risk of losing its entire electricity supply. This would necessitate a restart of all generation equipment and a gradual restoration of supply to meet customers' load requirements. This is a lengthy process that would result in significantly longer supply interruptions than experienced through rotational load shedding measures.

ELECTRICITY INTERCONNECTION

In reply to **Hon. NICK XENOPHON:** (5 July) and answered by letter 24 September.

The Hon. R.I. LUCAS:

1. Will the government provide details of any economic modelling on the comparative impact of a regulated interconnector between New South Wales and South Australia in respect of the difference it would have on electricity prices for South Australian consumers?

Analysis undertaken by the Electricity Reform and Sales Unit (ERSU) and its advisers indicates that South Australian consumers would face increased transmission use of system (TUoS) charges of $15-$20 million per year if a regulated interconnector (eg TransGrid SNI) was built between New South Wales and South Australia. An increase in the TUoS charges payable by South Australian consumers is the only certainty involved in the analysis of regulated interconnectors. There will be no increase in TUoS charges paid by South Australian consumers should an entrepreneurial interconnector (eg Murraylink) be built.

If a regulated interconnector is built, an inter-regional settlements residue (IRSR) rebate will be applied to the TUoS charges of South Australian customers. These returns are uncertain and risky. No rebate would be payable should an entrepreneurial interconnector be built. In simple terms the value of the IRSR is equal to the difference in average regional prices multiplied by the energy flow across the relevant regions, having regard to electrical losses associated with the flow of power across the regulated interconnector.

Under current National Electricity Code arrangements the importing region is able to retain the full value of the IRSR in return for payment of interim TUoS charges. The arrangements for interim TuoS are due to expire on 31 December 2000, with future arrangements currently under review.

The impact of the SNI (regulated) or Murraylink (entrepreneurial) interconnector on wholesale electricity prices in South Australia is expected to be the same or very similar, given that both interconnectors are of similar size. Under the current National Electricity Market (NEM) design wholesale prices are set with no regard to the cost of transporting the energy. The final price to consumers is a combination of wholesale energy price and line charges (TUoS and DUoS [distribution use of system]).

ERSU and its advisers have considered the IRSR rebate outcomes of many scenarios including those put forward by the proponents of the SNI regulated interconnector.

It is extremely difficult to predict what future electricity prices will be, and as such the IRSR rebate comes with considerable risk. For example, in July and August of last year, the average monthly price differential between South Australia and the eastern states was between $27/MWh and $32/MWh, yet this year the same price differential has been between just $3.50/MWh and $15/MWh. This has resulted in significantly less IRSR accumulating on the existing interconnector than forecast.

Given the long expected life of transmission assets (and corresponding period in which TUoS charges will be increased), the IRSR rebate needs to be estimated for 20 years or more. The differences in the scenarios ERSU considered have to do with estimating what will be the long-term prices in New South Wales and South Australia, and how long will it take for NEM prices to reach those long-term expected levels.

For most credible scenarios, the potential IRSR rebates do not exceed the known increased TUoS charges that South Australian customers will face if a regulated interconnector is built.

The difference in the impact on South Australian consumers of entrepreneurial and regulated interconnectors is solely associated with the relationship between the increased TUoS charges and increased IRSR rebate on regulated interconnectors. The increased

TUoS charges are known and are substantial, whereas the potential benefits (IRSR) are risky and unknown.

The South Australian Government does not believe this is a risk that should be borne by South Australian customers.

2. Has the government undertaken economic modelling on the impact of electricity prices for South Australian consumers comparing a regulated versus an unregulated interconnector between New South Wales and South Australia? Has it undertaken such analysis?

Yes. Results are reported in the answer to question 1.

OLYMPIC GAMES

The Hon. R.I. LUCAS (Treasurer): I seek leave to table a copy of a ministerial statement on the subject of Olympic fever made in another place today by the Premier.

Leave granted.

NATIVE TITLE (SOUTH AUSTRALIA) (VALIDATION AND CONFIRMATION) AMENDMENT BILL

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

That the Native Title (South Australia) (Validation and Confirmation) Amendment Bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

CONTROLLED SUBSTANCES (DRUG OFFENCE DIVERSION) AMENDMENT BILL

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

That the Controlled Substances (Drug Offence Diversion) Amendment Bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

ASSOCIATIONS INCORPORATION (OPPRESSIVE OR UNREASONABLE ACTS) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a bill for an act to amend the Associations Incorporation Act 1985. Read a first time.

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

That this bill be now read a second time.

As this bill was introduced in the last session, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

This Bill was introduced in the last session of Parliament and lapsed. It is reintroduced with minor drafting changes which do not significantly alter its overall effect.

The Bill amends the *Associations Incorporation Act*, s.61, which provides a mechanism for dealing with conduct by an association which is oppressive or unreasonable towards a member or members. At present, an aggrieved member, or a former member who has been expelled from the organisation, may apply to the Supreme Court for orders regulating the affairs of the association. The Supreme Court is given a range of powers to deal with any oppressive or unreasonable conduct.

The Bill arises out of a concern, raised with the Government by the Law Society, that access to justice is hampered by the restriction of this jurisdiction to the Supreme Court. Many members of associations may not be able to afford to fund Supreme Court litigation. Indeed, in many cases, it may tax the resources of smaller associations as well. Further, the Supreme Court is geographically remote for associations in rural and regional centres, and there are additional costs and inconveniences for them in pursuing this remedy. Moreover, in many cases, these disputes may not be so legally complex as to require the attention of the Supreme Court.

For these reasons, the Bill confers jurisdiction in such matters also on the Magistrates Court. This does not derogate from the jurisdiction of the Supreme Court—the application can be brought in either court. However, the power to wind up an organisation, or to appoint a receiver or manager of its property, is reserved to the Supreme Court. This is because these are more serious remedies, and also because a smaller number of incorporated associations are institutions of some size and substance, and whose winding up or receivership would be a serious case.

While the Magistrates Court will not be able to wind up an association, if the Court reaches the view that this is a case for winding up, or for the appointment of a receiver or manager, it must transfer the matter to the Supreme Court. However, this can only be done after efforts have been made to conciliate the matter.

Further, to avoid the misuse of this provision to deal with disputes which more appropriately belong in other specialist courts or tribunals, it is provided that either court may decline to hear a matter which in its view is more appropriately dealt with elsewhere. An example might be a dispute which, although involving the members of an association, is really an industrial dispute which should be dealt with by the Industrial Commission.

In addition to creating jurisdiction in the Magistrates Court, the Bill makes clear that either court, in dealing with these matters, has a broad power to make whatever orders are necessary to remedy a default, or resolve a dispute. This is designed to give flexibility and discourage technical arguments as to whether the court has power to make a particular order sought. For the same reason, the present provision that a breach of the rules may be regarded as oppressive conduct, is removed. Whether conduct is oppressive or unreasonable is a matter to be weighed by the court having regard to all the evidence. The court will consider the breach in its context. It may amount to oppressive or unreasonable conduct, or it may not.

The Bill also expands the categories of members who can seek a remedy. Under the present Act, one can only apply to the Court if one is a present member, or has been expelled. This does not assist members who have resigned or failed to renew membership. Under the Bill, any member or former member can apply for a remedy, regardless of how the membership came to an end. However, they must act within 6 months of ceasing to be member. It is not intended to permit application by former members who have had nothing to do with the association in recent times.

The Bill is a minor practical measure to enhance access to justice, particularly for smaller associations and their members, or those which are country-based. It does not derogate from the powers of the Supreme Court, nor the right of members of associations to seek a remedy there, but it offers an alternative, cheaper and less formal means of resolving these disputes.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title and *Clause 2: Commencement*

These clauses are formal. The measure will commence on a day to be fixed by proclamation.

Clause 3: Substitution of s. 61

Section 61 of the principal Act is replaced by proposed new section 61, which differs from the principal Act in the following respects :

Under proposed new s. 61(1), a member or former member of an association who believes the association has acted oppressively or unreasonably may apply to either the Supreme Court or Magistrates Court for relief. Section 61 of the principal Act only allows applications to be made to the Supreme Court, and an application by a former member can only be made if that member has been expelled from the association.

Proposed new s. 61(3) states that a proceeding in the Magistrates Court under this section is a minor statutory proceeding.

Proposed new s. 61(4) sets out the types of orders that the Supreme Court and Magistrates Court may make. These orders are currently set out in s. 61(2) of the principal Act. However, proposed new s. 61(4) does not specifically refer to an order that the association be wound up, or an order that a receiver or a receiver and manager be appointed. These matters are dealt with by proposed new s. 61(5) and 61(6). Also, proposed new s. 61(4)*(g)* gives the court a general power to make any order that is necessary to resolve the dispute.

Proposed new s. 61(5) states that the Supreme Court may order that the association be wound up or a receiver or a receiver and manager be appointed.

Under proposed new s. 61(6), the Magistrates Court must transfer a proceeding to the Supreme Court if the orders set out in proposed new s. 61(5) may be appropriate.

Under proposed new s. 61(7), the Magistrates Court may transfer a proceeding to the Supreme Court if a complex or important question arises, and it may reserve a question of law for determination by the Supreme Court.

Proposed new s. 61(8) states that where the proceedings are transferred, steps already taken are to be considered as steps taken in the court to which the proceedings are transferred.

Proposed new s. 61 (12) states that the Supreme Court and Magistrates Court may decline to hear a proceeding if it is more appropriate that the proceeding be heard by a different court, or by a tribunal.

Proposed new s. 61(15) defines conduct that is oppressive or unreasonable, referring specifically to action or proposed action by an association to expel a member.

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

ELECTRONIC TRANSACTIONS BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a bill for an act to facilitate electronic transactions; and for other purposes. Read a first time.

The Hon. K.T. GRIFFIN: 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.

Members may recall that this Bill was first introduced into the Parliament at the end of last Session to allow for community consultation during the Parliamentary Recess. The consultation process did not highlight the need for any changes. Accordingly, no amendments have been made to the Bill since its last introduction.

As to the Bill itself, there can be little doubt that in recent times few technological developments have so affected the world of commerce, as has the information-technology revolution. Each day the amount of business being conducted over the internet and by other electronic means grows. From humble beginnings just a few years ago, it is estimated that world wide, electronic or 'e'-commerce will account for about US$300 billion worth of business within the next few years. Some estimates predict global e-commerce will exceed US$1 trillion by 2003. In Australia alone e-commerce is expected to reach $1.3 billion in 2001.

These are truly staggering figures. Clearly the potential benefits to Australia are immense.

While e-commerce in Australia has already experienced significant growth, its development is being restrained by a lack of confidence in the legal framework applying to electronic transactions. It is with these concerns in mind that the *Electronic Transactions Bill 2000* has been developed.

The Bill is based on model legislation which either has been, or will be, enacted by all State and Territory Parliaments. The Commonwealth, which was involved in the development of this model legislation has already enacted its own Electronic Transactions Act. Both the model State and Territory Bill and the Commonwealth Act are based on provisions developed by the United Nations and which have been endorsed by a number of international jurisdictions. Electronic commerce is a global phenomenon. It therefore makes sense to standardise the rules applicable as far as possible, both nationally and internationally, just as rules for conventional international trade and commerce have been regularised.

The object of the Bill is to provide a regulatory framework that:

- recognises the importance of the information economy to the future economic and social prosperity of Australia;
- facilitates the use of electronic transactions and communications;
- promotes business and community confidence in the use of electronic transactions and communications, and
- enables business and the community to use electronic communications in their dealings with government.

The Bill is based on two fundamental principles, 'media neutrality' (or 'functional equivalence') and 'technology neutrality'. 'Media neutrality' means that, as a general proposition, transactions using paper documents should not, other than for sound policy reasons, be treated differently or have different legal effect for the purpose of satisfying legal requirements or exercising legal rights than transactions made by way of electronic communications. If two different communication media fulfil the same policy functions, then one form should not be advantaged or disadvantaged over the other.

'Technology neutrality' means that the law should remain neutral between different forms of technology and that it should not favour or discriminate between different forms of technology.

The Bill establishes the basic rule that, under the Law of South Australia, a transaction is not invalid merely because it took place by means of one or more electronic communications. It provides that, subject to certain minimum requirements concerning reliability and reasonableness, a requirement or permission imposed under a law of the State to give information in writing, to provide a signature, to produce a document, to record information or retain a document can be satisfied by means of an electronic communication. Importantly, the Bill makes it clear that the use of electronic transactions will require the prior consent of the parties. Consent may be inferred from prior conduct, or given subject to conditions.

The Bill also sets out a number of default rules for determining the time and place of the dispatch and receipt of electronic communications, provides for the attribution of an electronic communication; and provides for the making of regulations to exclude specified laws or transactions from the legislation.

I commend this bill to the house

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will be brought into operation by proclamation.

Clause 3: Object

This clause sets out the object of the proposed Act, which is to provide a regulatory framework that—

(a) recognises the importance of the information economy to the future economic and social prosperity of Australia; and

(b) facilitates the use of electronic transactions; and

(c) promotes business and community confidence in the use of electronic transactions; and

(d) enables business and the community to use electronic communications in their dealings with government.

Clause 4: Simplified outline

This clause sets out a simplified outline of the proposed Act.

Clause 5: Interpretation

This clause defines certain words and expressions used in the proposed Act, of which the more significant are electronic communication, information, information system and transaction.

Clause 6: Crown to be bound

This clause provides that the proposed Act is to bind the Crown.

Clause 7: Validity of electronic transactions

This clause sets out a general rule to the effect that, for the purposes of a law of the State, a transaction is not invalid because it took place wholly or partly by means of one or more electronic communications. The general rule is expressed to be subject to other provisions of the proposed Act that deal with the validity of transactions. The regulations under the proposed Act are to be able to exclude the general rule in relation to specified transactions and specified laws of the State.

Clause 8: Writing

This clause provides that a person who, under a law of the State, is required or permitted to give information in writing may instead give that information by means of an electronic communication. Generally speaking, for information given by means of an electronic communication to be acceptable—

(a) it must be reasonable to expect that the information will continue to be accessible for future reference; and

(b) the recipient of the information must consent to being given information by means of an electronic communication.

Clause 9: Signatures

This clause provides that a person who, under a law of the State, is required to give a signature may instead use an alternative means of authenticating the person's identity in relation to an electronic communication of information. Generally speaking, for an alternative means of authentication to be acceptable—

(a) those means must identify the person and indicate the person's approval of the information being communicated; and

(b) those means must be as reliable as is appropriate for the purposes for which the information is communicated; and

(c) the recipient of the information must consent to the use of those means.

Clause 10: Production of document

This clause provides that a person who, under a law of the State, is required or permitted to produce a document in hard copy may instead produce the document in electronic form. Generally speaking, for an electronic document to be acceptable—

(a) the method of generating an electronic document must provide a reliable means of assuring that the integrity of the information contained in the document is maintained; and

(b) it must be reasonable to expect that the information contained in the electronic document will continue to be accessible for future reference; and

(c) the recipient of the document must consent to being given an electronic document.

Clause 11: Retention of information and documents

This clause provides that a person who, under a law of the State, is required to record information in writing, to retain a document in hard copy or to retain information the subject of an electronic communication, may record or retain the information in electronic form. Generally speaking, for an electronic form of recording or retaining information to be acceptable—

(a) it must be reasonable to expect that the information will continue to be accessible for future reference; and

(b) the method for storing the information must comply with any requirements of the regulations under the proposed Act as to the kind of data storage device on which the information is to be stored; and

(c) in the case of a document that is required to be retained—

(i) additional information as to the origin and destination of the communication, and as to the time that the electronic communication was sent and received, are to be retained; and

(ii) the method for retaining information must provide a reliable means of assuring that the integrity of the information is maintained.

Clause 12: Exemptions from this Division

This clause enables the regulations under the proposed Act to provide that the proposed Division, or a specified provision of the proposed Division, does not apply to a specified requirement, a specified permission or a specified law of the State.

Clause 13: Time and place of dispatch and receipt of electronic communications

This clause establishes default rules in relation to the time and place of dispatch and receipt of electronic communications. Generally speaking:

(a) an electronic communication is taken to have been dispatched by the person by whom it is originated when it first enters an information system outside the control of the originator; and

(b) an electronic communication is taken to have been received by the person to whom it is addressed when it enters an information system designated by the addressee for that purpose or (if no such system is designated) when it comes to the attention of the addressee; and

(c) an electronic communication is taken to have been dispatched at the place where the originator has its place of business and to have been received at the place where the addressee has its place of business.

The regulations under the proposed Act are to be able to exclude the proposed section in relation to specified electronic communications and specified laws of the State.

Clause 14: Attribution of electronic communications

This clause sets out the circumstances in which the person by whom an electronic communication purports to have been originated is bound by the communication. Generally speaking, the person is not bound by the communication unless the communication was sent by, or with the authority of, the person. The regulations under the proposed Act are to be able to exclude the proposed section in relation to specified electronic communications and specified laws of the State.

Clause 15: Regulations

This clause empowers the Governor to make regulations under the proposed Act.

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

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a bill for an act to amend the Legal Practitioners Act 1981. Read a first time.

The Hon. K.T. GRIFFIN: 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 would amend the *Legal Practitioners Act 1981* in two ways.

First, the Bill would amend s. 21, which deals with the reservation of work to the legal profession. That section first provides that only qualified legal practitioners may practise the profession of the law, and then lists many specific activities which are excluded from the ambit of the practice of law, and may lawfully be conducted by non-lawyers. The Bill would add another item to that list of exempted activities.

The Bill contemplates that a person does not practise law if he or she either reproduces, or completes the standard variables of, a pro forma loan instrument for use by a commercial lender such as an ADI. For example, what is envisaged is the completion of a standard form home loan or personal loan contract such as lending institutions may use in transacting business with clients. However, the pro forma loan instrument must have been prepared by a lawyer or conveyancer (in the case of documents which a conveyancer may lawfully prepare), or must be approved by the Land Titles Office. It cannot be a document prepared by an unqualified person. Further, it is only the standard variables which may be filled in by the unqualified person. The substantive terms and conditions can only be changed by a lawyer, conveyancer (where this is lawful) or of course by the parties themselves.

The standard variables will be the particulars of the transaction which are peculiar to the parties concerned, that is, such matters as names, addresses, the amount of the loan, the amount and interval of repayments, and the interest rate. Of course, the expression is not intended to cover anything more than these individual details, and would not cover, for example, additional or varied contractual terms which one or other party might wish to propose. These would not be 'standard'.

The documents which may be prepared in this way include a loan contract, mortgage or discharge of mortgage, or a guarantee. The person who reproduces the document, or fills in the standard variables, may lawfully charge a fee for this work.

It should be understood that the Bill does not authorise this service to be provided to the general public, but only to the commercial lender such as an ADI or finance company.

Of course, the person who reproduces the document or completes the standard variables is not acting as an adviser or representative to either party to the transaction. He or she provides a clerical service. The parties to the transaction will still need to get their own independent legal advice, should they wish this. From the point of view of the borrower, this is very little different from the current situation, whereby the lending institution itself prepares such a document and invites the borrower to sign it. The borrower is, as always, at liberty to take legal advice on any document which the institution asks him or her to sign, and will be wise to consider doing so. Indeed, in the case of a guarantee, the Banking Code of Practice requires the institution to recommend that a prospective guarantor seek independent legal advice.

The reason for the amendment is that the Government has become aware that there may be a market for such services among commercial lenders, who may be able to purchase the service of document preparation from external sources more cheaply than they can prepare the documents in house. The Government does not consider that any additional risk to the public arises out of this proposed amendment. It may have a beneficial effect in reducing the costs of these transactions, which are ultimately borne by the consumer.

Secondly, the Bill would amend s. 37, which deals with disclosures which may be made by the Law Society, auditors and

inspectors in relation to the affairs of a legal practitioner. Generally, information derived from examining a practitioner's accounts and records under the Act must be kept confidential. However, it may be disclosed for certain purposes, such as disclosure to law enforcement authorities or to the Legal Practitioners Conduct Board. Section 37(4)*(ba)* currently provides an exception which allows disclosure of this information to the regulatory authority of a participating State in the national legal services market, where this has been requested in connection with actual or possible disciplinary action against a practitioner.

The intention here is that if the Society has information relevant to disciplinary action against a practitioner who undertakes work in another participating jurisdiction within the national legal services market, it should be at liberty to provide this to the appropriate authority of the other jurisdiction. This is intended to prevent practitioners from using the national market to evade the consequences of improper conduct in one jurisdiction by simply setting up business in another. The intention is that the regulatory authorities of the participating jurisdictions should be able to exchange information so that proper action can be taken in each jurisdiction to protect the public from any possible harm.

However, it is considered that the present provision is too narrow to permit sufficient information exchange to fully protect the public. Information may not be disclosed unless a request has been received from the other State, and disciplinary action against the practitioner is at least in contemplation. However, in some cases, it may be that the regulatory authority of the other State has no reason to suspect that the practitioner poses a risk or to contemplate disciplinary proceedings. It may be that it is only when the information is passed on by the Society that the other jurisdiction becomes aware that disciplinary action may be appropriate. Hence, it is considered appropriate to remove these restrictions and to permit the Society to alert the regulatory authority of another jurisdiction to any matters of concern arising from an inspection of records, without waiting for a request or for disciplinary action to arise in the other jurisdiction. It is considered that this will better protect the public in each participating jurisdiction.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

This clause is formal

Clause 2: Amendment of s. 21—Entitlement to practise

Section 21 of the *Legal Practitioners Act 1981* provides that only legal practitioners may practice law, subject to certain exceptions. The amendment creates a new exception whereby an unqualified person will be permitted to reproduce and complete the standard variables on pro forma documents such as loan agreements, mortgages, mortgage discharges and guarantees for fee and reward. These documents can only be produced in this way for ADI's or other commercial lending institutions. The unqualified person is not permitted to modify the substantive terms and conditions of the pro forma documents, which must be either approved Lands Titles Office documents, or have been initially prepared by a qualified person.

The amendment also updates subsection (3)(*c*) to refer to a 'conveyancer' rather than a 'licensed land broker', to correspond with the terminology used in the *Conveyancers Act 1994*.

Clause 3: Amendment of s. 37—Confidentiality

This clause removes the restriction on the disclosure of information arising out of a trust account audit or inspection so that information may be provided to a regulatory authority in another State regardless of whether or not disciplinary action is contemplated or has been taken against a legal practitioner.

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

HAIRDRESSERS (MISCELLANEOUS) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a bill for an act to amend the Hairdressers Act 1988. Read a first time

The Hon. K.T. GRIFFIN: 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 was first introduced into this place at the end of the last session. Extensive consultation has taken place since the Bill was originally introduced, with several comments received from industry participants. These comments were entirely supportive of the proposed amendments to the *Hairdressers Act 1988* and the Bill is therefore in the same terms as originally introduced.

On 11 April 1995 the Council of Australian Governments entered into three intergovernmental agreements to facilitate the implementation of national competition policy objectives. One of these agreements was the Competition Principles Agreement. As part of its obligations under that Agreement, the Government gave an undertaking to review existing legislation that restricts competition. The Office of Consumer and Business Affairs has reviewed the *Hairdressers Act 1988* ('the Act') as part of this process.

The guiding principle of competition policy is that legislation (including Acts, enactments, ordinances or regulations) should not restrict competition unless it can be demonstrated that:-

- the benefits of the restriction to the community as a whole outweigh the costs; and
- the objectives of the legislation can only be achieved by restricting competition.

A Review Panel consisting of staff of the Office of Consumer and Business Affairs was formed to undertake this review.

The *Hairdressers Act 1988* is a light handed regulatory scheme for the hairdressing industry in South Australia. It is a negative licensing scheme under which a person is not permitted to carry on the practice of hairdressing for fee or reward unless they hold appropriate qualifications. Practitioners are not required to lodge notification of qualifications with the Commissioner for Consumer Affairs, nor are they required to pay any licensing fees to the Commissioner. The Review Panel found that regulation of hairdressing services imposes costs on the community due to the reduction in levels of competition which regulation causes within the market.

However, in spite of these costs, the Review Panel concluded that at this point there is sufficient justification for the retention of regulation of this industry at the point of entry. The Government supports this conclusion. Justification for regulation is founded on the potential risks to public health and safety inherent in hairdressing, the risk of substandard work being performed on consumers, and the risk consumers face of incurring significant transaction costs when seeking to enforce their legal rights in this market.

In accordance with competition policy principles, the Review Panel considered various less regulatory alternatives to the current legislative scheme, including complete deregulation by the repeal of the Act, self-regulation by industry bodies and co-regulation by industry bodies. It concluded that these alternatives would not ensure that consumer protection is maintained, and therefore that the Act should be retained.

However, the Review Panel concluded that the current definition of 'hairdressing' is too broad and amounts to an unjustified restriction on competition, as it incorporates activities that either do not pose risks to consumers, or are not appropriately reserved solely to hairdressers. In particular, the 'washing' of another's hair poses no identifiable risk to consumers that would warrant continued regulation, while the 'massaging or other treatment of a person's scalp' are activities which are equally appropriately carried out by other occupations, such as massage therapists and trichologists. It should also be noted that under the current definition of hairdressing, nurses and other health care professionals who have occasion to wash patients' hair in the course of their duties are potentially in breach of the Act.

The Bill therefore amends the current definition of 'hairdressing' so that it does not encompass these two activities.

The Review Panel assessed the requirement to hold qualifications as presenting a significant barrier to entry in the legislation. The current competency requirements were examined in light of the identified objectives of the Act, and it was concluded that the present requirements are so onerous as to exceed those necessary to achieve the Act's objectives. Having such a high barrier to entry restricts the numbers of suppliers of hairdressing services in the market, which will result in higher prices to consumers, as well as less incentive for market incumbents to explore new and more efficient methods of pricing and service delivery.

The Bill therefore establishes a scheme whereby a person can apply to the Commissioner for Consumer Affairs to make a determination on whether that person has alternative qualifications, training or experience considered appropriate for the purpose of carrying on the practice of hairdressing. This will allow those who are not able to satisfy the qualification criteria set out in the regu-

lations, but who are otherwise competent to carry on the practice of hairdressing without posing any risk to consumers, to legally provide their services to consumers in South Australia. An applicant has a right of appeal to the Administrative and Disciplinary Division of the District Court against a determination made by the Commissioner.

This scheme is similar to provisions included in the occupational licensing schemes within the Consumer Affairs portfolio, such as the *Building Work Contractors Act 1995* and the *Plumbers, Gasfitters and Electricians Act 1995*.

Since coming to office, one of the key objectives of this Government has been to undertake a comprehensive micro-economic reform program to ensure competitive market outcomes for both consumers and business. As a necessary part of this reform, it is sensible to amend legislation that imposes unnecessary and unjustifiable restriction on the market. Accordingly, the Government has accepted the conclusions and recommendations made in the Final Report of the Review Panel, and this Bill will allow the necessary amendments to be made to the *Hairdressers Act 1988*.

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. 4—Interpretation

The interpretation provision is to be amended by striking out the definitions of hairdressing and qualified person and substituting new definitions. The new definition of hairdressing no longer includes a reference to washing hair or massaging or other treatment of a person's scalp, but is restricted to cutting, colouring, setting, or permanent waving or other treatment of a person's hair. The new definition of qualified person includes those persons the Commissioner for Consumer Affairs determines to have appropriate qualifications, training or experience in addition to those persons who hold qualifications prescribed by regulation.

A definition of Commissioner as meaning the Commissioner for Consumer Affairs has also been inserted and the definition of unqualified person (which now has a corresponding meaning to qualified person), has been struck out. These amendments are of a drafting nature only.

Clause 4: Insertion of ss. 4A and 4B

4A. Recognition by Commissioner of a qualified person

New section 4A provides that a person may apply to the Commissioner for a determination that they have appropriate qualifications, training or experience to carry on the practice of hairdressing. In making a determination, the Commissioner may require supporting information or records from the applicant including verification by statutory declaration.

4B. Appeals

New section 4B provides that an applicant can appeal to the Administrative and Disciplinary Division of the District Court against a determination made by the Commissioner. The applicant has one month from the time in which the Commissioner provides the applicant with a written statement of the reasons for the determination in which to appeal.

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

LAND AGENTS (REGISTRATION) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a bill for an act to amend the Land Agents Act 1994. Read a first time

The Hon. K.T. GRIFFIN: 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 was first introduced into this place at the end of the last session. Extensive consultation has taken place since the Bill was originally introduced; however, no comments have been received in relation to the Bill. The Bill is therefore in the same form as originally introduced.

On 11 April 1995 the Council of Australian Governments entered into three intergovernmental agreements to facilitate the implementation of national competition policy objectives. One of these agreements was the Competition Principles Agreement. As part of its obligations under that Agreement, the Government gave an undertaking to review existing legislation that restricts competition. The Office of Consumer and Business Affairs has reviewed the *Land Agents Act 1994* ('the Act') as part of this process.

The guiding principle of competition policy is that legislation (including Acts, enactments, ordinances or regulations) should not restrict competition unless it can be demonstrated that—

- the benefits of the restriction to the community as a whole outweigh the costs; and
- the objectives of the legislation can only be achieved by restricting competition.

A Review Panel was formed to undertake this review, consisting of staff of the Office of Consumer and Business Affairs and an independent member.

Land agents and their sales representatives provide a range of services to both vendors and purchasers in relation to the sale of land and businesses and are involved directly in one of the most important and expensive transactions—the purchase of real estate or a business—that a consumer is likely to encounter.

Consumers are therefore placed at risk of significant financial loss if agents or sales representatives are incompetent, negligent or dishonest. While complaints against land agents have been few in number, the extent of losses suffered by consumers as a result of the actions of agents or sales representatives is usually significant.

In accordance with competition policy principles, the Review Panel considered various less regulatory alternatives to the Act, including complete deregulation, self-regulation by industry bodies, co-regulation by industry bodies and government, a system of certification, and restriction of title legislation. It concluded that these alternatives are not viable for ensuring that the current level of consumer protection is maintained.

However, while the Review Panel has concluded that the retention of the Act can be justified, certain provisions of the Act cannot. The Act contains several provisions that restrict competition through the creation of structural restrictions on entry into the market.

Section 8(1)*(b)* of the Act provides that a person is not entitled to be registered as a land agent if they have ever been convicted of an offence of dishonesty. Similarly, under section 11 a land agent commits an offence if the land agent employs a sales representative who has been convicted of an offence of dishonesty. Further, a person commits an offence if that person is employed as, acts as, or holds him or herself out to be a sales representative and he or she has ever been convicted of an offence of dishonesty.

These provisions were found by the Review Panel to have a negative impact on competition through the creation of barriers to entry into the market, as they permanently preclude people from the industry, no matter what the severity of their offending or how long ago it occurred. While the Government is firmly of the view that probity requirements must remain in place in the legislation, it is acknowledged that 'an offence of dishonesty' has a broad meaning in law, and in certain cases acts to exclude people from operating in the market where the offence bears little relevance to the work of a land agent or sales representative. Such outcomes are contrary to competition policy principles and the proposed amendments in this Bill are intended to ameliorate the effects of the provisions.

Clause 4 of the Bill provides that the present prohibition on convictions for offences of dishonesty is to be removed and replaced by criteria under which convictions for summary offences of dishonesty will preclude a person from obtaining or holding registration as a land agent for a period of ten years, while any convictions for the more serious class of indictable offences of dishonesty will result in permanent prohibition from registration.

Clause 5 of the Bill makes similar provision in relation to the employment of people as sales representatives and the entitlement of a person to act as a sales representative. Under clause 5, a person must not employ another as a sales representative if that other person has been convicted of an indictable offence of dishonesty at any time, or has within the period of 10 years preceding the employment been convicted of a summary offence of dishonesty. Further, a person must not act as a sales representative if they have been convicted of an indictable offence of dishonesty at any time, or have been convicted of a summary offence of dishonesty within the period of 10 years preceding their acting as a sales representative.

Clause 3 of the Bill is a minor housekeeping matter and contains a consequential amendment to the definition of 'legal practitioner' and provides that this term will have the same meaning as in the

Legal Practitioners Act 1981. This will allow uniformity of regulation, following the amendment in 1998 of the definition of 'legal practitioner' in the *Legal Practitioners Act 1981* to include interstate legal practitioners and companies that hold practising certificates.

Since coming to office, one of the key objectives of this Government has been to undertake a comprehensive micro-economic reform program to ensure competitive market outcomes for both consumers and business. As a necessary part of this reform, it is sensible to amend legislation that imposes unnecessary and unjustifiable restriction on the market. Accordingly, the Government has accepted the conclusions and recommendations made in the Final Report of the Review Panel, and this Bill will allow the necessary amendments to be made to the *Land Agents Act 1994*.

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. 3—Interpretation

This clause amends the definition of 'legal practitioner' in section 3 of the principal Act. The term currently means a person admitted and enrolled as a practitioner of the Supreme Court of South Australia. This amendment extends the meaning to include companies that hold a practising certificate and interstate legal practitioners who practise in this State.

Clause 4: Amendment of s. 8—Entitlement to be registered

This clause amends section 8 of the principal Act, which deals with the entitlement to be registered as an agent under the Act. Currently a person is not entitled to be registered as an agent if he or she has been convicted of an offence of dishonesty. A body corporate is not entitled to be registered as an agent if any director of the body corporate has been convicted of an offence of dishonesty. This amendment in each case changes the restriction from not having been convicted of an offence of dishonesty to one of not having been convicted of an indictable offence of dishonesty or, during the 10 years preceding the application for registration, of a summary offence of dishonesty.

Clause 5: Amendment of s. 11—Entitlement to be sales representative

This clause amends section 11 of the principal Act, which deals with the entitlement of a person to be a sales representative. At present a person cannot be employed as or act as a sales representative if he or she has been convicted of an offence of dishonesty. This amendment changes the restriction to one preventing a person from being employed as or acting as a sales representative if he or she has been convicted of an indictable offence of dishonesty or, during the preceding 10 years, a summary offence of dishonesty.

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

CONVEYANCERS (REGISTRATION) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a bill for an act to amend the Conveyancers Act 1994; and to make a related amendment to the Land and Business (Sale and Conveyancing) Act 1994. Read a first time.

The Hon. K.T. GRIFFIN: 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 was first introduced into this place at the end of the last session. Extensive consultation has taken place since the Bill was originally introduced; however, no comments have been received in relation to the Bill.

The Bill has nonetheless been subject to some minor revisions. These revisions do not affect the substance of the Bill. The nature and effect of the revisions are set out in detail in this report.

On 11 April 1995, the Council of Australian Governments entered into 3 intergovernmental agreements to facilitate the implementation of national competition policy objectives. One of these agreements was the Competition Principles Agreement. As part of its obligations under that Agreement, the Government gave an undertaking to review existing legislation that restricts competition. The Office of Consumer and Business Affairs has reviewed the *Conveyancers Act 1994* as part of this process.

The guiding principle of competition policy is that legislation (including Acts, enactments, ordinances and regulations) should not restrict competition unless it can be demonstrated that—

- the benefits of the restriction to the community as a whole outweigh the costs; and
- the objectives of the legislation can only be achieved by restricting competition.

A Review Panel was formed to undertake this review, consisting of staff of the Office of Consumer and Business Affairs and an independent member.

The *Conveyancers Act 1994* (the Act) forms an important part of the consumer protection regime put into place by this Government. It protects consumers from the risk of incompetent or dishonest conveyancers by imposing strict entry controls, mandating professional indemnity insurance, regulating and supervising the operation of trust accounts and providing a mechanism for the removal of unsuitable persons from the market.

The Review Panel found that there are clear costs associated with restricting the provision of conveyancing services to registered conveyancers and legal practitioners. These costs arise from reduced competition in the market.

However, the Review Panel concluded that there is continuing justification for the continued regulation of conveyancers. Consumers are placed at risk of significant financial loss or disadvantage if conveyancers are incompetent, negligent or dishonest. While complaints against conveyancers have been few in number, the extent of losses suffered by consumers as a result of errors in the conveyancing of property is usually significant.

In accordance with competition policy principles, the Review Panel considered various less regulatory alternatives to the Act, including complete deregulation, self-regulation by industry bodies, co-regulation by industry bodies and government, a system of certification and restriction of title legislation. It concluded that these alternatives are not viable for ensuring that the current level of consumer protection is maintained and that the Act should be retained.

However, while the Review Panel has concluded that the retention of the Act can be justified, certain provisions of the Act cannot. The Act contains several provisions that restrict competition through the creation of structural restrictions on entry into the market.

Section 7(1)*(b)* of the Act provides that a person is not entitled to be registered as a conveyancer if he or she has ever been convicted of an offence of dishonesty. Section 7(2)*(b)*(i) is in similar terms and provides that a company is not entitled to be registered as a conveyancer if any director of the company has ever been convicted of an offence of dishonesty.

These provisions were found by the Review Panel to have a negative impact on competition through the creation of barriers to entry into the market, as they permanently preclude people from the industry, no matter what the severity of their offending or how long ago it occurred. While the Government is firmly of the view that probity requirements must remain in place in the legislation, it is acknowledged that 'an offence of dishonesty' has a broad meaning in law and, in certain cases, acts to exclude people from operating in the market even where the offence bears little relevance to the work of a conveyancer. Such outcomes are contrary to competition policy principles and the proposed amendments in this Bill are intended to ameliorate the effects of the provisions.

Clause 4*(a)* of the Bill provides that the present prohibition on convictions for offences of dishonesty are to be removed and replaced by criteria under which convictions for summary offences of dishonesty will preclude a person from obtaining or holding registration as a conveyancer for a period of 10 years, while any convictions for the more serious class of indictable offences of dishonesty will result in permanent prohibition from registration. Clause 4*(b)* is in similar terms and provides that a company whose director has a conviction for a summary offence of dishonesty will be precluded from obtaining or holding registration as a conveyancer for a period of 10 years, while a conviction for the more serious class of indictable offences of dishonesty will continue to permanently prohibit that company from registration.

The Review also found that certain provisions of the Act relating to the regulation of incorporated conveyancers could not be justified under competition policy principles.

Section 7(3) of the Act prescribes a number of stipulations which must be contained in the memorandum and articles of association of an incorporated conveyancer, including the requirement that the sole object of the company must be to carry on business as a conveyancer, that the directors of the company must be natural persons who are themselves registered conveyancers and certain requirements in relation to the shares of the company and dealing in those shares.

Sections 10 and 11 of the Act provide that an incorporated conveyancer which does not conform with the stipulations in section 7(3) is guilty of an offence. Section 12 provides that an incorporated conveyancer must not carry on business as a conveyancer in partnership with anyone else without express approval of the Commissioner for Consumer Affairs.

The effect of sections 7(3), 10, 11 and 12 is that significant restrictions are placed on who can own and operate an incorporated conveyancer. These restrictions serve to inhibit the development of multi-disciplinary partnerships in this industry, which may offer economies of scale and flexibility of service provision for South Australian consumers.

Clause 4*(d)* of the Bill (which was, in the original Bill introduced last session, designated as clause 4*(c)*) provides for the repeal of section 7(3) of the Act thereby removing the anti-competitive stipulations. This redesignation of the paragraphs in clause 4 of the Bill arises from the insertion in the current Bill of new clause 4*(b)* to provide for an amendment consequential on the repeal of section 7(3) of the principal Act.

Clause 5 of the Bill provides for the repeal of sections 10, 11 and 12 and the replacement of these sections with a scheme of corporate governance for incorporated conveyancers.

Under proposed new section 10, an incorporated conveyancer must ensure that the business is properly managed and supervised by a registered conveyancer who is a natural person. This is a similar scheme to that in place under the *Land Agents Act 1994*.

Proposed new section 11 provides that a director of an incorporated conveyancer must not unduly influence a registered conveyancer or other person employed by the company in relation to the performance of his or her duties. Proposed new section 11 has been revised since the Bill was last introduced to extend the prohibition on improper directions to any employee of a registered company conveyancer and not just to those employees who are themselves registered conveyancers.

Clause 6 of the Bill allows that failures to comply with this corporate governance scheme provide proper causes for disciplinary action. This clause is in similar terms as when originally introduced but contains a minor consequential revision to reflect the new wording of proposed new section 11.

Clause 3 of the Bill is a minor housekeeping matter and contains a consequential amendment of the definition of 'legal practitioner' and provides that this term will have the same meaning as in the *Legal Practitioners Act 1981*. This will allow uniformity of regulation, following the amendment in 1998 of the definition of 'legal practitioner' in the *Legal Practitioners Act 1981* to include interstate legal practitioners and companies that hold practising certificates. Clause 7 of the Bill provides for a similar amendment to the *Land and Business (Sale and Conveyancing) Act 1994*.

Since coming to office, one of the key objectives of this Government has been to undertake a comprehensive micro-economic reform program to ensure competitive market outcomes for both consumers and business. As a necessary part of this reform, it is sensible to amend legislation that imposes unnecessary and unjustifiable restriction on the market.

Accordingly, the Government has accepted the conclusions and recommendations made in the Final Report of the Review Panel and this Bill will allow the necessary amendments to be made to the *Conveyancers Act 1994*.

I commend this revised bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 3—Interpretation

This clause amends the definition of 'legal practitioner' in section 3 of the principal Act. The term currently means a person admitted and enrolled as a practitioner of the Supreme Court of South Australia. This amendment extends the meaning to include companies that hold a practising certificate and interstate legal practitioners who practise in this State. The amendment also removes the definitions of 'prescribed relative and 'spouse', which are no longer required in consequence of the repeal of section 7(3) of the principal Act by clause 4.

Clause 4: Amendment of s. 7—Entitlement to be registered

This clause amends section 7 of the principal Act, which deals with the entitlement to be registered as a conveyancer under the Act.

Currently, a person is not entitled to be registered as a conveyancer if he or she has been convicted of an offence of dishonesty. A company is not entitled to be registered if any of its directors has been convicted of an offence of dishonesty. This amendment changes the restriction in each case to one of not having been convicted of an indictable offence of dishonesty or, during the 10 years preceding the application for registration, of a summary offence of dishonesty.

This clause also removes a number of other restrictions on the companies that are entitled to be registered as a conveyancer under the Act. A company is currently not entitled to be registered unless its memorandum and articles of association contain stipulations relating to the objects of the company, who can be a director of the company, who can own shares or exercise voting rights in the company and the disposal of shares in the company, amongst other things. This amendment repeals subsection (3) of section 7 to remove those restrictions.

Clause 5: Substitution of ss. 10 to 12

This clause repeals sections 10, 11 and 12 of the principal Act and substitutes new sections 10 and 11. Section 10 currently makes it an offence for a company registered as a conveyancer not to have in its memorandum and articles of association the stipulations (as to the objects of the company, share ownership, directors and so on) required by Part 2 (which includes section 7(3)) of the Act. Section 11 makes it an offence to alter the memorandum or articles of association of a company so that they cease to comply with the requirements of Part 2. Section 12 prohibits a company that is a registered conveyancer from carrying on business in partnership with another person without the prior approval of the Commissioner. The maximum penalty for each of these offences is a fine of $20 000.

This clause repeals those offences and substitutes two new offences.

10. Company conveyancer's business to be properly managed and supervised

New section 10 requires a company that is a registered conveyancer to ensure that the company's business as a conveyancer is properly managed and supervised by a registered conveyancer who is a natural person.

11. Improper directions, etc., relating to conveyancing

New section 11 provides that if a director or manager of a company that is a registered conveyancer directs or incites a registered conveyancer or other person employed by the company to act unlawfully, improperly, negligently or unfairly in the course of managing or supervising or being employed or otherwise engaged in the company's business as a conveyancer, the company and the director or manager are each guilty of an offence.

The maximum penalty for a breach of new section 10 or 11 is a fine of $20 000.

Clause 6: Amendment of s. 45—Cause for disciplinary action

This clause amends section 45 of the principal Act, which sets out the circumstances in which there is proper cause for disciplinary action against a conveyancer. In addition to the existing grounds for disciplinary action, this amendment provides that there is proper cause for such action if—

(ca) in the case of a conveyancer who has been employed or engaged to manage and supervise a company's business as a conveyancer—the conveyancer or any other person has acted unlawfully, improperly, negligently or unfairly in the course of managing or supervising, or being employed or otherwise engaged in, that business; or

(cb) in the case of a conveyancer that is a company—a director or manager of the company has been convicted of an offence against new section 11.

Clause 7: Related amendment of Land and Business (Sale and Conveyancing) Act 1994

This clause makes a related amendment to the definition of 'legal practitioner' in the *Land and Business (Sale and Conveyancing) Act 1994*. In section 3 of that Act a legal practitioner currently means a person admitted and enrolled as a practitioner of the Supreme Court of South Australia. This amendment extends that meaning to include companies that hold a practising certificate and interstate legal practitioners who practise in this State.

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

ADELAIDE FESTIVAL CENTRE TRUST (COMPOSITION OF TRUST) AMENDMENT BILL

The Hon. DIANA LAIDLAW (Minister for the Arts) obtained leave and introduced a bill for an act to amend the Adelaide Festival Centre Trust Act 1971. Read a first time.

The Hon. DIANA LAIDLAW: I move:

That this bill be now read a second time.

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

Leave granted.

The Adelaide Festival Centre Trust is a statutory authority established under the *Adelaide Festival Centre Trust Act 1971* (the Act).

The Trust is charged with the responsibility of encouraging and facilitating artistic, cultural and performing arts activities throughout the State as well as maintaining and improving the buildings and facilities of the Festival Centre complex.

The first stage of a major upgrade of the Festival Centre has been completed, bringing improvements to the seating and acoustic system as well as public amenities in the Festival Theatre foyers.

The Trust's current programming policies aim to attract larger, and a wider range of, audiences to the Festival Centre.

Under the Act, there is a requirement for there to be a representative of the Adelaide Festival Board on the Trust among the total of 8 trustees.

Since the creation of the Adelaide Festival Corporation in 1998, the Adelaide Festival Board no longer exists. Consequently, since that time, there has not been a representative of the Adelaide Festival Board on the Adelaide Festival Centre Trust.

Furthermore, were this representative position to continue, a member of the Trust representing the Adelaide Festival Corporation could be subject to a conflict of interest, due to the nature of the operation of the 2 organisations, and the degree of autonomy now existing. This is the reason why there is no longer a representative of the Adelaide Festival Centre on the board of the Adelaide Festival Corporation.

The proposed amendments to section 6 of the Act remove that representative position of the Adelaide Festival Centre Trust, while retaining the total number of trustees at 8.

Consequential changes to the Act have also been identified. References to the term 'Chairman', which is no longer used, have been deleted and section 10 and section 13 have been rewritten in modern terms.

The Government intends that these amendments will allow the full number of positions on the Trust (8) to be filled.

The trustees currently in office will continue to hold office in accordance with the terms of their appointments, with an additional trustee being appointed by the Governor on the nomination of the Minister for the Arts.

I commend the bill to honourable members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 4—Interpretation

As a consequence of the passage of the *City of Adelaide Act 1998* and the *Local Government Act 1999*, the definitions of member of the Council and officer of the Council are inconsistent with current law. In addition, neither of these definitions are necessary for the interpretation of new section 6 (*see clause 3*). These definitions are, therefore, to be repealed by this clause.

The reference to the 'chairman' of the Trust currently included in the definition of trustee is to be deleted. This title is obsolete and is to be replaced by a reference to a trustee being appointed to chair meetings of the Trust (*see new section 6(3)*).

Clause 3: Substitution of s. 6

New section 6 provides for the composition of the Trust. It is very similar in its terms to current section 6 except that there is to be no provision for the appointment of a trustee nominated by the Adelaide Festival Board. However, the number of trustees (8) remains the same as does the method of appointment.

6. Composition of Trust

The Trust will consist of 8 trustees appointed by the Governor, but now 7 of them (rather than 6) will be nominated by the Minister. The eighth will be nominated by the council of the Corporation of the City of Adelaide from its members, officers or employees.

One of the trustees nominated by the Minister will be appointed by the Governor to chair meetings of the Trust. Trustees will be appointed for a term not exceeding 3 years specified in the instrument of appointment and will be eligible for reappointment. Suitable persons may be appointed by the Governor to be deputies of trustees.

Clause 4: Substitution of s. 10

New section 10 has the same substantive effect as subsections (1) and (2) of current section 10. The substantive effect of subsections (3) to (6) (inclusive) of current section 10 has been relocated to new section 13 (*see clause 5*).

10. Common seal

The common seal of the Trust must not be affixed to an instrument except in pursuance of a resolution of the Trust, and the affixing of the seal must be attested by the signature of two trustees.

Clause 5: Substitution of s. 13

Current section 13 includes provisions relating to the chairman of trustees. New section 13 deals generally with the proceedings of the Trust and is expressed in current drafting terms.

13. Trust proceedings

As currently required under the Act, 4 trustees constitute a quorum at a meeting of the Trust.

The trustee appointed to chair meetings of the Trust will preside at each meeting of the Trust at which he or she is present but, in his or her absence, a trustee chosen by the trustees present at the meeting will preside.

A decision carried by a majority of the votes cast by trustees at a meeting is a decision of the Trust.

Each trustee present at a meeting of the Trust has one vote on any question arising for decision and, if the votes are equal, the trustee presiding at the meeting may exercise a casting vote.

A conference by telephone or other electronic means between trustees will, for the purposes of this section, be taken to be a meeting of the Trust at which the participating trustees are present if notice of the conference is given to all trustees in the manner determined by the Trust for the purpose and each participating trustee is capable of communicating with every other participating trustee during the conference.

A proposed resolution of the Trust becomes a valid decision of the Trust despite the fact that it is not voted on at a meeting of the Trust if notice of the proposed resolution is given to all trustees in accordance with procedures determined by the Trust and a majority of the trustees expresses concurrence in the proposed resolution by letter or by facsimile transmission or other electronically transmitted written communication setting out the terms of the resolution.

The Trust must have accurate minutes kept of its proceedings.

Subject to the principal Act, the Trust may determine its own procedures.

Clause 6: Transitional provision

A trustee holding office immediately before the commencement of clause 3 will continue to hold office in accordance with the terms of the instrument of the trustee's appointment.

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

SOUTH AUSTRALIAN COUNTRY ARTS TRUST (APPOINTMENTS TO TRUST AND BOARDS) AMENDMENT BILL

The Hon. DIANA LAIDLAW (Minister for the Arts) obtained leave and introduced a bill for an act to amend the South Australian Country Arts Trust Act 1992. Read a first time.

The Hon. DIANA LAIDLAW: 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.

Country Arts South Australia (CASA) is seen as a national leader in the provision of arts programs to country areas. It assists country-based artists to exhibit their work, supports indigenous arts projects and other community cultural development projects, and provides financial assistance for students in country schools to take part in a range of arts activities in Adelaide.

CASA has been highly successful in bringing a wide range of visual and performing arts experiences to country audiences across South Australia, achieving over 74 000 attendances at performances and 121 000 attendances at exhibitions last financial year. This equates to approximately every person in country South Australia being touched in some way by the arts.

Under the *South Australian Country Arts Trust Act 1992*, a Trustee cannot hold office for more than 6 consecutive years.

This provision, combined with other sections of the Act, can have the effect of limiting the eligibility of the Presiding Trustee of Country Arts SA and the Presiding Members of the Country Arts Boards to less than one complete term in that position. For example, a Trustee having served two terms (two years each under the Act) who is then appointed Presiding Trustee or Presiding Member (a term of three years under the Act) cannot complete that term—and their skills, knowledge and experience are lost.

Presiding Trustees and Presiding Members are generally selected from among Members who have served more than one term as an ordinary Member or Trustee.

The proposed amendments will allow for:

- the reappointment of the Presiding Trustee for a total of two terms of three years each, ie up to six years in addition to any time served (up to six years) as an ordinary trustee
- the reappointment of the Presiding Member of a Country Arts Board for a total of two terms of three years each, ie up to six years in addition to any time (up to six years) served as an ordinary member.

The Government expects that these amendments will enable CASA to make better use of the skills and experience of its trustees and board members in leadership positions.

I commend the bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 6—Terms and conditions of office

Clause 3 amends section 6 of the principal Act with the effect of enabling a person to hold office as presiding trustee of the South Australian Country Arts Trust for a maximum of 6 years and to hold office as trustee (other than *ex officio* or presiding trustee) of the Trust for a maximum of 6 years.

Clause 4: Amendment of s. 22—Terms and conditions of office

Clause 4 amends section 22 of the principal Act with the effect of enabling a person to hold office as presiding member of a Country Arts Board for a maximum of 6 years and to hold office as member (other than presiding member) of such a Board for a maximum of 6 years.

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

ROAD TRAFFIC (ALCOHOL INTERLOCK SCHEME) AMENDMENT BILL

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning) obtained leave and introduced a bill for an act to amend the Road Traffic Act 1961 and to make related amendments to the Motor Vehicles Act 1959. Read a first time.

The Hon. DIANA LAIDLAW: 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 to amend the *Road Traffic Act* and *Motor Vehicles Act* provides for the introduction of an Alcohol Interlock Scheme, as a further measure to address drink-driving offences in South Australia.

Each year more offenders enter the Magistrates Court in South Australia for drink-driving offences than for any other single offence. Over the 10 years from 1985 to 1995 an average of 7 000 persons a year were convicted of such offences. In addition, the cost of alcohol related crashes in terms of avoidable human tragedy and suffering, diversion of health care resources, particularly for long term rehabilitation and lost production is increasing.

- almost 30 per cent of all injury crashes involve alcohol.
- it is also estimated that one in five recidivist (or repeat) drink drivers are caught driving without a valid licence.

These facts and figures highlight that the present methods of dealing with drink driving offenders have reached a plateau, while longer licence disqualification and or the imposition of higher fines are not the answer to preventing disqualified drivers from continuing to drive.

A new approach is required if road deaths, injuries, and associated costs, are to be reduced – together with the number of unlicensed offenders on our roads. There is also a need to recognise that recidivist drink drivers not only pose a road safety problem, they also have a health problem.

Currently the *Road Traffic Act* provides monetary penalties ranging from a penalty of $700 for driving with a blood alcohol concentration of 0.05 or more (but less than 0.08) to a fine of up to $2 500 for a third or subsequent offence within a five year period, where that third or subsequent offence involves a blood alcohol level of 0.15 or more. The minimum disqualification periods that must be imposed range from six months where the blood alcohol level is 0.08 or more (but less than 0.15) to three years for a third or subsequent offence within a five year period, where that third or subsequent offence involves a blood alcohol level of 0.15 or more.

Alcohol interlocks have been used in Canada, Sweden and parts of the United States for many years. Research in these jurisdictions has shown a moderation in drink driving behaviour, plus a 65 per cent lower rate of re-offending for drivers participating in interlock programs than for drivers who only serve a period of licence suspension.

An alcohol interlock is an electronic breath alcohol analyser with a micro-computer and internal memory which is attached to the ignition and other control systems of a motor vehicle. Its purpose is to measure the blood alcohol concentration (BAC) of the intended driver and to prevent the vehicle from being started or operated if the BAC exceeds a pre-set limit.

Alcohol interlocks are very difficult for a driver to circumvent. They require a driver to provide a breath sample each time an attempt is made to start the vehicle. In addition, a rolling re-test requires the driver to provide a breath sample after the car has been in operation for some time. It is almost impossible to blow in a bogus air sample (eg by a pump), to filter the driver's breath or to operate the vehicle by having a companion provide a sample for the vehicle to start.

In 1998 in line with the National Road Safety Strategy, South Australia conducted the first trial in Australia of alcohol interlocks. Organised through Transport SA, the trial was conducted in Berri over a 6 month period, involving 24 volunteer drivers. The trial identified that

- an interlock allows the offender mobility and therefore the opportunity to maintain employment while at the same time providing an assurance that the offender can only drive while sober;
- an interlock teaches the driver to be more aware of the level of alcohol from a drinking session – that is, the interlock provides educational and behaviour modification benefits; and,
- the interlock separates drinking from driving – thereby providing a means to monitor the behaviour of persons convicted of drink driving offences before they return to the roads without supervision.

Following analysis of the results of the Berri trial, the government established an inter-agency Reference Group. It was the firm view of the Reference Group that a period of off-road disqualification should continue to be imposed in order to reinforce the importance of a licence—and the government concurs.

The Reference Group comprised representatives from the Drug and Alcohol Services Council, Royal Automobile Association, Road Accident Research Unit of the University of Adelaide, South Australia Police, Justice Department and Transport SA.

The scheme endorsed by the government and now presented in this bill will require the Courts to continue to impose a disqualification period upon conviction for an alcohol related driving offence.

At the same time, the Court will impose an interlock order which will allow the offender the option to apply to the Registrar for the issue of an interlock licence when half the disqualification period has been served.

That is, an offender who wishes to participate in the scheme must serve at least half the period of licence disqualification imposed by the Court before becoming eligible for the alcohol interlock scheme. The period for which Scheme participants are then required to drive with an interlock device is calculated as double the period of licence disqualification which will be substituted for an interlock licence. This has the effect of extending the total 'penalty' period by up to one half.

The interlock period will be the duration of the original disqualification period. Thus, if an offender is disqualified for twelve months, an application for an interlock licence can be made after six months. If approved, the interlock licence will be valid for a period of twelve months.

A person already serving a period of disqualification or who is disqualified after receiving an interlock licence, will not be eligible to enter or remain in the interlock program. They would be entitled to enter or re-enter the program once all other disqualification periods have been completed.

Any person convicted by a Court of a drink/drive offence after the proclamation of the legislation is eligible to participate in the alcohol interlock scheme, even if the offence occurred prior to the scheme commencing. A person whose offence has been heard and who has been convicted by a Court before the legislation commences will not be able to participate in the scheme.

Entry to the program will be voluntary. An offender who elects not to join the program will be required to complete the full disqualification period before being eligible to apply for the issue of a licence.

Offenders who are assessed as alcohol dependent and disqualified by the Court until further order will not be eligible to participate in the interlock scheme.

Participation in the interlock program will be funded by the offender. However, in recognition of the difficulties some offenders may experience in meeting the cost, consideration is to be given to the establishment of a scheme that will assist participants to meet the cost.

A specific interlock licence will be issued to participants in the scheme. The licence will include conditions that the licence holder must only drive a nominated vehicle fitted with an approved interlock device; must display 'P' plates; must not interfere with the interlock device or permit it to be interfered with by someone else; must attend at stipulated times and places for the interlock data to be down-loaded and must attend counselling sessions when required.

Breach of these conditions will lead to exclusion from the scheme. Should this occur, a disqualification period equal to the balance of the interlock period or six months, whichever is the greater, will be imposed. A person disqualified under this provision will not be eligible to apply for an interlock licence during the period of disqualification.

The bill includes a provision which secures the confidentiality of information associated with participation in the alcohol interlock scheme.

A review of the scheme after two years of operation is included in the bill.

The continuing presence of alcohol impaired drivers on our roads unnecessarily increases the risk of death and injury for innocent people. This risk is unacceptable to the wider community and this government.

Accordingly I am pleased that South Australia is the first to introduce an Alcohol Interlock Scheme—and the first to introduce an innovative measure to address a problem that is not unique to this State.

I commend the bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

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

Clause 3: Amendment of s. 47—Driving under influence

This clause amends section 47 of the *Road Traffic Act 1961*. Section 47(1) establishes the offence of driving under the influence of liquor or a drug and provides that where a court convicts a person of that offence, the court must order that the person be disqualified from holding or obtaining a driver's licence for a period determined in accordance with the section. Under this amendment the court must make an order under new Division 5A of Part 3 (permitting the person to apply half-way through the disqualification for a licence on alcohol interlock scheme conditions) if that Division is applicable to the case.

Clause 4: Amendment of s. 47B—Driving while having prescribed concentration of alcohol in blood

This clause amends section 47B of the *Road Traffic Act 1961*. Section 47B(1) establishes the offence of driving a motor vehicle while having the prescribed concentration of alcohol in the blood. Where a court convicts a person of certain categories of this offence the court must order that the person be disqualified from holding or obtaining a driver's licence for a period determined in accordance with the section. This amendment provides that the court must make an order under new Division 5A of Part 3 (allowing the person to apply half-way through the disqualification for a licence on alcohol interlock scheme conditions) if that Division is applicable to the case.

Clause 5: Amendment of s. 47E—Police may require alcotest or breath analysis

This clause amends section 47E of the *Road Traffic Act 1961*. Section 47E empowers the police to require drivers to undertake an alcotest or breath analysis in certain circumstances. It is an offence under section 47E(3) to refuse or fail to comply. Where a court convicts a person of that offence the court must order that the person be disqualified from holding or obtaining a driver's licence for a period determined in accordance with the section. This amendment provides that the court must make an order under new Division 5A of Part 3 (allowing the person to apply half-way through the disqualification for a licence on alcohol interlock scheme conditions) if that Division is applicable to the case.

Clause 6: Amendment of s. 47I—Compulsory blood tests

This clause amends section 47I of the *Road Traffic Act 1961*. Section 47I requires the taking and analysis of blood samples from persons injured in motor vehicle accidents. It is an offence under section 47I(14) to refuse or fail to comply with a request to submit to the taking of such a blood sample. Where a court convicts a driver of that offence the court must order that the person be disqualified from holding or obtaining a driver's licence for a period determined in accordance with the section. This amendment provides that the court must make an order under new Division 5A of Part 3 (allowing the person to apply half-way through the disqualification for a licence on alcohol interlock scheme conditions) if that Division is applicable to the case.

Clause 7: Insertion of Division 5A of Part 3

This clause inserts new Division 5A of Part 3 into the *Road Traffic Act 1961*. This new Division establishes the alcohol interlock scheme.

DIVISION 5A—ALCOHOL INTERLOCK SCHEME

48. Interpretation

This new section is an interpretation provision, defining a number of terms for the purposes of the Division. In particular—

'alcohol interlock' means a device or system of a kind approved by the Minister by notice in the *Gazette* as an alcohol interlock;

'alcohol interlock scheme conditions' means the conditions listed in new section 51 that are to apply to the driver's licence of a person who enters the scheme;

'approved installer' means a person approved by the Minister by notice in the *Gazette* as an installer of alcohol interlocks for the purposes of the Division;

'nominated vehicle' means a motor vehicle nominated by a person to the Registrar of Motor Vehicles in accordance with new section 51 as the vehicle that he or she will drive under the scheme;

'relevant drink driving offence' means an offence against section 47(1), 47B(1), 47E(3), or 47I(14) of the *Road Traffic Act 1961* of a kind referred to in new section 49(2);

'required period' means the period for which a driver's licence is subject to alcohol interlock scheme conditions, determined in accordance with new section 50(4).

New section 48(2) provides that the Minister may by notice in the *Gazette* approve or revoke an approval of an alcohol interlock, or an installer of alcohol interlocks, for the purposes of the Division.

49. Cases where Division applies

New section 49(1) defines the situations in which the alcohol interlock scheme applies. The new Division applies where a court convicts a person who holds a driver's licence (not a learner's

permit) of a relevant drink driving offence and orders a period of disqualification for the offence of 6 months or more. It applies whether the offence was committed before or after the commencement of the section.

For this purpose a 'relevant drink driving offence' means (under new section 49(2))—

(a) an offence against section 47(1) (driving under the influence of liquor or a drug) that involved driving a motor vehicle while so much under the influence of intoxicating liquor as to be incapable of exercising effective control of the vehicle; or

(b) an offence against section 47B(1) (driving with the prescribed concentration of alcohol in the blood) where the concentration of alcohol in the blood was .08 or higher; or

(c) an offence against section 47E(3) (refusing an alcotest or breath analysis) or 47I(14) (refusing a blood test).

50. Order to be made by court if Division applies

New section 50 specifies the order that a court must make in disqualifying a person if the Division applies. It provides that, where a court convicts a person of a relevant drink driving offence and orders a period of disqualification for the offence of 6 months or more, the court must in addition make an order to the effect that, despite the order of disqualification, the offender will, on application to the Registrar of Motor Vehicles at any time after the half-way point in the period of that disqualification, be entitled to be issued with a driver's licence that is subject to the alcohol interlock scheme conditions for the required period (in addition to any conditions otherwise required). Under subsection (4) the period for which the new licence is required to be subject to the alcohol interlock scheme conditions is a number of days equal to twice the number of days remaining in the period of the offender's disqualification for the relevant drink driving offence immediately before the issuing of the new licence.

The offender is not entitled to be issued with a licence in accordance with an order under the section if the offender does not meet the requirements of the *Motor Vehicles Act 1959* for the issue of the licence or if at the time he or she applies for the licence another disqualification is in force in relation to the offender (or is set to come into force at a later date).

51. Alcohol interlock scheme conditions

New section 51 sets out the alcohol interlock scheme conditions that are to apply to a person's driver's licence:

(a) the person must not drive a motor vehicle on a road other than a motor vehicle nominated by the person to the Registrar of Motor Vehicles in accordance with this section;

(b) the person must not drive the nominated vehicle on a road unless it is fitted with a properly functioning alcohol interlock that has been installed by an approved installer;

(c) the nominated vehicle must only be operated in accordance with instructions published by the Minister in the *Gazette*;

(d) the person must not interfere with the alcohol interlock (or cause or permit it to be interfered with);

(e) the person must carry in the nominated vehicle a certificate issued by an approved installer indicating that the alcohol interlock in the vehicle was functioning properly when last examined by the installer;

(f) the person must produce the certificate for a member of the police force if required by the member to do so while the person is in charge of the nominated vehicle on a road;

(g) the person must produce the nominated vehicle for examination by an approved installer at times and places fixed by the Registrar by notice served on the person personally or by post;

(h) the person must comply with any requirements as to counselling prescribed by regulation;

(i) the person must comply with any other requirements prescribed by regulation.

New section 51 also sets out the requirements for nominating a vehicle for the purposes of the Division. The person must nominate a vehicle in the person's application for the licence, or by written notice to the Registrar of Motor Vehicles. The person must specify the vehicle's registration number and any other details required by the Registrar. A vehicle ceases to be a nominated vehicle if the nomination is withdrawn by the person by written notice to the Registrar. If the person is not the registered owner of the vehicle, the nomination may be withdrawn by the registered owner by written notice to the Registrar.

52. Circumstances where conditions carry over to subsequently issued licence

New section 52 provides that if the holder of a driver's licence that is subject to alcohol interlock scheme conditions ceases to hold the licence for any reason before the conditions have applied for the required number of days, any driver's licence subsequently issued to the person will be subject to those conditions until the balance of the required period has been completed.

53. Offence of contravening conditions

New section 53 provides that it is an offence for the holder of a driver's licence that is subject to the alcohol interlock scheme conditions to contravene any of those conditions. The maximum penalty is a fine of $1 250. (The licence will also be subject to disqualification in accordance with new subsection (2a) of section 81B of the *Motor Vehicles Act 1959*, inserted by clause 8).

New section 53 also makes it an offence for a person to assist the holder of driver's licence that is subject to the alcohol interlock scheme conditions to operate a motor vehicle, or interfere with an alcohol interlock, in breach of any of the conditions. The maximum penalty is a fine of $1 250.

New section 53 also contains a number of evidentiary provisions applicable to these offences. In particular, it provides that, in proceedings for an offence against the section, a certificate by the Registrar of Motor Vehicles certifying that—

(a) a specified motor vehicle was or was not, or no vehicle was, at a specified time, a nominated vehicle for a specified person; or

(b) a written notice was served on a specified person fixing specified times and places at which a specified motor vehicle must be produced for examination by an approved installer; or

(c) a specified motor vehicle was not produced for examination by an approved installer at a specified time and place; or

(d) a specified person did not attend for counselling at a specified time and place,

will be accepted as proof of the matters stated in the certificate in the absence of proof to the contrary.

In addition, in proceedings for an offence against this section, a certificate by the Registrar of Motor Vehicles certifying that an alcohol interlock fitted to a specified motor vehicle recorded electronically that the vehicle was operated at a specified time in contravention of an instruction published by the Minister by notice in the *Gazette* will be accepted as proof that the vehicle was operated at that time in contravention of that instruction in the absence of proof to the contrary. Reliance on such a certificate will depend on proof that the alcohol interlock was tested before and after the specified time of the vehicle's operation and found to be functioning properly on each occasion. If it is proved (in proceedings for an offence against this section) that a specified motor vehicle was operated at a specified time in contravention of an instruction published by the Minister by notice in the *Gazette* and that the vehicle was a nominated vehicle for a specified person at that time, it will be presumed, in the absence of proof to the contrary, that the vehicle was so operated by that person at that time.

53AA. Financial assistance for use of interlocks

New section 53AA requires the Minister to establish a scheme under which persons seeking to gain the use of alcohol interlocks may obtain loans or other assistance for that purpose subject to a means test and conditions determined by the Minister.

Clause 8: Amendment of Motor Vehicles Act

This clause makes a number of related amendments to the *Motor Vehicles Act 1959*.

Amendment of section 81A of the Motor Vehicles Act 1959

Section 81A of the *Motor Vehicles Act 1959* provides for a provisional licence to be issued to an applicant for a driver's licence in certain circumstances. One such circumstance (which will apply when amendments made by section 50 of the *Motor Vehicles (Miscellaneous) Amendment Act 1999* are brought into operation) is where the applicant has been disqualified from

holding or obtaining a licence as a consequence of committing an offence while the holder of a provisional licence and has not held an unconditional licence since the end of that period of disqualification. A provisional licence issued to such an applicant is subject to the following conditions:

(a) a condition that the holder of the licence must not drive a motor vehicle on a road while there is any alcohol in his or her blood;

(b) a condition that the holder of the licence must not exceed a speed limit by 10 kmh or more;

(c) a condition that the holder of the licence must not drive a motor vehicle on a road unless a 'P' plate is affixed to the vehicle.

These conditions are effective for a period of one year (unless the applicant is under the age of 18, in which case they apply until he or she is 19).

This amendment to section 81A provides that where a licence is issued to an applicant referred to above (ie an applicant who has been disqualified from holding or obtaining a licence as a result of committing an offence while the holder of a provisional licence) subject to alcohol interlock scheme conditions in addition to the conditions imposed above, the conditions imposed above are effective for—

(a) the period for which the licence is required under Division 5A of Part 3 of the *Road Traffic Act 1961* to be subject to the alcohol interlock scheme conditions (a period equal to twice the number of days that are left in the disqualification period when the new licence is issued); or

(b) half of that period plus the normal period for those conditions (one year or until 19),

whichever is the longer period.

Amendment of section 81AB of the Motor Vehicles Act 1959

Section 81AB of the *Motor Vehicles Act 1959* (which will apply when amendments made by section 51 of the *Motor Vehicles (Miscellaneous) Amendment Act 1999* are brought into operation) provides for a probationary licence to be issued to a person who applies for a driver's licence following a period of disqualification (except where a provisional licence is required to be issued to such a person). A probationary licence issued in these circumstances is subject to the following conditions:

(a) a condition that the holder of the licence must carry the licence at all times while driving a motor vehicle on a road pursuant to the licence;

(b) a condition that the holder of the licence must not drive a motor vehicle while there is any alcohol in his or her blood;

(c) a condition that the holder of the licence must not incur two or more demerit points.

These conditions are effective for a period of one year (or such longer period as a court may have ordered when the disqualification order was made).

This amendment to section 81AB provides that where a licence is issued to an applicant referred to above (ie an applicant who has been disqualified and is not entitled to a provisional licence) subject to alcohol interlock scheme conditions, the licence is subject to a further condition that the holder of the licence must not drive a motor vehicle on a road without 'P' plates being fixed to the vehicle.

This condition (which does not normally apply to the holder of a probationary licence) applies as long as the licence is subject to the alcohol interlock scheme conditions.

The other conditions referred to above (ie *(a)*, *(b)* and *(c)*) apply to the licence of such an applicant for—

(a) the period for which the licence is required under Division 5A of Part 3 of the *Road Traffic Act 1961* to be subject to the alcohol interlock scheme conditions (a period equal to twice the number of days that are left in the disqualification period when the new licence is issued); or

(b) half of that period plus the normal period for those conditions (ie one year or the longer period fixed by the court),

whichever is the longer period.

Amendment of section 81B of the Motor Vehicles Act 1959

Section 81B of the *Motor Vehicles Act 1959* (as amended by the *Motor Vehicles (Miscellaneous) Amendment Act 1999*) sets out the consequences of the holder of a provisional licence or probationary licence contravening the licence conditions. It provides that if the holder of a provisional or probationary licence commits an offence of contravening a condition of the licence (or in the case of a provisional licence commits an offence that increases his or her demerit points to four or more), the Registrar of Motor Vehicles must notify the person that he or she is disqualified from holding or obtaining a permit or licence for a period of six months.

This amendment provides that if during a period of disqualification for a relevant drink driving offence a person was issued with a permit or licence subject to alcohol interlock scheme conditions and the person commits an offence of contravening—

(a) any of those alcohol interlock scheme conditions; or

(b) the condition imposed in section 81AB above that the person must not drive a motor vehicle while there is any alcohol in his or her blood,

then the period of disqualification that the person must be given notice of is six months or the number of days that remained in the period of the person's disqualification for the relevant drink driving offence immediately before the permit or licence was issued, whichever is the longer period.

Section 81B permits an appeal against a disqualification imposed under the section, but provides that where such an appeal is granted and the provisional or probationary licence is restored, the licence is subject to the provisional or probationary licence conditions for a further period determined under that section. This amendment provides that the alcohol interlock scheme conditions also apply for that further period.

Amendment of s. 139D of the Motor Vehicles Act 1959

Section 139D of the *Motor Vehicles Act 1959* provides that a person engaged or formerly engaged in the administration of the *Motor Vehicles Act* must not divulge or communicate information obtained (whether by that person or otherwise) in the administration of the Act except in certain circumstances specified in that section. This amendment provides that the same restriction applies to persons engaged or formerly engaged in the administration of the *Road Traffic Act 1961*. It also provides that an approved installer within the meaning of Division 5A of Part 3 of the *Road Traffic Act* (inserted by clause 7 above) and persons engaged in the activities of an approved installer for the purposes of that Division, are to be taken to be engaged in the administration of the *Motor Vehicles Act 1959* (and are therefore subject to this confidentiality provision).

Clause 9: Report on operation of amendments

This clause provides that the Minister must, within six sitting days after the date of commencement of section 50 of the *Road Traffic Act 1961* as inserted by clause 7 above, cause a report on the operation of the *Road Traffic Act* as amended by this Act and the *Motor Vehicles Act* as amended by this Act to be laid before each House of Parliament.

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

HARBORS AND NAVIGATION (MISCELLANEOUS) AMENDMENT BILL

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning) obtained leave and introduced a bill for an act to amend the Harbors and Navigation Act 1993. Read a first time.

The Hon. DIANA LAIDLAW: I move:

That this bill be now read a second time.

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

Leave granted.

The purpose of this Bill is to make changes to the *Harbors and Navigation Act 1993* to implement a number of improvements to current arrangements for jet ski expiation fees, penalties for non-compliance with safety equipment requirements, composition of the State Crewing Committee and to clarify the State's extraterritorial powers in relation to trading vessels.

On 19 October 1999 it was announced that the Government would implement a number of recommendations from an independent report on the review of the effectiveness of jet ski regulation.

In response to these recommendations, a number of amendments to the Harbors and Navigation Regulations 1994 were put in place last summer and, as a result, councils have reported an improvement in the use of jet skis and behaviour of riders along the metropolitan coastline. The establishment of further restricted areas for use of these craft have been considered by local councils and, if warranted, further amendments to the regulations will be made prior to the 2000-2001 summer period.

Another recommendation related to the enforcement of the jet ski regulations by local government, and a purpose of this Bill, is to further facilitate that process.

Section 6(4) of the *Expiation of Offences Act 1996* enables an officer or employee of a council, who is authorised by or under an Act to exercise powers as an inspector (or other authorised person) for the purposes of the enforcement of a provision of that Act, to give an expiation notice for an alleged offence against that provision. It also provides that the officer or employee does so on behalf of the council – that is, the council is the issuing authority in such cases. Section 17(2) of the *Expiation of Offences Act 1996* then entitles the council to any expiation fee collected on an expiation notice issued by or on behalf of the council.

The proposed amendment to section 12 of the *Harbors and Navigation Act 1993* will make it clear that council officers or employees may be appointed as authorised persons for the purpose of enforcing provisions of the *Harbors and Navigation Act 1993*, thus attracting the operation of section 6(4) of the *Expiation of Offences Act 1996* and the financial consequences outlined above.

As the Government will have no involvement in the issue of an expiation notice by a council, it is appropriate that the council retain the whole expiation fee.

The Bill also makes a minor amendment to section 14 (Powers of an authorised person) to clarify that not all of these powers need be assigned to an authorised person. Any limitations would be indicated on the instrument of appointment. This provides the ability to limit local councils to the enforcement and issue of expiation notices in specified areas of the legislation. It is intended that, initially, councils will be limited to enforcement of the provisions applicable to jet skis.

Members will recall the capsize of the catamaran yacht 'Agro' off Kangaroo Island earlier in the year and the protracted search for the vessel and survivors. This incident highlighted the importance of carrying specified safety equipment, such as an Emergency Position Indicating Radio Beacon (an EPIRB) on board a vessel as an aid in the location of a stricken vessel and rescue of the vessel's occupants.

The vessel 'Agro' did not carry the required EPIRB and the search and rescue operation was therefore directed to an area where floating debris had been observed by an aircraft that flew over the general area. As a result the survivors were subjected to the elements longer than was necessary. The cost of the search and rescue also escalated accordingly and was estimated at approximately $230 000.

This incident, and the estimated cost of the search and rescue effort, prompted a review of the penalties in the *Harbors and Navigation Act* for a failure to carry safety equipment specified in Schedule 9 of the regulations.

The Bill amends the expiation fees applicable for not carrying required safety equipment and establishes a specific offence, with an expiation fee of $400, for not carrying an EPIRB when required by regulation to do so. With a basic 121.5 MHz EPIRB costing approximately $250, this penalty should be a sufficient incentive now and in the immediate future for a vessel operator to purchase an EPIRB at a price less than the penalty.

The State Crewing Committee is appointed by the Governor to determine the minimum number and qualifications of crew required for intrastate trading vessels and, as necessary, to review crewing determinations if the operations of a vessel are to change. This work is to ensure the safety of the vessel, crew and any passengers on the vessel.

The Committee consists of five members appointed by the Governor two of which are Master Mariners, and one a Marine Engineer nominated by the Minister responsible for the *Harbors and Navigation Act*. In addition two are to be persons who have, in the opinion of the Governor, appropriate qualifications and experience to be members of the Committee and nominated by maritime or waterfront unions.

The life style of the marine industry has historically not been attractive to women and, as a consequence, there are few women in Australia (and none in South Australia) with the current prescribed level of qualifications or marine experience to qualify for membership of the Committee. However, it is pleasing to note that more women are gradually entering the marine industry and its professions. There are several women in South Australia who hold at least a Master Class 5 Certificate of Competency.

The Bill amends the membership of the State Crewing Committee to provide one position (rather than the current two) for a Master Mariner and a further position for a person with Master's certificate of competency (of any class) nominated by the Minister. The Bill also specifies that at least one member of the Committee must be a woman and at least one member a man.

Apart from making membership of the Committee more accessible to women, the changed qualifications will broaden the relevance and experience of the Committee.

The division of responsibility for shipping and navigation between the Commonwealth, States and the Northern Territory was agreed as part of the arrangements that are generally called the Offshore Constitutional Settlement (OCS).

The issue of multiple jurisdictional responsibility for vessel safety has been under national consideration since approximately 1988 as an impediment to the interstate trading vessel sector of the marine industry.

A number of small commercial vessels engage in interstate voyages which, under the current regulatory framework, places them within three regulatory systems during the course of a short interstate voyage, namely:

- their home State/Territory administration;
- the Commonwealth during the course of the interstate voyage;
- the safety administration in the receiving State/Territory.

Such a bureaucratic burden on industry is an unintended consequence of the current division of regulatory responsibility between the Commonwealth and the States and is an impediment to sectors of the marine trading vessel industry.

In April 1999 the Australian Transport Council (ATC) agreed to change jurisdictional arrangements for safety regulation of trading vessels (i.e. not fishing or pleasure craft) from 1 January 2001. Under the revised arrangements States/Territories will be responsible for trading vessels of less than 500 gross registered tons engaged in intra or interstate trade.

An amendment to the Commonwealth *Navigation Act 1912* to bring about the change in marine safety jurisdictional arrangements is to be introduced into Federal Parliament to enable operation of the revised arrangements from 1 January 2001.

The Bill amends the *Harbors and Navigation Act 1993* to make it clear that the State Act applies extraterritorially to the extent that it is constitutionally able. This means that any changes to Commonwealth jurisdictional arrangements will automatically flow through to be covered by State law.

The Bill also includes a schedule converting divisional penalties throughout the *Harbors and Navigation Act* to monetary amounts.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Substitution of s. 6

This clause substitutes a new section 6 in the principal Act making it clear that the Act operates extraterritorially to the extent that it is able.

Clause 4: Amendment of s. 12—Appointment of authorised persons

This clause amends section 12 of the principal Act to make it clear that council officers or employees may be appointed as authorised persons under the Act (with the consent of the council) and that the instrument of appointment may limit the powers of an authorised persons to the enforcement of specified provisions of the Act or to enforcement within a specified area of the State.

Clause 5: Amendment of s. 14—Powers of an authorised person

This clause makes a minor amendment to section 14 of the principal Act to make it clear that the powers of an authorised person listed in that section are subject to any condition contained in the instrument of appointment.

Clause 6: Insertion of s. 39A

This clause inserts definitions for the purposes of Division 3 of Part 6 of the principal Act.

Clause 7: Amendment of s. 40—State Crewing Committee

This clause amends the membership of the State Crewing Committee to provide that, whilst one appointed member must still be a Master Class 1, one appointed member may now be a master of any class. The clause also provides that one appointed member of the Committee must be a woman and one a man.

Clause 8: Amendment of s. 41—Nomination of members by owner
This clause amends section 41 to make it clear that the owner of a vessel can nominate a master of any class as a member of the Committee, and is not obliged to nominate a Master Class 1.

Clause 9: Insertion of s. 42A
This clause provides that a vacancy or defect in the appointment of a member of the Committee does not affect the validity of a decision of the Committee.

Clause 10: Amendment of s. 65—General requirements
This clause changes the expiation fees applicable on breach of section 65 of the principal Act.

Clause 11: Insertion of s. 65A
This clause inserts a new provision requiring a vessel of a class specified in the regulations to have an emergency position indicating radio beacon that is in good working order. The penalty for contravention of the provision is a fine of $10 000 or an expiation fee of $400.

Clause 12: Amendment of s. 66—Power to prohibit use of unsafe vessel
This clause makes a consequential amendment to section 66 (to encompass the requirement under proposed section 65A).

Clause 13: Amendment of s. 68—Requirement of survey
This clause makes a consequential amendment to section 68 (to encompass the requirement under proposed section 65A).

Clause 14: Transitional provision
This clause provides for appointed members of the State Crewing Committee to vacate their offices on commencement of clause 7, so that new members can be appointed.

SCHEDULE
Amendment of Penalties

The schedule replaces divisional penalties throughout the principal Act with monetary amounts.

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

STATUTES AMENDMENT (TRANSPORT PORTFOLIO) BILL

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning) obtained leave and introduced a bill for an act to amend the Goods Securities Act 1986 and the Motor Vehicles Act 1959. Read a first time.

The Hon. DIANA LAIDLAW: I move:

That this bill be now read a second time.

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

Leave granted.

The purpose of this Bill is—

- to amend the definition of motor vehicle in the *Goods Securities Act 1986*; and
- to make four unrelated amendments to the *Motor Vehicles Act 1959*.

Goods Securities Act 1986

The purpose of the amendment is to amend the definition of motor vehicle in Section 3(1) of the *Goods Securities Act 1986*. Currently, the Act defines motor vehicle as '*a motor vehicle as defined in Section 5(1) of the Motor Vehicles Act 1959*.'

The *Motor Vehicles (Miscellaneous) Amendment Act 1999* which is scheduled to be proclaimed in mid-2001 will amend the definition of motor vehicle in section 5(1) of the *Motor Vehicles Act* to mean '*a vehicle that is built to be propelled by a motor that forms part of the vehicle*.' The new definition will not include trailers. However, a new section 5(3) will state that '*a reference in this Act to a motor vehicle includes a reference to a trailer unless it is otherwise expressly stated*.'

The new section 5(3) is not referred to in the definition in the *Goods Securities Act*. To prevent the exclusion of trailers from the definition of motor vehicle in the *Goods Securities Act* and the unintended restriction of the scope of the Act which would occur on the proclamation of the *Motor Vehicles (Miscellaneous) Amendment Act 1999*, the definition of motor vehicle is to be amended to specifically include trailers. This will ensure that the scope of the *Good Securities Act* remains unaffected and that securities can continue to be registered over trailers.

Motor Vehicles Act 1959

The first amendment varies the criteria for granting a concession on registration fees to ex-service personnel receiving a pension based on impairment of locomotion from 75 per cent incapacity to 70 per cent incapacity.

Section 38 of the Act provides a reduction in the registration charge of two-thirds in relation to a motor vehicle owned and used by an incapacitated ex-serviceman or ex-servicewoman. Such a person is currently defined in the Act to include a person who receives a Commonwealth pension 'at the rate for total incapacity' or such a pension 'granted by reason of impairment of the power of locomotion at a rate not less than 75 per cent of the rate for total incapacity'. Such a person is also eligible for an exemption from stamp duty on the market value of the vehicle and from stamp duty on compulsory third-party insurance (see Schedule 2 of the *Stamp Duties Act 1923*).

All States and Territories provide incapacitated ex-service personnel with registration fee and stamp duty concessions. However, the qualification for concession in terms of the pension rate of incapacity varies from between 70 per cent in New South Wales and Queensland and 100 per cent in the Australian Capital Territory, Northern Territory, Victoria, Tasmania and Western Australia. The proposal follows a recent decision of the New South Wales Government to reduce the qualification for the concession from 75 per cent to 70 per cent of the pension rate for total incapacity.

According to information provided by the Department of Veterans' Affairs 590 people currently receive a pension at a rate of 70 per cent of the pension rate for total incapacity and may, if they receive the pension at this rate by reason of impairment of the power of locomotion, be eligible for the concession in section 38 of the Act.

The second amendment to the Act requires the driver of a heavy vehicle to produce his or her licence to an inspector forthwith on request. Section 98AAA of the Act requires the drivers of heavy vehicles to carry their licences with them while driving a heavy vehicle. If requested by a member of the police force, the driver must produce his or her licence forthwith.

Inspectors who carry out on-road checks and examinations of heavy vehicles do not have this power. They have no way of confirming the identity of the driver at the time. Currently section 96 of the Act gives the police and inspectors a power to require a driver to produce his or her licence forthwith or within 48 hours at a police station convenient to the driver. It is extremely difficult for an inspector to check whether a driver has presented his or her licence at a police station.

It is proposed to extend the requirement to produce a licence forthwith to a police officer to an inspector under the *Motor Vehicles Act* or the *Road Traffic Act*. This will enable an inspector to check that the driver of a heavy vehicle is correctly licensed to drive the type of heavy vehicle he or she is driving. This is an important road safety measure.

Because the licence has a photograph of the driver, the inspector would also be able to confirm that the name and address given by the driver matches those specified on the licence. Log-book information would also be able to be corroborated. If an expiation notice were issued, the name and address of the offender would be correctly stated. This would assist the enforcement of the provisions of the Act relating to heavy vehicles.

Section 139D of the Act currently makes it an offence punishable by a maximum fine of $5 000 for a person engaged or formerly engaged in the administration of the Act to disclose information except under certain circumstances, for example, with the consent of the person from whom the information was obtained or to whom the information relates; as required by the *Motor Vehicles Act* or any other Act; or for the purposes of legal proceedings arising out of the administration of the Act.

The third amendment to the Act would make it an offence punishable by a maximum fine of $5 000 to use information obtained in the administration of the Act and disclosed as permitted by the Act for purposes other than those for which it was disclosed.

The amendment will act as a deterrent to persons who receive information from the Registrar of Motor Vehicles under the Act for a specific purpose from providing it to third parties for other purposes and will better protect the privacy of persons who have given information to the Government as required by the Act.

The proposed provision is consistent with Principle 11 (limits on disclosure of personal information) of the Privacy Principles in the Commonwealth *Privacy Act 1988*.

The final amendment would make it an offence for an inspector to address offensive language against a person, or without lawful

authority or belief as to lawful authority, to hinder, obstruct or use or threaten to use force against a person. Such a provision applying to inspectors, authorised persons or authorised officers occurs in over twenty Acts, including the *Local Government Act 1999*, the *Passenger Transport Act 1994* and the *Rail Safety Act 1996*. The *Motor Vehicles Act* currently contains a provision making it an offence for a person, without reasonable excuse, to obstruct or hinder an inspector or authorised agent. The proposed amendment would impose a somewhat similar obligation on an inspector.

I commend the bill to honourable members.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

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

Clause 3: Interpretation

This clause is the standard interpretation provision included in Statutes Amendment measures.

PART 2

AMENDMENT OF GOODS SECURITIES ACT 1986

Clause 4: Amendment of s. 3—Interpretation

This clause substitutes a new definition of 'motor vehicle'.

PART 3

AMENDMENT OF MOTOR VEHICLES ACT 1959

Clause 5: Amendment of s. 38—Registration fees for incapacitated ex-service personnel

This clause alters the eligibility requirement for concessional registration fees for incapacitated ex-service personnel by lowering the pension rate of incapacity from 75 per cent to 70 per cent.

Clause 6: Amendment of s. 98AAA—Duty to carry licence when driving heavy vehicle

This clause inserts a definition of 'member of the police force' to include inspectors under the *Motor Vehicles Act* and *Road Traffic Act* as persons who may require drivers of heavy vehicles to produce their licences.

Clause 7: Amendment of s. 139D—Confidentiality

This clause makes it an offence punishable by a maximum fine of $5 000 for the following persons to use information disclosed under section 139D other than for the particular purpose for which it was disclosed:

- the person to whom the information was disclosed;
- any other person who gains access to the information (whether properly or improperly and whether directly or indirectly) as a result of that disclosure.

Clause 8: Insertion of s. 139G

139G. Offences by inspectors

The proposed section makes it an offence punishable by a maximum fine of $1 250 for an inspector to address offensive language to any person or without lawful authority or a reasonable belief as to lawful authority, to hinder or obstruct, or use or threaten to use force in relation to, any person.

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

DEVELOPMENT (SYSTEM IMPROVEMENT PROGRAM) AMENDMENT BILL

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

That the Development (System Improvement Program) Amendment Bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

ADELAIDE CEMETERIES AUTHORITY BILL

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning) obtained leave and introduced a bill for an act to establish the Adelaide Cemeteries Authority; to provide for the administration and maintenance of Cheltenham Cemetery, Enfield Memorial Park and West Terrace Cemetery; to repeal the Enfield General Cemetery Act 1944 and the West Terrace Cemetery Act 1976; and for other purposes. Read a first time.

The Hon. DIANA LAIDLAW: I move:

That this bill be now read a second time.

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

Leave granted.

The ongoing provision of funeral and cemetery related services in Adelaide is important in order to ensure—

- appropriate memorialisation of the deceased;
- that the needs of the bereaved are met;
- that the maintenance and amenity requirements of cemeteries are met; and
- that heritage and historical components of cemeteries are maintained and enhanced.

The Enfield General Cemetery Trust is a body corporate established under the *Enfield General Cemetery Act 1944*. It was established by the State Government in 1944 to maintain and administer Enfield Memorial Park, Australia's first lawn cemetery. In 1997, the Enfield General Cemetery Trust took over the responsibility of administering both the West Terrace Cemetery and Cheltenham Cemetery, thus making the Trust a significant provider of funeral and cemetery related services in South Australia.

As part of the State Government's National Competition Policy obligations, the Enfield General Cemetery Trust was subject to legislative and competitive neutrality reviews in 1998.

As a result of these reviews, a steering committee was established in May 1999 to examine the means by which the recommendations of these reviews could be implemented. The committee was chaired by the Chief Executive of the Department for Transport, Urban Planning and the Arts, Mr Rod Payze, and consisted of representatives of—

- the Enfield General Cemetery Trust;
- Department of Treasury and Finance;
- Crown Solicitor's Office;
- the Office for Government Enterprises; and
- Planning SA.

This Bill has been drafted as a result of the recommendations of the committee and sets out a consolidated legislative framework for the operations of the Trust (which will become the *Adelaide Cemeteries Authority* under the new legislation), ensuring that the Authority continues to provide appropriate funeral and cemetery related services to the community and setting in place an appropriate commercial management structure.

The benefits of the proposed rationalised legislation include the following:

- A clear statement of the role of the Adelaide Cemeteries Authority with emphasis on a full range of funeral and cemetery services to the community rather than being restricted to the administration and management of cemeteries (as currently stipulated by the *Enfield General Cemetery Act 1944*).
- A clear statement of the services to be delivered by the Authority through a Charter and Performance Statement, with greater flexibility being provided to the Authority to achieve these agreed targets.
- A requirement for the board of the Authority to prepare a Strategic Plan and a Business Plan to enable the Authority to plan with confidence for the future (to be approved by the Minister and Treasurer).
- A requirement for plans of management to be prepared for each cemetery (not just the West Terrace Cemetery) taking into account—
  - — the heritage and historical significance of the cemetery;
  - — the scale and character of new memorials or monuments; and
  - — planting and vegetation in the cemetery.

  The plans must be released for 6 weeks' public consultation, rather than the 2 weeks currently stipulated in the *Enfield General Cemetery Act 1944*.
- The retention of existing protective measures relating to designated grave areas for religious faiths and military service personnel, as well as the right for 'ministers' of religion to undertake religious services.

- A board consisting of people with experience pertinent to the roles, functions and performance agreements set out in the Bill.
- The establishment of a single up-to-date Act to replace the existing *Enfield General Cemetery Act* and *West Terrace Cemetery Act*, established in 1944 and 1976 respectively.

In September 2000, comments from key stakeholders were sought on this Bill. Where relevant, these comments have been incorporated into the Bill.

The major provisions of the Bill are discussed below.

Functions

In addition to the Authority's existing functions of the administration and maintenance of Enfield Memorial Park and Cheltenham and West Terrace cemeteries as public cemeteries, and for the internment or inurnment of the deceased in those cemeteries, it is proposed that the Authority's functions be broadened to enable it to provide the full range of services to the community. These functions include:

- the administration and maintenance of other cemeteries acquired by the Authority;
- activities associated with the heritage or historical significance of cemeteries;
- activities or services relating to the burial or other disposal of human remains;
- other activities utilising the Authority's property or buildings; and
- other functions assigned to the Authority by the Minister.

Application of the Public Corporations Act 1993

It is proposed that the Authority be made subject to the provisions of the *Public Corporations Act 1993*, in order to develop an accountability framework for the board where both commercial efficiency and community service requirements are clearly set out.

The application of the *Public Corporations Act 1993* will require the Authority to prepare a Charter and Performance Statement. After adoption by the Minister responsible for the Act and the Treasurer, the Charter is required to be tabled before both Houses of Parliament and presented to the Economic and Finance Committee of the Parliament.

The Strategic Plan and Business Plan are also to be approved by the Minister responsible for the Act and the Treasurer.

Board Membership

The Bill contains board membership provisions which provide for appropriate relevant professional experience on the board of the Authority. Required experience/expertise on the board is—

- 3 members with business/management experience;
- 1 with historical/heritage experience;
- 1 with local government experience;
- 1 with religious/community experience; and
- 1 with government (other than local government) management experience.

Other membership provisions of the Bill to note are—

- all members will be appointed by the Governor on the nomination of the Minister;
- the nominee with Local Government experience will be selected from a panel of 3 names provided by the Local Government Association;
- all appointments will be for a period of up to 4 years;
- the total number of members is to be reduced from 10 to 7 (comprising at least 2 women and 2 men) and the quorum will be reduced from 6 to 4 members;
- the Bill includes transitional provisions allowing for the disbanding of the existing membership on a gazetted date and the formation of a new board on the same date.

Plans of management for all cemeteries

The Bill includes the requirement that a plan of management be prepared for all cemeteries under the Authority's control and not just the West Terrace Cemetery as is currently the case. Plans of management must take into account the heritage and historical significance of the cemeteries and establish policies relating to—

- retention or removal of existing headstones;
- re-use of burial sites;
- the scale and character of new memorials or monuments; and
- planting and nurturing of vegetation in the cemetery.

The plans must be released for 6 weeks' public consultation, rather than 2 weeks as specified in the *Enfield General Cemetery Act 1944*.

Protection of existing burial rights and services

The Bill maintains the Authority's obligation to ensure that Jewish graves are not to be disturbed without the approval of the appropriate community body. In addition, any part of one of its cemeteries formerly set aside for the interment of members of a particular religious denomination or military service is to be maintained for that purpose.

West Terrace Cemetery

In addition to the requirements of the Authority to maintain the existing burial rights associated with West Terrace Cemetery and to prepare a plan of management for West Terrace Cemetery (and all other cemeteries under its control), the existing definition of West Terrace Cemetery is to be maintained and the Cemetery is to be vested in the Authority.

Conclusion

I commend the Bill to all Members and ask that it receive their prompt attention. Not only does the Bill introduce important improvements to the accountability of the Authority, but it also ensures that the Authority will continue to provide funeral and cemetery related services to the community in a sensitive and appropriate manner.

Explanation of Clauses

PART 1—PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This clause contains the definitions of words and phrases for the purposes of the Bill. An Authority cemetery is a cemetery administered by the Adelaide Cemeteries Authority established under Part 2 of the Bill. The definition of burial of human remains is broad to include, in addition to its normal meaning of an earth burial, the placement of the remains in a tomb, mausoleum or vault.

PART 2—ADELAIDE CEMETERIES AUTHORITY

DIVISION 1—ESTABLISHMENT OF AUTHORITY

Clause 4: Establishment of Adelaide Cemeteries Authority

The Authority is established as a body corporate with perpetual succession and a common seal, capable of suing and being sued in its corporate name, with the powers and functions assigned or conferred by or under the Bill. The Authority is the same body corporate as the Enfield General Cemetery Trust.

Clause 5: Application of Public Corporations Act 1993

The Authority is a statutory corporation to which the provisions of the *Public Corporations Act 1993* apply.

Clause 6: Functions

The Authority's primary functions are—

- to administer and maintain as public cemeteries Cheltenham Cemetery, Enfield Memorial Park and West Terrace Cemetery; and
- to administer and maintain any other cemetery established or acquired by the Authority; and
- the burial or other disposal of human remains in an Authority cemetery; and
- to carry out activities associated with the heritage or historical significance of an Authority cemetery; and
- any other function assigned to the Authority under legislation or by the Minister.

The Authority's functions may extend to the following as the Authority thinks fit:

- activities or services relating to the burial or other disposal of human remains;
- other activities or services utilising Authority property and buildings.

Clause 7: Powers

The Authority has all the powers of a natural person together with the powers conferred on it under this Bill or any other Act.

Clause 8: Special provisions relating to Authority's powers

This clause sets some limitations on the Authority's powers, a number of which have been carried over from the *Enfield General Cemetery Act 1944* and the *West Terrace Cemetery Act 1976* (to be repealed by this Bill).

The Authority may not acquire, establish or dispose of a cemetery without the written approval of the Minister.

The Authority may not enter into any partnership, joint venture or other profit sharing arrangement without the written approval of the Treasurer.

The Authority may not grant a right for burial purposes for a term longer than 99 years but may, from time to time, renew a burial right for any lesser period.

The Authority must not disturb or interfere with a grave within the area delineated and marked *Jewish Granted MEM. No. 443 Bk. 42* on the plan of West Terrace Cemetery (set out in Schedule 1) without the written approval of the Board, the Trustees, or the Chief Minister, of the Adelaide Hebrew Congregation.

The Authority must not, without the approval of the Minister, use for any other purpose a portion of an Authority cemetery set apart for the burial or other disposal of persons of particular religious denominations or of members (or former members) of an arm of the Defence Forces of Australia or of the naval, military or air force of some other country.

The Authority must not prevent or interfere with the performance of a ceremony according to the usage of a person's religion in connection with the burial or other disposal of the person's remains.

The Authority must allow a minister of a religious denomination for which a portion of an Authority cemetery is set apart to have free access and admission to that portion of the cemetery at all times in order to exercise his or her functions as a minister.

Clause 9: Common seal and execution of documents

This clause provides for the use by the Authority of the Authority's common seal and the manner in which documents of the Authority are to be properly executed. It is in the usual terms.

DIVISION 2—BOARD

Clause 10: Establishment of board

A board of not more than 7 directors (to be appointed by the Governor on the nomination of the Minister) is established as the governing body of the Authority. The Minister must, in nominating persons for appointment to the board, have regard to particular fields of experience required for the effective functioning of the Authority and for the need for the Authority, in carrying out its functions, to be sensitive to the cultural diversity of the State. One of the directors will, on the nomination of the Minister, be appointed by the Governor to chair meetings of the board.

Clause 11: Conditions of membership

A director will be appointed for a term, not exceeding 4 years, specified in the instrument of appointment and will, at the expiration of a term of appointment, be eligible for reappointment, although the term of office of a retiring director continues until he or she is reappointed or a successor is appointed (as the case may be).

The office of a director becomes vacant if the director—

- dies; or
- completes a term of office and is not reappointed; or
- resigns by written notice to the Minister; or
- becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors; or
- is convicted of an indictable offence or sentenced to imprisonment for an offence; or
- is removed from office by the Governor on the recommendation of the Minister.

Clause 12: Vacancies or defects in appointment of directors

An act of the board is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a director.

Clause 13: Remuneration

A director is entitled to be paid from the funds of the Authority such remuneration, allowances and expenses as may be determined by the Governor.

Clause 14: Board proceedings

This clause sets out requirements for the proceedings of the board of directors, including the quorum of the board (4 members).

Clause 15: Committees

The board may establish such committees (including advisory or subcommittees) as the board thinks fit, the membership of which is to be determined by the board.

DIVISION 3—STAFF

Clause 16: Staff

The Authority may employ such staff as it thinks necessary or desirable on terms and conditions determined by the Authority.

PART 3—MISCELLANEOUS

Clause 17: Plans of management for Authority cemeteries

The Authority must, in accordance with this section—

- prepare plans of management for each Authority cemetery; and
- present the plans at public meetings convened by the Authority.

Plans of management must be prepared and presented as follows:

- the first plan must cover a 5 year period and be prepared and presented within 18 months after the commencement of this clause;
- subsequent plans must cover subsequent 5 year periods and each plan must be prepared and presented at least 6 months before it is to take effect.

A plan of management for a cemetery must take into account the heritage and historical significance of the cemetery and establish policies relating to the following matters:

- retention or removal of existing headstones;
- re-use of burial sites;
- the scale and character of new memorials or monuments;
- planting and nurturing of vegetation in the cemetery.

In preparing a plan of management for a cemetery, the Authority must consult with the relevant local government council, the administrative unit of the Public Service responsible for State heritage matters and other persons who, in the opinion of the Authority, have a particular interest in the management of the cemetery.

The Authority must, at least 6 weeks before the date of a public meeting, in a newspaper circulating generally throughout the State, publish a notice—

- of the date, time, place and purpose of the meeting; and
- of the place (determined by the Minister) where the plan of management may be inspected, without charge and during normal office hours, during the period of 6 weeks immediately prior to the meeting.

The Authority may revise and update a plan of management at any time and must keep a copy of each current plan of management available for inspection by members of the public, without charge and during normal office hours, at a place determined by the Minister.

This clause contains provisions that are very similar to the provisions of section 20A of the *Enfield General Cemetery Act 1944* except that it applies to each cemetery under the administration of the Authority and not just to West Terrace Cemetery as is the current position.

Clause 18: Non-application of s. 586 of Local Government Act 1934

Section 586 of the *Local Government Act 1934* does not apply to an Authority cemetery.

Clause 19: Ministerial approvals

An approval given by the Minister or the Treasurer under this Bill may be specific or general and conditional or unconditional. Such an approval may be varied or revoked by the Minister or the Treasurer (as the case may be) at any time.

Clause 20: Regulations

The Governor may make regulations for the purposes of the Bill and those regulations may apply other specified regulations (with or without modifications) to an Authority cemetery.

SCHEDULE 1: Plan of West Terrace Cemetery Showing Areas Set Apart for Particular Religious Denominations

Schedule 1 contains a plan of West Terrace Cemetery showing those areas of the Cemetery set apart for particular religious denominations.

SCHEDULE 2: Plan of West Terrace Cemetery for Vesting Purposes

The plan of West Terrace Cemetery set out in Schedule 2 is more detailed for the purposes of vesting the Cemetery in the Authority (*see clause 3(1) of Schedule 3*).

SCHEDULE 3: Repeal and Transitional Provisions

Schedule 3 contains provisions repealing the *Enfield General Cemetery Act 1944* and the *West Terrace Cemetery Act 1976* and dealing with transitional issues arising from the repeal of those Acts and the enactment of the Bill.

Clause 2(1) provides that the Authority is the same body corporate as the Enfield General Cemetery Trust established under the *Enfield General Cemetery Act 1944*.

Clause 2(2) provides that the offices of the members of the Enfield General Cemetery Trust are vacated on the commencement of this clause.

Clause 3 provides that West Terrace Cemetery is vested in the Authority for an estate in fee simple with the Authority holding the land so vested subject to any rights or interests granted and in force in respect of the land immediately before the commencement of this clause.

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

PROSTITUTION (REGULATION) BILL

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

That the Prostitution (Regulation) Bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

NUCLEAR WASTE STORAGE FACILITY (PROHIBITION No. 2) BILL

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

That the Nuclear Waste Storage Facility (Prohibition No. 2) Bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

ADDRESS IN REPLY

The Hon. K.T. GRIFFIN (Attorney-General) brought up the following report of the committee appointed to prepare the draft Address in Reply to His Excellency the Governor's speech:

1. We, the members of the Legislative Council, thank Your Excellency for the speech with which you have been pleased to open parliament.
2. We assure Your Excellency that we will give our best attention to all matters placed before us.
3. We earnestly join in Your Excellency's prayer for the Divine blessing on the proceedings of the session.

The Hon. CAROLINE SCHAEFER: I move:

That the Address in Reply as read be adopted.

In doing so I thank the Governor, Sir Eric Neal, for his speech. I note that His Excellency has referred to this as a landmark parliamentary session due to the centenary of federation celebrations scheduled for next year.

This year has certainly been a landmark year with the turn-of-the-century celebrations at the New Year and now our Olympic Games which have been described by Juan Antonio Samaranch as the best olympics ever.

Today we had the pleasure of acknowledging not only the athletes but also the volunteers who did so much to ensure that the games were the best ever. I did not go to Sydney for any of the games but even from this distance they were inspirational. We have shown the world what a wonderful society we are. I believe these games have signalled a new coming of age for Australia and I congratulate all concerned.

Really what has set us apart and made these games the best ever is our volunteers. I believe we are the only nation that has been able to gather so many people on a voluntary basis to ensure that so many people from overseas enjoyed their time in Australia. Again, I congratulate all concerned and I wish our other heroes—the paralympians—every success in their Olympics to be held from 18 to 29 October.

The Governor's address has outlined the long-term aims of this government, and I think it is worth stating once again that the unemployment rate is the lowest it has been for a decade, while our economic growth is surpassing all other states. In fact, it has been announced that state final demand figures have increased by 8.5 per cent from the June 1999 quarter to the June 2000 quarter against the national average of 5.9 per cent.

Perhaps an even more encouraging figure is that new private capital expenditure in South Australia grew by 18.4 per cent in the financial year to June 2000: this is compared to a fall of 2.2 per cent nationally. Investment spending in the key manufacturing sector showed a growth of 34 per cent. Everyone knows that without investment there will be no jobs and that the manufacturing sector in particular is a labour-intensive group of industries and a vital factor in employment growth in this state. In fact, manufacturing employment is the single largest sector for jobs in South Australia and, according to recent ABS figures, its employee base grew by 5.8 per cent. Overall, employment grew by nearly 13 000 net new jobs.

Particularly pleasing to regional South Australia is the figure that shows employment in agriculture, forestry and fisheries growing by 11 per cent. I imagine that this is the first time for many years that primary industries have shown such encouraging growth figures.

Many honourable members will know that earlier this year I chaired the committee that reviewed our Education Act. The committee comprised people from diverse backgrounds but all with a great deal of expertise. We also oversaw a massive consultation process throughout the state. I look forward to the legislative changes and the South Australian Curriculum Standards and Accountability framework to which His Excellency referred and which result from that consultation process. However, I must say I had hoped we would see a complete new act; perhaps we can look forward to that in the future.

I also chair the Social Development Standing Committee, which has just completed an inquiry into rural health, so I welcome the emphasis which is to be put on improved mental health facilities, particularly via rural health networks.

My interest in rural and regional South Australia is well known and I am pleased to say that most of rural South Australia has the potential for one of the best production years ever. In most areas, one finishing rain is all that is needed for it to be the best year ever. But the threat of the worst locust plague ever is hanging over regional South Australia. I congratulate Minister Kerin, his departmental officers, local government, the South Australian Farmers Federation and individual landholders who have all combined to put forward a plan of eradication and have cooperated early to make it work. The South Australian government has committed more money and resources to fighting this plague than has any other state government.

On July 12 it committed an additional $4.5 million to funding the three-pronged attack on this plague. This extra funding includes an approximate 25 per cent rebate on approved chemicals for individual land owners and for further aerial spraying. Local government has also freed up emergency funding for roadside spraying and further funding has been added to the amount necessary for aerial spraying by PIRSA officers.

We may not be 100 per cent successful but we will manage the hatchings we know about. Unfortunately, no-one can assess what hatchings there will be to the north of us and it is the threat of these fly-ins which we cannot control. For the economy of our state and for the individual farmers who are threatened, we can only hope that these flying pests will not be too plentiful.

The parliament has heard me speak on many occasions about the state food plan. I suppose all members have projects which interest and inspire them more than others. For me that project is the food plan and my involvement as convenor of the council and chair of the issues group. I sincerely believe that this plan has the potential to place South Australia as the food state in a nation which is widely recognised overseas for its quality food products.

An indication of the plan's recent successes has come from this year's score card. The score card was developed as an indicator of the state food plan's successes and failures on a product by product and region by region basis. I commend the PIRSA officers lead by Venton Cook who have developed this score card. We are now able to measure our progress

much more accurately than before. Members may be interested to know that the total value of the food industry excluding wine in South Australia is $7.2 billion per annum. Although the growth in value last year was only $67 million, this was achieved in spite of a 23 per cent decline in the value of grains.

One of the aims of the food plan has always been to encourage value adding, and last year's processed food turnover increased by $143 million. Importantly, there was a 14 per cent increase in the value of processed food exports to overseas markets. Seafood exports were up by 54 per cent on the previous year. Total food exports amounted to $1.5 billion. If we add wine exports, the combined total of export dollars to this state for food and wine was $2.44 billion.

We cannot control the weather or world commodity prices, and these successes are in spite of a drought and falling prices so are a significant achievement. It is also gratifying to see an 86 per cent increase in new investment in the food and wine industries over the last four years. A lesser known fact is that one in every five people employed in this state is employed in the food and wine industries. Surely this reinforces the critical importance of the food and wine industry to the prosperity of our state, especially to regional South Australia.

To this end, the Food for the Future group, in consultation with industry and government key players, is working to develop an update of the food plan which will set priorities for the next three years. The objective of this plan is to accelerate industry development and to ensure international competitiveness for the South Australian food industry.

Another aspect of my work with the Food for the Future group in recent months has been to accompany it on a series of regional seminars. These were organised in conjunction with regional development boards and were facilitated by the three recipients of the Innovating Australia awards. These awards were scholarships for people from throughout the country to travel overseas looking at innovative projects which could be of assistance in regional Australia. South Australia's three recipients were: Merv Lewis from the Mid North, Susan Berlin from Kangaroo Island, and Hilton Trigg from Eyre Peninsula. Our seminars gave them the opportunity to share their experience with producers throughout the state.

There is no doubt that the culture of the food plan is being widely embraced by regional South Australia. Producers now see themselves as a part of a vital food chain rather than simply growers of a commodity with their interest finishing at the farm gate. This can only be of great benefit to the long-term economy of our state. I am always impressed by the amount of personal effort people are prepared to put into this plan, because they believe it is good for South Australia. I would like to take this opportunity to thank both the private sector members and the government participants, all of whom give generously of their private time. They, like me, are converts to a system that has formed such a successful partnership between government and industry.

Last week I acted as chair for one of the other issues groups, that of the Regional Development Council, in the absence of the usual chair, the Hon. John Dawkins. Like the Food for the Future Council, it is a whole of government initiative involving a partnership between industry and government, and it is most encouraging to see how enthusiastic our public servants are about working across sectors to achieve a mutual goal. I understand that the recommendations of the rural development task force have now been prioritised, and they include: regional planning and infrastructure, supportive and responsive government, stronger communities, improved regional services, economic generation and regional promotion. I was pleased to learn of the regional employment strategy and the additional funding to regional development boards to implement that plan, and I look forward to following the progress of these initiatives when I travel throughout rural South Australia. There is no doubt that we will be always more successful if local people are involved in working partnerships with government.

On a personal note, I express my disappointment at yesterday's *Advertiser* article referring to 'part-time MPs'. I take my position as a rurally-based MLC very seriously, and I find the implication that when we are not sitting we are not working quite offensive. As a matter of interest, I looked back through my diary, and the most consecutive days I spent at home during our break was six—and that included a weekend. I spent a lot of time in Adelaide attending to various committee duties, I flew quite a number of hours in light aircraft, drove about 10 000 kilometres by myself and visited communities all over the state. I recognise that I travel more than most, but I also recognise that there are many on both sides of the Council who have similar workloads. I ask those who are so critical: when do they go out and attend to their constituency, or don't they have one?

There appears to be some contradiction in the two popular arguments that, first, we need fewer not more laws and, secondly, we should sit a minimum of 100 days per year, when the main purpose of parliament is to pass laws. I am not against parliamentary reform or increased efficiency, but I hope those suggestions are for genuine reform not simply publicity seeking populism. I certainly object to the notion that we are not working if we are not sitting.

In conclusion, I extend my sympathy to Prue and the family of the late David Tonkin and reiterate the sentiments expressed yesterday. David and Prue Tonkin are friends of my parents, and I have known them since the 1970s. I also wish to thank Sir Eric and Lady Neal for their outstanding efforts on behalf of our state. They are truly wonderful ambassadors for us all, and it is a pleasure to respond to the Governor's speech today.

The Hon. L.H. DAVIS: I second the motion and have much pleasure in supporting my colleague the Hon. Caroline Schaefer. I know that my colleagues in the Legislative Council would all admire the style and enthusiasm with which the Governor, His Excellency Sir Eric Neal, and Lady Neal carry out their duties. Like all members of this Council and another place, I was much saddened by the unexpected passing of the Hon. David Tonkin. Very fulsome tributes were paid to David in this place only yesterday. However, it is important to recognise the enormous contribution his government, from 1979 to 1982 made to this state. They were tangible contributions—contributions of lasting importance which will always be a monument to his leadership of that government.

It is interesting to look at the state of the Australian economy, before addressing some remarks with respect to the South Australian economy. We live in a period of unparalleled growth. The Australian economy, along with the South Australian economy, has enjoyed nine years of economic growth in a row. In the past 12 quarters of economic activity, the Australian economy has been expanding at the rate of at least 4 per cent. That growth rate is forecast to maintain into

the rest of this financial year. There have been significant improvements in productivity, and there has been a growth in productivity which is twice the average of OECD countries. Inflation, which for so much of the 1970s and 1980s was a real bogey for the Australian economy, has been consistently in the area nought to 3 per cent through most of the 1990s. Even with the one-off impacts of the GST the underlying rate of inflation for 2000-01 will still be less than 3 per cent. Unemployment nationally has come down from close to 11 per cent in 1992 to little more than 6 per cent. That trend has also been mirrored in South Australia, which traditionally has an unemployment rate of 1 to 1.5 per cent above the national average.

Australia weathered the dramatic downturn in the Asian economies in October 1997—styled as the Asian economic crisis—because our exports were flexible enough to find other homes. Certainly our exports did fall away for a period, but that growth in exports has continued in an uninhibited fashion. Of course, there has also been a fairly dramatic shift over a period of time in the nature of our exports. The share of commodities in total exports, which was around 65 or 66 per cent in 1985, today is less than 50 per cent of total exports. There has been a growth in service exports, in manufacturing exports and, encouragingly, in not just old economy manufacturing exports but also new economy manufacturing exports. Of course, as we know, in South Australia there has been a boom in wine exports, one of the great success stories of the 1990s. Indeed, it is true to say that some time in the year 2001 wine exports out of South Australia alone will exceed $1 billion annually—a phenomenal result.

There also have been structural shifts in the Australian economy. Whilst it is encouraging to see there has been a growth in manufacturing employment in South Australia, which is against the national average, nevertheless, there has been a continuing move away from mining and agriculture in overall terms—although, they still underpin our overseas exports. Australia remains as one of the great mining nations of the world—although, of course, commodity prices can impact adversely on us and effect perceptions of our economy. Undoubtedly these perceptions have affected the strength of our dollar in relation to the American dollar.

Indeed, if we look at the Australian dollar the other way around from what we normally do, we see that, in early 1997, nearly four years ago, you could buy $A1.25 for $US1. Today, that figure is $A1.87 for $US1. It has been a dramatic downward shift in the dollar—reflecting, of course, the dominance of the American economy, the belief from around the world that it is a good place to be investing money, and the flow of money into the American economy, which has impacted in particular on the Australian dollar. But that has been good for Australian exporters—whether we are talking about agricultural, pastoral or mining products—because many of those contracts, as we know, are denominated in American dollars.

The biggest change in our taxation system has occurred within the past few months with the introduction of the GST on 1 July 2000. This is the biggest tax reform that we have seen in the post Second World War era. There was the dramatic change in the balance of taxation responsibilities during the Second World War, between the commonwealth and state governments but nothing since then has matched the dramatic change that we have seen through the introduction of the GST. And, of course, Prime Minister John Howard had the courage to go to the last Federal election advocating a GST. Notwithstanding the fact that John Howard, by any measurement, had a mandate to introduce a GST, the Labor Party opposed the introduction of the GST: it fought it tooth and nail and opposed it in every respect.

How bizarre that, on the one hand, we have a federal government that has a mandate to introduce tax reform, and, on the other hand, the Labor Party turns its back on that mandate and votes against it: yet the same Labor Party at state level says, 'We cannot support electricity reform, because you did not have a mandate for it from the last election.' I refer, of course, to the long running debate that we had on the ETSA sale/lease, where the Labor Party in South Australia consistently opposed the privatisation of ETSA. I am not sure which argument the Labor Party would like to use with respect to a mandate: that is something, perhaps, that someone may like to respond to in the Address in Reply.

The increase in indirect taxation, which will be associated with the introduction of the GST, of course, has been compensated for through significant reductions in personal income tax, through significant increases in social security benefits and with an expectation that, in the first year of the operation of the GST, consumers will benefit in the order of $6 billion, which represents about 1 per cent of gross domestic product.

The Labor Party is at a loss to know how to handle the GST. It was, of course, to be a front line issue for it: suddenly it has disappeared off the radar screen. I think that, for South Australia, the GST will be particularly beneficial because it means that manufacturing and other exports will not attract the GST. It will make us even more competitive, and I think that South Australia will be a really long-term winner out of the introduction of the GST. It will not only reduce confusion, complexity and inefficiency in the taxation system but I would argue very strongly that it will also improve economic efficiency and economic competitiveness in the export arena.

We cannot pass this opportunity of reflecting on the importance of the GST to South Australia and to South Australian consumers, who have accepted it and, indeed, embraced it. All the expectations, all the fear and the doom and gloom from the Labor Party and others has simply evaporated, because it is seen to be a tax which is in place in pretty well all countries around the world and which has been proven to be an effective method of tax collection.

The Hon. T.G. Roberts: Do you think the black cash has stopped?

The Hon. L.H. DAVIS: I think that, certainly, there will be a large drying up of the black economy. It will not be eliminated in total: I do not think anyone would expect that it would be eliminated. But, certainly, the most recent experience of a GST, which was in New Zealand, quite clearly showed the black economy was shrivelled to the extent that service providers were forced into the system if they wished to claw back the tax element. They can operate outside the system, but the risks and the cost to them are very great. Anyone who has followed this through in New Zealand, as I have, would suggest that in Australia we will have a similar experience, and we may well collect more taxation than was budgeted for.

In his speech during the opening of the Fourth Session of the Forty-Ninth Parliament, His Excellency made the following statement on page 3:

> The 2000-01 budget continued the government's commitment to its four year financial plan, as set out in the 1998-99 budget.

The budget is balanced in cash terms over the forecast period, which means the non-commercial sector capital investment program is fully funded each year without borrowing.

The leasing of the electricity assets meant there was no need to introduce the power bill increase proposed in the 1999-2000 budget.

Members opposite, in particular, will remember that there was a proposal that there would be a $186 levy per household on electricity if the electricity assets were not sold. His Excellency continued:

My government expects a net benefit of more than $100 million to be realised in 2000-01 from the disposal of electricity assets, which is the difference between interest savings on debt and the loss of dividends and tax payments from the relevant entities.

Through its major asset management program, my government has been able to retire debt, reduce the annual interest burden and reduce the exposure of the budget to fluctuating interest rates and the inherent risks of the national electricity market.

The staged electricity disposal program, which has formed an important priority for the government, is now nearing completion—with the disposal of six of the seven electricity businesses completed.

The disposal of the retail, distribution, generation and transmission assets, including the recent leasing of Flinders Power and ElectraNet SA, has realised gross proceeds of some $5.3 billion, with net proceeds being progressively applied towards the retirement of state debt.

That very succinctly sums up the main challenge that this government has had since it came to power in 1993: to address the enormous financial damage inflicted on this state by the collapse of the State Bank, by the shredding of SGIC and the other losses, such as the losses relating to timber assets.

As members would know, the State Bank, SGIC and timber losses aggregated $4 billion, with an additional $1 billion in interest attached to that borrowing—an aggregate of $5 billion. The sale or lease of ETSA for a total of $5.3 billion (and that is a gross figure) puts the state back in money terms, but not necessarily in real terms, to where it was before the State Bank/SGIC collapse.

I am making a very simple but fundamental point, and it is very frightening to think that the sale of by far the biggest asset that this government owns only restores state debt in broad terms to its position before this tragedy occurred. The Auditor-General, in his report for the year ending 30 June 2000 on page 101, states:

Estimated interest savings to 30 June 2000 arising from electricity asset disposals amounted to $77.2 million. It is estimated that savings in 2000-01 will be $210 million excluding the effects of any further completed disposals in 2000-01.

Under the heading 'Reduction of Risk Exposure', also on page 101, the Auditor-General states:

Apart from the estimated premium, the state has reduced its risk exposure to operating in the national electricity market by the disposal of the electricity businesses. This is offset by eliminating the opportunity to earn revenues and profits in that market and reducing the state's limited own source revenue base. The state has also, by reducing debt, reduced debt management related risks and in particular outright interest rate risk. Following the announcement of the first electricity asset disposals in December 1999, the state achieved an improved credit rating to AA+.

That is further good news, because the improved credit rating will mean that, over a period of time, on the remaining $3 billion state debt, we will pay a lesser interest rate, and that again will save the state moneys in terms of interest payable.

In summary on the state debt position, we have gone from a peak $9.3 billion in real terms of state debt, which was created by a Labor Party with its reckless and incompetent financial management, to a figure that possibly will be marginally under $3 billion by the time this last tranche of money from the ElectraNet sale is washed through the system—a significant reduction, as I have said. It should not be forgotten—although it is not fashionable in electoral terms to remember—that this state government has dramatically reduced, by $1 billion or more, the liabilities on the State Superannuation Fund, which also were out of control under the previous government.

To reflect on where we have come from, at the time the Liberal government took over in late 1993 we had a situation where 30¢ in every dollar was being blown on state debt: the interest payable on state debt was taking 30¢ in every dollar of state government taxation revenue. In other words, South Australia was travelling very roughly in financial terms at that time. The outgoing Labor government, to manage the financial situation, was being forced to borrow $300 million a year to cover the gap: there was a $300 million gap in the budget.

Anyone in here, whether or not they are financially competent, would understand that, if you translated that into an equivalent figure for a household, it would be faced with a situation where it was permanently spending more than it earned. If that were the case, the only way you could address the situation would be either to raise more money to increase income—for the household that means working harder or taking a second job, and for a government it means raising taxation—or to slash expenditure—and in the household it means eating less, dining out less, taking fewer holidays or buying fewer goods and services, and in state government terms it means much of the same.

Remembering that 70 per cent of all state government expenditure was on wages and salaries, it meant that there had to be significant cutbacks, or a combination of both, and perhaps aided and abetted by some borrowing—but you can only go on borrowing for so long because ultimately you create a debt that you have to account for.

So let the argument not be peddled by those Labor stooges such as John Spoehr from the South Australian Centre for Labour Studies that it is outrageous that there have been reductions in public sector employment. What were the alternatives? He never comes up with that. Clearly, if you have a $300 million underlying deficit in a budget, as was the case in 1993 when the Liberal Party came to power, you either have to increase taxes or reduce expenditure, or a combination of both; and the only way you could reduce expenditure was to cut into the public sector through restructuring or downsizing. Premier Lynn Arnold accepted that was something which had to be done and he put in place a very draconian cutback in the public sector; and the Liberal Party government, when it came to power, continued that program.

So let us not kid ourselves that public sector downsizing was not necessary. It was not as if it was part of the evil 'globalisation', which is peddled by Spoehr and his fellow travellers, and it was not part of economic rationalisation: it was simply financial reality. It had to happen. In fact, when one looks at it in unemotional terms, one sees that it had bipartisan support. The Liberal Party, coming in in 1993, merely followed the necessary program that had been put in place by Premier Lynn Arnold. He did not have any options: he had to do it. No-one in the Labor Party would say, 'Lynn Arnold cut too hard.' There would be an argument to say that he did not cut quickly enough and hard enough to address the fiscal damage and the extraordinary basket case that faced him when he came into the premiership.

We still have John Spoehr, as late as last year, in the August/September 1999 edition of *Adelaide Voices* (which I love reading because you get some classic quotes out of it), stating:

> A reforming state government should not attempt to privatise further institutions and services and should even look at the possibility of nationalising some that have already been outsourced.

That is what he is saying. This is the person whom the Hon. Paul Holloway embraces and calls his own, whom Mr Kevin Foley and Mr Mike Rann in another place call one of their own.

That is John Spoehr saying that we should not be having privatisation, we should be having nationalisation. It is extraordinary. The Labor Party had the opportunity of actually picking up on John Spoehr's point when in 1992-93 it decided to sell off the government's 86 per cent interest in the South Australian Gas Company. The other 14 per cent was held—

The Hon. R.R. Roberts interjecting:

The Hon. L.H. DAVIS: Just listen and learn. I know there is not a lot rattling around there, but just listen and learn. The other 14 per cent was held in private hands, because the SA Gas Company, which was listed on the Stock Exchange, was under the effective control of the government. If Labor Party members really believed what they have been saying over the past three years, they would have bought that 14 per cent, if it was such a good deal, and nationalised (governmentalised, if you want another word) the South Australian Gas Company.

That is what they are arguing with ETSA which, after all, was a supplier of energy, as was the South Australian Gas Company. Why was it that Premier John Bannon said, 'Let's flick our 86 per cent interest in the Gas Company'? They did that, and it was not a very good deal—and you would not expect it to be, as there was no-one around the Cabinet table who had any competence in financial matters at all. Why did they do that? Why did they flick 86 per cent of the South Australian Gas Company for a few hundred million dollars?

The answer is on the record—it was to reduce debt. Treasurer Frank Blevins said that they were doing it to reduce debt. The economist who masqueraded as a federal Labor member for three years in Adelaide, Mr Bob Catley, said, 'We must do this to reduce state debt.' It was all right for Labor Party members to do it with the Gas Company; it was a respectable thing and they needed to do it, because this was after the collapse of the State Bank and SGIC. So, how extraordinary, how shallow, how fickle, how deceitful is this Labor opposition now, which has railed and ranted against the privatisation of ETSA yet has one of its favourite commentators saying that we should not be privatising things, we should be nationalising them.

The Hon. T.G. Roberts interjecting:

The Hon. L.H. DAVIS: I don't think I would waste time trying to explain it: I think it would just go straight over their heads. You might understand it, Terry, but it would just pass straight through to the keeper with the others. They would not get a snick on it. As the Governor's speech underlined yesterday, this state's budget has been brought into balance through very disciplined financial planning from a time just seven years ago when there was an underlying $300 million deficit in the budget.

But we have this extraordinary dilemma that there are spokesmen in the Labor Party saying that we should be spending more on important areas such as health, education and police. For instance, the shadow police minister, Patrick Conlon—known to his friends as Lord Lazy—as a guest speaker at the July Police Club last year—

The Hon. R.R. Roberts: There's another kneecapping coming up here!

The Hon. L.H. DAVIS: Some members of the Labor Party opposite recognise the accuracy of the comment, by their laughter and nodding. As a guest speaker at the July Police Club luncheon a little more than a year ago, Patrick Conlon said that a future Labor government would increase police numbers by 200 in real terms. Now there are a few dollars for the budget: where is that coming from? There has been no attempt to explain that.

We are attacked, on the other hand, by Kevin Foley, the Treasury spokesman for the Labor Party, who claims, and I quote him directly, that spending in this government is out of control. On the one hand, some of the spokesmen are saying that we are not spending enough on areas: Lea Stevens says that we do not spend enough on the area she is interested in and Patrick Conlon says that we do not spend enough on the area for which he is responsible; yet Kevin Foley says that this government is lurching out of control with its spending. What is the truth? What does the Labor Party believe, if it believes in anything at all?

I want now to move on to an area that has been of longstanding interest to me, that is, road deaths. In the early 1980s during the Tonkin government I was privileged to serve on two select committees that led to the introduction of random breath testing. As some members would know, that was very controversial. There were elements of the Labor Party with close links to the liquor union who had some difficulty with the concept. There were elements in the media—and I speak unequivocally here and note specifically the *News* afternoon paper, which then of course had strong circulation but which no longer exists. It had a very strong campaign against it.

But there were also mixed views in the Liberal Party about it. We travelled to the Northern Territory, to Sydney and to Melbourne, where the measure had been introduced back in 1976, and we came to the very strong conclusion that random breath testing would be meritorious, that it would save lives on South Australian roads. Of course, this had followed the earlier initiative of introducing seat belt legislation, which had been controversial. There had been a civil liberties argument against it, and people had threatened to chain themselves to stobie polls if seat belt legislation was introduced.

That was introduced with a beneficial effect, and random breath testing came in as legislation, with the support of the two major parties, following the select committee inquiry. One of those members was a very fine member of the Labor Party who had the added burden, from his party's point of view, of having been a Secretary of the Liquor Trades Union. I refer of course to the Hon. Gordon Bruce, who was with me on one of those select committees. After taking evidence, he also recognised that this was something that was necessary.

At the time that legislation was introduced, our evidence from around Australia and, indeed, from statistics here, suggested that over 50 per cent of all road deaths were related to alcohol. It was a very large figure indeed. I was interested to see just a few months ago that National Drug Research Institute research and Turning Point Alcohol and Drug Centre research has found that figure has fallen to about one-third. In other words, one-third of road deaths across Australia are now linked to alcohol consumption.

In May this year, the release of the second report of the National Alcohol Indicators Project showed that in South Australia 33 per cent of alcohol-related driver-pedestrian deaths in the years from 1991 to 1997 inclusive (that is, seven years) were alcohol related. There had been a decline of about 20 per cent between 1990 and 1997 in alcohol-related road deaths and injuries, although most of that decline had occurred between 1990 and 1992, due to the economic recession.

One of the alarming statistics was that in the Northern Territory 71 per cent of all road deaths were alcohol-related—an extraordinary figure. So, to put it in a South Australian perspective, in that seven-year period from 1991 to 1997, there were 1242 road fatalities. If one third of those were alcohol-related deaths, it means that in South Australia about 414 people died in that seven-year period as a result of alcohol, either as an innocent victim, as a pedestrian, as a passenger in another car, as a driver in another car, or as an innocent victim in a car driven by someone who was driving under the influence of alcohol. That represents roughly 60 people a year, which means that more than one person a week in South Australia dies as a result of an alcohol-related road accident. That is a pretty big figure—more than one a week.

We get tremendous headlines when we have a shark attack and, sadly, recently we had two in two days in South Australia. But, as we know, the records, which are quite complete around Australia, suggest that for the past 200 years we have fractionally under one shark death a year. However, we have more than one road death a week in South Australia, year in and year out, related to alcohol. Equally importantly as that there are more than 600 serious road injuries in South Australia each year as a result of an alcohol-related road accident. The estimated cost of that is in excess of $100 million.

The good news is that there has been an improvement since we introduced random breath testing, because of greater awareness, stricter laws, the introduction of zero blood alcohol levels for P and L plate drivers, and much more stringent penalties associated with drink driving. Nevertheless, there remains this ongoing problem that one-third of our road deaths are alcohol-related.

I will look at the other side of the coin and put forward another point on drinking alcohol. It is one of the paradoxes of life that something can be both good and bad and, of course, drinking is bad when we talk about road deaths. However, there is much research that shows that drinking in moderation can be good. In a quarterly newsletter of the Distilled Spirits Industry Council of Australia last year it included some interesting data from an Australian alcohol and drug researcher, Dr John Saunders, who detailed the beneficial effects of alcohol reported in a survey of 60 clinicians from 17 countries around the world.

These clinicians, medical practitioners, nurses, psychologists and social workers, were asked to detail drinking patterns, settings and contexts they considered conferred positive health, social and psychological benefits. Among the important benefits reported by 70 per cent of the survey respondents was the role of alcohol in relaxation, the sensations of happiness and cheerfulness. Alcohol also was an aid to sociability—it expanded social networks and broke down status barriers. In terms of physical health, the most frequently reported benefit of alcohol was its ability to help middle-aged and older people reduce the risk of coronary heart disease, to lower other causes of morbidity and to increase a person's subjective well-being. There is also the age-old use of alcohol as a remedy for common colds, stomach ailments and stress.

I just want to dwell on that point. There is increasing evidence from research that alcohol in moderation has significant beneficial effects, particularly in relation to heart disease. Members may well be familiar with what is known as the French paradox: that, notwithstanding France's great love of rich fatty food, morbidity levels as a result of heart disease are much lower than average in France. Studies attribute this to the very fact that a lot of red wine is drunk in France: hence the French paradox. There is an argument to say that, far from having a warning label on a wine bottle saying that alcohol may be harmful for you, you could well have a label on the wine—

The Hon. T.G. Roberts: You could have it on the same label.

The Hon. L.H. DAVIS: You could have it on the same label. You could perhaps have a warning that in excess it may be harmful to you but that in moderation it may be good for you, and set out the specific limits. Over 80 per cent of respondents to this survey reported the importance of alcohol as a valuable complement to food, detailing a highly specific association between particular foods and certain beverage types, such as red wine and cheese, etc.

In summary, Australia is a nation of moderate drinkers. We rank 20th out of 50 countries in per capita alcohol consumption (7.6 litres per head). That is down 21 per cent since the peak figure of 1980. In per capita beer consumption, we rank 10th out of 57 countries for beer (94.7 litres per head) and 17th out of 55 countries for wine (18.4 litres per head). We are moderate drinkers of spirits (1.36 litres per head) ranking 31st out of 51 countries.

The wine industry has become an important part of the South Australian economy. One of the initiatives of the Liberal Party government has been the decision to build a National Wine Centre in the botanic precinct. I am delighted to see that this is proceeding. It is a $40 million centre which will feature educational details about the wine industry. It will have conference facilities and a restaurant, and vineyards will be planted in the area adjacent to the wine centre to give people a feel for them. Adjacent to the wine centre will be the International Rose Garden, which is to open later this month. The wine and roses theme is as obvious as it is appealing.

I want to reflect on how strange it is that, whenever a project of worth is put up for consideration in Adelaide, it always attracts an enormous number of knockers. I will detail four projects. First, I refer to Holdfast Shores. There was an extraordinary explosion of letters to the newspaper. People on talk-back programs said, 'What has Holdfast Shores done to the foreshore of Glenelg? Driving down Anzac Highway, you can't see the sea any more.' With respect, driving down Anzac Highway before Holdfast Shores went up, you could not see the sea anyway. Holdfast Shores is an important part of the continued development which is necessary along our beachfront.

For far too many years, our seafront boasted no major restaurant of worth. It is hard to believe that here we were with these beautiful beaches within seven or eight kilometres of the city centre but with no restaurant where people could entertain and relax and enjoy good food and good wine. Now, of course, we see many fine restaurants at Henley Beach, Glenelg and Port Adelaide where people can enjoy and embrace the best food and wine that South Australia has to offer in that waterfront setting.

Similarly with the River Torrens precinct, where the Memorial Drive extensions were so controversial to the point where the former Lord Mayor of Adelaide, Jane Lomax-Smith (now Labor candidate for Adelaide), described it as the worst mistake she had ever made—an extraordinary thing. There was an existing precinct there: Memorial Drive, which had boasted Davis Cup challenge matches, adjacent to Adelaide Oval, which itself is located on parklands. We do not hear anything from Ian Gilfillan, the President of the Parklands Association, about ripping the Adelaide Oval up and turning it into turf that he could jog over. Nothing of the sort. But Jane Lomax-Smith was opposed to the Memorial Drive development. The architects were Hassell, I understand—a very sympathetic extension to the existing buildings and an extraordinarily popular, well planned centre for physical training, tennis and socialising and, I would have thought, putting parklands to good use. Again, there was extraordinary antagonism (again led by Jane Lomax-Smith for a long time) against the Wine Centre being located in the Hackney Road-North Terrace precinct, saying it was an invasion of the parklands, and there was some antagonism towards even putting a rose garden there.

I am a practical person. I have been to places where there are parks—such as in Paris—for people who live in cities. They do not have backyards and they use those parks for their leisure, to walk their dogs, to enjoy the sun, to have a drink and to meet with friends. We are so parochial and so provincial in Adelaide that we do not understand that we have to move with the times, that we do need to accept that we have to use our spaces for practical purposes. I would think that the National Wine Centre and the International Rose Garden, adjacent as it is to the Botanic Gardens and close to the zoo, will create a valuable new tourism precinct, which will be an adornment to Adelaide in years to come.

As the Governor has observed in his speech, this is a landmark session of parliament. We are little more than a year away from the next state election. This government has demonstrated a capacity to be good financial managers of this state's economy. As set down in the Governor's speech, the challenge is to match that economic management with the recognition of the social values to which the community gives priority and to recognise the importance of community—not only economy—in addressing the great issues that confront South Australia in the year 2000 and beyond.

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

SESSIONAL COMMITTEES

The House of Assembly notified its appointment of sessional committees.

ADJOURNMENT

At 4.50 p.m. the Council adjourned until Tuesday 10 October at 2.15 p.m.