LEGISLATIVE COUNCIL

Tuesday 24 October 2000

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

MEMBERS, INTERESTS

The PRESIDENT: Pursuant to section 3(2) of the Members of Parliament (Register of Interests) Act 1983, I lay upon the table the registered statement of October 2000 prepared from the primary return of the Hon. R.K. Sneath MLC.

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

That the statement be printed.

Motion carried.

PAPERS TABLED

The following papers were laid on the table:

By the President—

Members of Parliament (Register of Interests) Act 1983—
Registrar's Statement, October 2000
Ordered—That the Statement be printed. (Paper No. 134A)

By the Treasurer (Hon. R.I. Lucas)—

Reports, 1999-2000—
Adelaide Convention Centre
Adelaide Entertainment Centre
Construction Industry Training Board
Department of the Premier and Cabinet
National Wine Centre
RESI OE Pty. Ltd
South Australian Tourism Commission
The Planning Strategy for South Australia
Regulations under the following Acts—
Education Act 1972—Industry
Electricity Act 1996—Re-sale Licence Exemptions
Fees Regulation Act 1927—Water Supply, Sewer Provision Fees
Water Resources Act 1997—Holding Allocation Exemption

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

Reports, 1999-2000
Director of Public Prosecutions
Legal Services Commission of South Australia
South Australian Cattle Advisory Group
South Australian Classification Council
South Australian Sheep Advisory Group
South Australian Soil Conservation Council
State Electoral Office—South Australia
Veterinary Surgeons Board of South Australia
Regulations under the following Acts—
Real Property Act 1886—Check Search Fee
Registration of Deeds Act 1935—Certified Copies Fees
Sewerage Act 1929—Various Fees
Waterworks Act 1932—Various Fees

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

Reports, 1999-2000
Fire Equipment Services South Australia
Investigation into the Impact of the Enactment of the Emergency Services Funding Act 1998 on Insurance Premiums in South Australia—Report

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

Regulations under the following Acts—
Liquor Licensing Act 1997—Dry Areas—Roxby Downs
Travel Agents Act 1986—Trust Deeds

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

Reports, 1999-2000
Animal Welfare Advisory Committee
Commissioners of Charitable Funds
HomeStart Finance
Medical Board of South Australia
National Road Transport Commission
Outback Areas Community Development Trust
Pharmacy Board of South Australia
South Australian Housing Trust
The Administration of the Development Act
The Charitable and Social Welfare Fund
The Chiropody Board of South Australia
Regulations under the following Acts—
City of Adelaide Act 1998—Members' Allowances, Benefits
Motor Vehicles Act 1959—Licence Surrender Refund
Rules—
Local Government Act 1999—Schedule 1—Amendment of Local Government Superannuation Scheme.—
Amendments
Fixed Term Contract
By-laws—
Corporation—
City of Charles Sturt—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Local Government Land
No. 4—Streets and Roads
No. 5—Lodging Houses
No. 6—Dogs
District Council—
Ceduna—Various

By the Minister for the Ageing (Hon. R.D. Lawson)—

Office for the Ageing—Report, 1999-2000.

By the Minister for Workplace Relations (Hon. R.D. Lawson)—

Reports, 1999-2000—
Construction Industry Long Service Leave Board
Sixth Annual Report of the President, Industrial Relations Commission and Senior Judge, Industrial Relations Court.

NATIONAL WINE CENTRE

The Hon. R.I. LUCAS (Treasurer): I table a copy of a ministerial statement made today by the Premier in another place on the subject of the National Wine Centre.

QUESTION TIME

TRANSPORT, EXPIATION NOTICES

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 issuing of expiation notices on public transport.

Leave granted.

The Hon. CAROLYN PICKLES: Similar matters have been raised in this place before and I have received a large volume of correspondence on this issue. I refer to a letter dated 23 September from a constituent that was addressed to the Minister for Transport. If necessary, I am happy to prompt the minister's memory about who this person was, but I would like to quote some parts of it. It highlights the impracticality and the resulting inequities of the government's crackdown on fare evasion. Like many others in this

place, I do not support fare evasion. However, many law-abiding commuters, such as this constituent, are being wrongly caught in the net. The letter, which has some identifying names which I will change, states:

> We would like to make clear we support the move to monitor fare evasion and to take positive steps to eradicate it. X travels on the trains every day into Adelaide and returns for work and approves of the changes. Our children in comparison do not use the trains very often.
>
> On 29 July 2000, two of our sons travelled from Gawler Central to Adelaide by train. We live outside the Gawler area and have no ticket sales outlets near our home. My youngest son, Y, therefore purchased and validated a student ticket on boarding the train. There are very few sales outlets in the Gawler area and no ticket sales at the Gawler Central Station. Consequently there was no-one to advise Y of the need for his student identification before purchasing a student ticket.
>
> On arrival in Adelaide tickets were checked through the check out area, where Y was asked for his student identification. Upon opening his wallet he found that it was missing. As he was unable to produce the identification at the time, he was asked to present himself to another employee to pass on his details. Both of these employees informed Y that he should consider this a warning. Y's older brother, Z, corroborated this statement. Y had never had any previous infringements or warnings. We considered the matter closed. Having ensured Y has requested a replacement student card, he has in the meantime travelled at full fare.
>
> We consider that, as this was a first breach of the rules of train travel and he had a validated ticket, a warning should have been the result of this breach. Six weeks later a fine has been issued for $167 with no apparent recourse or appeal.

My questions to the minister are:

1. Why was the student in this case, who had paid his fare, first issued with an official warning and then, six weeks later, subjected to a fine for $167?

2. What is the total number of fines that have been issued for fare evasion, including failure to present a concession card (which is quite separate) since the crackdown occurred?

3. How much revenue has the government collected since the introduction of these measures?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): Certainly, the issue has been raised with me about misunderstandings in relation to a warning system and the issue of a notice. This is one of the matters that has come to light to me, not only through representations but also through the meetings which, as I have advised the Council in the past, I am holding with the PTB, the passenger service attendants and TransAdelaide, to find ways in which we can streamline, clarify and resolve issues, such as the one that the honourable member has raised today. I should be in a position very shortly to announce some streamlining measures.

I should highlight that the requirement to carry an identification of entitlement to a concession ticket is not a new requirement: it is one that has existed for decades. That requirement also applies across Australia. Every state does require anyone, whether a student, a pensioner, war widows or anyone travelling on a concession ticket, to not only validate that ticket but also to carry their card. In that sense the issue is not new. The honourable member's constituent, I note, wrote that there is no apparent course for appeal. There certainly is. I can provide to the honourable member the course for appeal and she may wish to contact her constituent, or I would certainly be willing to do so. If that is the case, I am sure that they have already been alerted. However, after I have finished answering this question I will check the individual's name and ensure that they do know that there is an appeal process.

I will also provide the further information that the honourable member has asked for in relation to the total number of fines and the amount of revenue. This will be revenue which has been due to the public transport system in the past but which is now being collected. The honourable member will support—and I know members generally in relation to this issue have supported this—the new measures that have been introduced to deal with fare evasion and to gain a return to the system but there is some question about the application of those measures, and I accept that. I am dealing with it and, as I advised earlier, I should be in a position to alert members very shortly about the streamlining effort.

MAD COW DISEASE

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Primary Industries, a question about mad cow disease.

Leave granted.

The Hon. T.G. ROBERTS: Recently the Europeans have taken steps to try to eradicate mad cow disease from their herds. The disease has certainly cost the British taxpayers and farmers quite a lot of money in terms of the number of cows that had to be removed from the herds since the mid 1980s. The disease totally decimated the beef industry in Britain and I understand now that the disease is emerging in France. Some screening has been undertaken and some cases of mad cow disease have been found in French herds. In Australia, we are taking some measures to protect the community from blood donors who have lived in the UK since the mid 1980s. As we speak, I believe that a recommendation is being considered to screen out any blood donors who have lived in the UK since the mid 1980s.

The Europeans are certainly taking a very considered and serious view of the disease crossing over into the human food chain given that the animal food chain has been contaminated by the foodstuffs being fed into the animal food chain. My question to the minister is: what steps are the state and commonwealth governments taking to protect consumers and beef herd breeders in South Australia from contaminated value-added product and semen introduced into Australia from Europe?

The Hon. K.T. GRIFFIN (Attorney-General): I will refer the honourable member's question to my colleague in another place and bring back a reply.

SULLIVAN, Mr S.

The Hon. P. HOLLOWAY: My questions are directed to the Attorney-General and are as follows:

1. Was the Crown Solicitor instructed as early as the beginning of September this year to inquire into allegations that had been circulating about the former Chief Executive Officer of SA Water, Sean Sullivan?

2. Who gave the instruction?

3. Was the inquiry completed and what was the outcome?

The Hon. K.T. GRIFFIN (Attorney-General): I will take the honourable member's questions on notice because I do not have all the answers at my fingertips and I will bring back a reply.

ARTS FUNDING

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for the Arts a question about the Swifty 'Coot column in the *Advertiser* last Saturday.

Leave granted.

The Hon. A.J. REDFORD: The Swifty 'Coot column in the *Advertiser* last Saturday reported that, at the recent annual general meeting of Junction Theatre, the Chairman, Mr Chris White—who, incidentally, is the secretary of the UTLC—in relation to the Junction Theatre and Port Adelaide Community Arts Centre funding said:

> . . . it was a disgrace that the minister had accepted recommendations to significantly de-fund Junction's core activities. . .

In the same column, it was reported that the Chairman of the Port Adelaide Community Arts Centre, Mr Hans Pieters, had rejected the basis for funding cuts as recommended to the minister by the Independent Peer Assessment Committee and had asked for a further six months funding to July 2001. In the light of that, my questions are:

1. Will the minister explain the process for assessment of applications for art grants?

2. Over the past seven years, has the minister ever rejected a recommendation by any of the arts committees that assess all the funding applications?

3. Will she do so now to appease the chairman of both the Junction Theatre and the Port Adelaide Community Arts Centre?

4. Were both companies alerted at any time before they received advice that their funds would be cut from 1 January 2000 and that there were concerns about their level of arts activity and audit responsibility?

The Hon. DIANA LAIDLAW (Minister for the Arts): I generously thank the honourable member for his question because I was quite stunned to read in Saturday's *Advertiser* the accusation that I was a disgrace for following a process which I have religiously followed and which, I understand, has been past practice for arts ministers in general in terms of the assessment of applications—that is, arms length funding. The time-honoured process adopted by ministers for the arts in order to keep political involvement out of arts funding is that applications are received by Arts SA and assessed by arts peers committees, and a recommendation goes from those committees to the minister.

Never, during the seven years in which I have been Minister for the Arts, have I overturned any recommendation that has come through the peer assessment process for assessing arts grants. I acknowledge that there have been times when I have questioned decisions and gone back to the committee and asked for further advice just in case I was questioned by my colleagues or the community at large about the recommendations.

I also acknowledge that, when I received the recommendations from the last arts industry assessment of funding applications, I went back to Arts SA and the committees to seek advice about why they had presented me with recommendations that the Junction Theatre and the Port Community Arts Centre should be defunded from 31 December.

I should inform members that the individual who oversees this whole process in terms of the peer assessment system is none other than Mr Anthony Steele, who is exacting in terms of performance standards of companies and is known for his love of the arts in general. I do not think that any member of this place would challenge that. He would not make a recommendation to me to defund any arts company if he could do his best to ensure that that arts company continued to operate.

Over two funding periods since 1998, the chairmen of both these companies have been advised that, through the arts assessment process, concerns have been raised about not only the quality of applications but the level of arts activities generated for the taxpayers' dollar and falling audiences. That is in contrast to applications received from arts companies in this state that have had an increased level of arts activity, increased audience development and stronger financial accountability overall. I think it is interesting that Mr White and Mr Pieters should damn me when, as the chairmen of these companies and custodians of their welfare, they have been warned over two financial year periods that they had to get their house in order.

The Hon. L.H. Davis: You should know that Hans Pieters on the council of Port Adelaide went absolutely dead on the flower farm where they lost $4.5 million.

The Hon. DIANA LAIDLAW: He hasn't necessarily been—

An honourable member interjecting:

The Hon. DIANA LAIDLAW: That is an interesting interjection, because he has now been entrusted as chairman to run this company, and notwithstanding letters from Arts SA officers and me during those two financial year periods these companies have not adequately addressed the issues that the peer assessment committee asked other organisations to address so that the peer assessment committee was comfortable that arts organisations had not only addressed but were offering a much expanded program and value for money for the taxpayers' dollar.

The Hon. A.J. Redford: Will you consider tabling the letters?

The Hon. DIANA LAIDLAW: I am happy to table the correspondence. I do not have it with me today, but I can table it. In terms of Mr Chris White and Mr Pieters, I can absolutely confirm without qualification that I have no intention of continuing funding beyond 31 December as recommended by the peer assessment committee. I indicate also that we are not talking about small sums of money.

Notwithstanding 2½ years of concern about the operation of these companies, I did approve funding to 31 December—therefore, half the financial year—of $87 500, which is nothing to sneeze at, while a business consultancy grant was used to look at ways in which practices could be improved. I have also given it an opportunity—and invited it if it wishes—to apply for project funding.

It is for the companies to prove to their peers that they deserve and qualify for funding, and it is for the organisations to get their house in order. To suggest that I am a disgrace in following practice that is time honoured in this place—and it would be interesting to hear whether the Hon. Ms Pickles thinks that I am a disgrace in following this practice—

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: I have religiously followed the practice. I assume that Mr White and Mr Pieters will not influence Labor's arts policy on this matter as regards any practice that a Labor government or opposition would advocate for the processing of arts grants.

The Hon. Carolyn Pickles: What about the extra money?

The Hon. DIANA LAIDLAW: I thank the honourable member for—

The Hon. T.G. Cameron: She has had three supplementaries during the answer.

The Hon. DIANA LAIDLAW: Sorry. I will quickly bring this to an end. In addition to what Junction was advised when it was alerted that there would be no further funding from 31 December—remembering that it had received $87 500 and a business consultancy—extra funds were provided to help it with the realisation of one project that it was troubled by before the end of the financial year.

In conclusion, I hardly think that I am a disgrace for the way in which I have followed this matter. I think Mr White could be accused of being a disgrace in terms of being a custodian of this company and not addressing the issues of concern over 2½ years. I would say that it is a disgrace—and the arts community in general would absolutely frown on it—to think that he is advocating policy where there is interference by arts ministers in arts funding and artistic product.

The Hon. L.H. Davis: You would have been attacked if that was the case.

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: If I had done it the arts community would be screaming, and so it should. I assure members and the arts community that I have no intention of following the practice that Mr White or Mr Pieters are now advocating.

GREEN POWER

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Treasurer a question about contractual arrangements relating to the sale of green power in South Australia.

Leave granted.

The Hon. SANDRA KANCK: At the Kyoto conference on climate change the federal government acknowledged that climate change could have significant environmental and socioeconomic impacts upon Australia. Scientists tell us that to date Australia has been woefully inadequate in terms of its response to the challenges posed by global warming. But one area where Australia is progressing is in the development of green power schemes, that is, power produced from sustainable energy sources.

Currently 68 000 Australians are purchasing green power. Household consumers are paying anything between 50¢ and $4 extra per week for green power, but South Australians cannot avail themselves of this because we are the only state in Australia not to offer consumers that option. Did the lease of ETSA Power contain a requirement that the lessee provide South Australian electricity consumers with the option of purchasing green power? If not, why not? If so, when do the contracts require green power retailing options to be made available to electricity consumers? Finally (on a matter about which I wrote to the Treasurer earlier this year), does the state government have any plans to revive its bill for a sustainable energy authority?

The Hon. R.I. LUCAS (Treasurer): In relation to the last question, as I have discussed with the honourable member on a couple of occasions, it is a question of the government being able to find the required funding to sustain the Sustainable Energy Authority—

The Hon. Sandra Kanck interjecting:

The Hon. R.I. LUCAS: And we didn't sell them; we leased them.

The Hon. Sandra Kanck: But you have.

The Hon. R.I. LUCAS: Not with any help from the Democrats. It had been hoped that the licence fees from the participants within the industry would be sufficient to help fund not only the Industry Regulator, the Technical Regulator and the Planning Council but also the Sustainable Energy Authority. But, as I have discussed with the honourable member, the level of licence fees that we believed that we could charge for people to operate in our business was not sufficient to pay for all of those particular authorities. So the decision really is now a budget decision, in part, for the government and that is to see whether or not it is able to find the significant additional resources required for the Sustainable Energy Authority.

Certainly, I think the reasons for the authority remain as valid today as they were when we were debating this some two years ago, but it is an issue now of trying to find the funding for it because it cannot be provided through the licensing fee arrangements of the participants within the electricity industry. In relation to the honourable member's first question, I will need to check the leasing arrangements, but I think the requirements for green power actually go above and beyond the leasing arrangements of the electricity assets in South Australia. I think they are requirements of federal legislation in some way, but I do not profess to be an expert in that area. But my recollection is that it is actually a federal government requirement which will apply to operators in all states and territories of Australia. I would need to check that and to report back to the honourable member. The honourable member's second question, which was—

The Hon. Sandra Kanck: If there are contractual arrangements, when do we have to have green power available?

The Hon. R.I. LUCAS: I will take the second question on notice with the first question. The only other point I could make is that I guess the one thing that South Australia can argue with some validity is that we in South Australia, because of our concentration on use of gas fired generation, are much better positioned in terms of the impact on issues in relation to greenhouse emissions than those who rely on coal fired generation. Whilst there has been a lot of criticism from some members in this chamber about the government's policies of encouraging gas fired generation at Pelican Point, as an indication of the government's clean, green, environmentally friendly credentials we resisted that ill-informed criticism of Pelican Point and fought the good fight against the opponents and ensured that our clean and green and environmentally friendly image would not be sullied by relying on more and more coal fired generation, whether it be in South Australia or being dragged across the border from other states.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: As a supplementary question: will the Treasurer provide a breakdown of the funding received from the licence fees on the electricity utilities and the expenditure of that revenue?

The Hon. R.I. LUCAS: I am happy to do that. The expenditure is fairly easy; it all goes to the Independent Regulator, the Technical Regulator and the Planning Council, and I think it is public, actually, the fees that are charged to the licence owners in South Australia. I think it is on one of the web sites, but I am happy to do the honourable member's research for him and provide him with an answer.

The Hon. T.G. ROBERTS: As a further supplementary question: can the minister say when will the first stage of the wind farm on the Woakwine Range in the South-East be brought online?

The Hon. R.I. LUCAS: That is a pretty windy connection to the first two questions. I do not know. I am happy to take advice on the honourable member's interest in wind farms and see whether I can bring back a reply for him.

MURRAYLINK INTERCONNECTOR

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Treasurer a question about the Murraylink interconnector.

Leave granted.

The Hon. J.S.L. DAWKINS: I was interested to note in the *Advertiser* of yesterday's date an article entitled 'Murray power link clears last obstacle'. The article ensued with a reference to the Murraylink underground power line linking Victoria and South Australia being given the all clear. Apparently, work on the 250 megawatt interconnector is expected to begin before the end of this year. The article quoted TransEnergie Australia as saying it had received notification from the Victorian Civil and Administrative Tribunal upholding the company's appeal over a planning permit for a proposed converter station at Red Cliffs near Mildura in Victoria. The spokesman for TransEnergie, Mike Farr, was quoted in the article as saying that the converter station approval was the last approval required by TransEnergie for the development of the Murraylink interconnection project. Will the Treasurer outline the effect the construction of Murraylink will have on the quality and reliability of electricity supply in South Australia?

The Hon. R.I. LUCAS (Treasurer): I thank the Hon. Mr Dawkins for his question, because this has been an issue that has obviously engendered much debate in this chamber for the past year or two: if I might be permitted just a slight comment at the outset, I suspect that the Hon. Mr Xenophon's close friends from New South Wales at TransGrid, Mr Danny Price and Mr Duffy, and in South Australia, Mr Blandy, might, metaphorically speaking—

An honourable member interjecting:

The Hon. R.I. LUCAS: —Professor Blandy—have been slashing their wrists in the last 24 hours, upon hearing the good news for South Australia.

An honourable member interjecting:

The Hon. R.I. LUCAS: Well, they may get an invitation. We would be delighted to see them all there.

An honourable member interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Xenophon as well.

An honourable member interjecting:

The Hon. R.I. LUCAS: Yes. It is good news for South Australia. Whilst, at the same time, I understand that Mr Xenophon's friends and colleagues from New South Wales are supporting the TransGrid proposal through the Riverland, the latest estimate, I am told, is likely to be as early as maybe March next year that they might get the decision from the IRPC, the Inter Regional Planning Committee, the body associated with NEMMCO. So this is the initial decision as to whether or not they are a regulated asset—the decision that they were seeking originally, back in 1998, 2½ years ago—the one that we had no influence on. I understand that the earliest they might get that decision is that date, through delays on their part, I am told, as much as on the part of NEMMCO, or the planning authority, because I understand that for a good period of time they have just not pursued their particular application with the vigour that one would expect from some who believe as they do, as they were telling us and other members during the privatisation debate. That is the first stage of the TransGrid interconnection proposal. They would then have, after two years of planning and development, another—

An honourable member interjecting:

The Hon. R.I. LUCAS: I understand that the Independent Regulator many months ago gave TransGrid the authority, under certain conditions, to enter properties and premises through the Riverland area. That is, of course, being strongly opposed, because the Riverland community, as the Hon. Mr Dawkins is well aware, given the choice of an underground interconnector or an aboveground one which traipses across the back paddocks, chooses the environmentally friendly proposal, which is the underground option.

For many months they have had the authority, under conditions, to enter premises or properties to look at the route for their interconnector. I am told that there is no evidence of those approvals having been taken up by TransGrid's proponents for many months. There has been no activity at all—

The Hon. L.H. Davis: Why would that be? It was going to be up and running by now.

The Hon. R.I. LUCAS: As I have had said on a number of occasions, I remember Professor Blandy and Messrs Price, Duffy and Co. saying it would be done within 12 months of the end of 1998, so that at the end of 1999 we would see Riverlink up and going in South Australia. We were told that at the end of 1998, and here we are at the end of 2000 and they still do not have even the first approval. If South Australia had believed the Hon. Mr Xenophon, the Labor Party, Professor Blandy, and Messrs Price, Duffy and Co., and had not proceeded with Pelican Point, we would be entering this summer with no Pelican Point, no Riverlink and no interconnector.

The Hon. L.H. Davis: He would have been able to attack us.

The Hon. R.I. LUCAS: Exactly. The Hon. Mr Xenophon and the Labor Party would have had a field day this summer, saying that—

The Hon. L.H. Davis: A clever strategy.

The Hon. R.I. LUCAS: A very clever strategy to set up the government and, when the power could not be delivered, attack the government for not assisting the industry to provide the extra power that is required for the peaks in the summer. This summer, with Pelican Point up and going, we will see the transparent hypocrisy of people like Mr Rann, Mr Foley, the Hon. Mr Holloway, the Hon. Mr Xenophon and others, who wittingly or unwittingly sought to railroad the government's power planning processes in a way that would have deliberately left this state short of power for this coming summer. No sensible person who was prepared to listen to the arguments on both sides could ever have believed the view that Riverlink could be guaranteed to be built within the time frame that was being suggested by its proponents.

I am delighted to see, as the Hon. Mr Dawkins has said, that the proponents of TransEnergies's Murray Link interconnector have indicated that they believe the last remaining hurdle now has been crossed. I have been further told that they are looking around for subcontractors in the Riverland area to see whether they can get as much local employment as possible for the construction of the new interconnector. Whilst it is not within the control of the government, the

latest predictions from the company are that it believes that it can have the interconnector up and going by about the middle of 2001, which will then be well and truly in operation prior to the peak demands of the following summer.

The Hon. NICK XENOPHON: By way of a supplementary question, I ask: has the government either directly or through a working party or its consultants undertaken an analysis of the potential differential impact on electricity price in South Australia with the unregulated Murraylink interconnector with the eastern states as distinct from a regulated interconnector?

The Hon. R.I. LUCAS: Politically speaking, the Hon. Mr Xenophon loves to beat his head against a brick wall, and he continues to do so on this issue. I cannot believe that a man with a modicum of intelligence could continue to push the view that others have been pushing to him that the regulated interconnector proposal, when one looks at the totality of what we need in South Australia, is the best option. We have corresponded—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: The business communities want to see interconnection. That is their major argument: they would like to see interconnection and the government would like to see interconnection, but in a way that does not mean that all of us have to pay for a line that some time in the future may not get used at all in the year. It is a nice little earner for the—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: —Hon. Mr Holloway's friends in the New South Wales Labor government, because it gives them a guaranteed income of $15 million to $20 million or so a year, even if we do not use the interconnector at some stage in the future. If you want to support the New South Wales government, New South Wales consumers and New South Wales taxpayers, that is a good position for the Labor Party to take in South Australia. However, this government is committed to looking after the interests of South Australia, not the interests of the New South Wales Labor government, and we will not go down that path.

MAPICS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Administrative and Information Services questions about problems with the MAPICS computer system.

Leave granted.

The Hon. T.G. CAMERON: This morning I was made aware that a local version of the 'Love Bug' virus has infected the Parliament House computer network. This virus has also been passed on to innocent members of the public who have received emails from parliamentary officers via their address books. According to my staff, the first they knew of the virus was when they read the *Advertiser* newspaper this morning. This is only the latest in a series of computer stuff-ups and breakdowns that have occurred within the MAPICS system over the past six months.

Some of the serious problems and mismanagement that have come to my attention include: the manager for information support has not been replaced and his assistant is currently doing the job; there have been cuts to the MAPICS budget; and six full time support staff have been cut in the past three weeks and have been replaced by casual staff. These cuts to staff and budget have come at the same time as the inclusion of 47 House of Assembly electoral offices onto the network. This has resulted in Help Desk response times increasing greatly. On many occasions the MAPICS Help Desk hotline is answered by a recorded message. There have been countless occasions when the system has crashed, leaving staff unable to use email or access the server.

Members interjecting:

The Hon. T.G. CAMERON: The Hon. Nick Xenophon and a number of members are interjecting and saying that it is a disgrace. It is a disgrace. Work has literally come to a standstill, sometimes on a daily or weekly basis. I am not having a go at the MAPICS staff per se, but rather at the cutbacks to funding which enable support staff to do their jobs properly. The current situation is totally unacceptable. It is now affecting the work of staff, which will impact on their ability to support members of parliament and the work we do here. What faith will members of the public have when sending emails to parliamentarians if their computers could be infected by a return email containing a virus? My questions are:

1. Does the minister think that it is acceptable for Parliament House staff to be informed of destructive viruses in their computers via the *Advertiser* newspaper?

2. Why were parliamentary staff not informed of this virus yesterday when it became known instead of this morning when, in many cases, it was already too late?

3. Considering that the system has been in place for two years, what is the minister doing to ensure that problems with the computer system and support services are sorted out?

4. What will be done for the innocent people outside parliament who are on the email address books of staff and who have had their computers infected by the virus passed to them by parliamentary communications?

The Hon. R.D. LAWSON (Minister for Disability Services): I thank the honourable member for his question. I begin by saying that there have been no cuts to the budget of the parliamentary computer network, nor have there been any cuts to staff. However, a number of staff are presently being replaced, and advertisements have been placed for the engagement of staff who will be able to provide a service to which honourable members are entitled. The honourable member suggests by the tone of his question that there have been cuts to the budget. I can assure him that there have been no cuts. The position of manager of the support network has been advertised and will be filled shortly.

As to the virus which infected the email service in the system yesterday, I am somewhat surprised that the honourable member's staff were not aware of that until they read the newspapers, because yesterday afternoon the network was closed down as soon as the virus was detected. If they had, in fact, been working on the network at the time, they should have been aware of the fact that it was closed.

I can assure the Council that steps were taken immediately to address appropriately the question of the virus which infected the system yesterday. It was detected, I think, at about 3 p.m. yesterday and is believed to have come from the Department of Education and Training, although this fact has not been confirmed. I am advised that all email servers were cleaned up overnight. However, this morning some people with off-line storage opened messages stored on their hard disks that had not been scanned and, accordingly, a reinfection problem occurred this morning.

The MAPICS system is equipped with screening devices to detect viruses of this kind, although it is not possible to protect against all viruses. I am also informed that today, the

way in which this virus is changing, by changing the names of the files, it is creating replicas of itself. It is said that the virus mutates. It is a polymorphic virus which is difficult to track. As soon as I became aware of the fact that this virus had infected the email servers—and I point out that it is the email servers and not the file servers, the intranet or the printing services—a senior officer from the department was working with the MAPICS team to determine the best and quickest way to solve this issue. I will certainly advise members as soon as a resolution of the problem occurs.

The honourable member talks about fixing up the confidentiality aspects of the MAPICS system. The creation of a computer network that serves not only electorate offices in the community but also the needs of members' offices within Parliament House, as well as the parliamentary services, is a complex issue. The need for confidentiality, which was seen as a primary need, has meant that some commercially available network systems could not be used without additional modification. It has been a complex issue.

We have had not only members of the MAPICS team but also independent, outside consultants advising in relation to this project. I do apologise to members for the inconvenience that has occurred during the establishment of the network. I can assure members that, in the hiring of the new manager and the additional staff who will be working on the project into the future, close attention will be given to the needs not only of members but also of the parliamentary services.

The Hon. NICK XENOPHON: As a supplementary question: in relation to the well-documented and longstanding complaints of the Hon. Terry Cameron, will the minister undertake to have an independent audit or review of the effectiveness of the MAPICS system so that these problems do not recur with such alarming frequency?

The Hon. R.D. LAWSON: I am not convinced that an independent review is warranted at this stage but, as I say, when the new manager of the support network is appointed, I will certainly ask him to provide appropriate advice. If I deem it appropriate and beneficial to have an independent outsider examine the system, I will certainly be prepared to look at that.

SHOP THEFT

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Attorney-General a question about shop theft.

Leave granted.

The Hon. CAROLINE SCHAEFER: In the *Sunday Mail* of 22 October (that is, last Sunday's *Sunday Mail*), Shane Maguire wrote an article entitled 'Theft verdict based on our clothes', in which he made a number of allegations regarding young people and shop theft. Will the Attorney-General give us details of these claims and of their accuracy or otherwise?

The Hon. K.T. GRIFFIN (Attorney-General): It is unfortunate that the article in the *Sunday Mail* gave information that was incorrect. I would say that if there had been a wish on the part of the author to contact the Office of Crime Statistics it would have been pleased to provide accurate statistical data about shop stealing. The article says that the latest available statistics show 4 087 young people went through the court system for the crime of stealing from stores—and that is plainly wrong. The article emphasises the point by stating:

> And despite protestations by young people about being labelled thieves, these statistics show shop stealing offences are high among the young so it is little wonder that the label sticks.

The statistics used by the author of the article relate to 1998—not to the most recently available figures from 1999—and came from the Crime and Justice Report.

The figure of 4 087 young people came from table 6.8A, which describes the age of the offenders of all reported offences and not just young people, and they were offences coming to the notice of police and not those going through the courts. That same table contained accurate statistics on young people aged 10 to 17 years, showing that 1 293 offences came to the notice of the police in 1998. According to table 4.3C, the actual number of young people making appearances in court for shop stealing in 1998 was 316. Table 2.2C deals with apprehensions as a result of larceny from shops as the major charge and reports that there were 881 people aged 10 to 17 years within that category.

The outcome of the apprehensions is identified as being 350 cautioned, 160 to a family conference, and 332 referred to the Youth Court. The 1999 data—if it had been used—would have shown that the number of alleged offences involving young people 10 to 17 years was actually declining from 1 293 in 1998 to 1 200 in 1999. The 1999 figures also indicate that more 25 to 34 year olds were alleged to have committed shop theft than the 14 to 17 year olds and that both of the age categories 35 to 44 years and 45 to 59 years were much higher than the 10 to 13 year olds.

So, it is important when looking at statistics to get the accurate figures and to properly interpret them. I am afraid that on this occasion the figures were not accurately reflected in the article and, therefore, did not provide an accurate basis for the conclusions which it purported to reach.

PETROL, LEAD REPLACEMENT

The Hon. R.R. ROBERTS: I seek leave to make an explanation before asking the Minister for Consumer Affairs a question about lead replacement petrol.

Leave granted.

The Hon. R.R. ROBERTS: Yesterday I was contacted by a constituent living in a northern town who advised that petrol pumps marked as 'leaded' fuel are now selling lead replacement fuel. I am advised that some motorists are observing rattles and loss of power in their vehicles. In fact, a document from a car restorers club that I received from the constituent has addressed this problem. By way of explanation, I will quote from the article—it will be much shorter than I could do it. The article states:

> A reader of 'Restored CARS' states that his daughter filled his car from the pump as normal, marked 'Leaded' and on a trip to Adelaide the rebuilt engine started to rattle and the loss of power was very noticeable. The car was taken back to the workshop, it was noticed that the mixture appeared rich and while tuning it, the mechanic noticed the different fuel colour.
>
> A call to the petrol outlet confirmed the change to lead replacement petrol. They did not tell anyone, as they were concerned that, if they no longer sold Super, those motorists who used Super would go elsewhere to buy it! A call to the fuel company and they were advised that a leaded vehicle could not just change over to lead replacement petrol without modifications. Spark plugs need to be changed to a hotter variety; fuel mixture had to be leaned off; and the timing should be retarded. It goes on to say this needs to be done so that this fuel 'might' work. The 'might' is intentional as the advisers said that even then it may not work properly. It is advisable to be very wary of what you put in your tank and ask if in doubt!

My questions to the minister are:

1. Has the consumer affairs department looked at this problem; and, if so, what findings has it made?

2. What actions have been taken to alert motorists who own older cars of damage caused by lead replacement fuel?

3. Who would be liable for damage to pre-1986 vehicles where pumps still display 'leaded' signs and, in fact, are serving lead replacement fuel?

4. Will the Attorney-General in his consumer affairs role explain to motorists why they are still paying the full 2¢ extra for leaded petrol when it has now been replaced with lead replacement fuel; and, if the cost is the same, why?

The Hon. K.T. GRIFFIN (Attorney-General): I will refer those questions to the Office of Consumer and Business Affairs and bring back some replies.

EMERGENCY SERVICES LEVY

In reply to **Hon. CAROLYN PICKLES** (23 May).

The Hon. K.T. GRIFFIN: The Minister for Police, Correctional Services and Emergency Services has provided the following response to your questions:

1. The collection cost for the Emergency Services Levy for 1999-2000 was $9.2 million, and is budgeted to be $8.7 million for 2000-01. The cost of collection is dependent on the number of accounts processed and not the value of those accounts.

2. For 2000-01 $42.2 million will be paid from the consolidated account to the Community Emergency Services Fund. That amount represents remissions of the Levy given by the government to various classes of property owners. This granting of remissions will of course result in lower levies upon the owners themselves.

3. The cost of advertising and promotion for the 1999-2000 financial year was $529 923.61. None of that cost was met from monies raised from the Emergency Services Levy.

4. There will be no advertising of the levy in the 2000-01 financial year.

SULLIVAN, Mr S.

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to table a ministerial statement about SA Water made by the Minister for Government Enterprises in another place this day.

Leave granted.

ARMITAGE, Hon. M.H., SHAREHOLDING

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to table a ministerial statement about share ownership issues made today by the Minister for Information Economy in another place.

Leave granted.

LEGAL PRACTITIONERS, NEGLIGENCE CLAIMS

The Hon. IAN GILFILLAN: I seek leave to make an explanation before asking the Attorney-General a question about negligence claims against legal practitioners.

Leave granted.

The Hon. IAN GILFILLAN: Last weekend, the Attorney-General of Victoria, Mr Rob Hulls, announced his intention to pursue a change to a 200-year-old legal rule. Under the common law, it is not possible to sue either a barrister or a solicitor for any work intimately connected to court. That means that, predominantly, they are immune from negligence claims for their advocacy in the courtroom. In contrast, any other work done by legal practitioners on behalf of clients is potentially open to an action for negligence. The rationale for the rule is presumably to prevent an endless round of litigation from those who have lost a case and are dissatisfied with their barrister's performance in court.

Mr Hulls says that, in the main, barristers conduct their cases with the utmost professional care. However, in the *Sunday Age* of 22 October he states:

> I find it unsatisfactory that such an immunity is unavailable to other professions and occupational groups. Putting barristers into a special category does have the potential to undermine confidence in the legal system.

The *Sunday Age* also reports that Australia is one of the last western countries to retain this immunity after Britain's House of Lords decided to end it last July. Mr Hulls is distributing a discussion paper ahead of a meeting of attorneys-general on 17 November and is hoping to get national support for this move. I ask the Attorney:

1. Has he or his department done any research on this issue since the House of Lords decision in July?

2. Will he and the South Australian government support this Victorian initiative? If not, will he support the alternative of putting a test case before the High Court?

The Hon. K.T. GRIFFIN (Attorney-General): My recollection of the Victorian situation is that the Victorian Attorney-General has published a discussion paper and that it is currently out for public comment. I have taken the view that we will look at that discussion paper and examine whatever responses are received to it but that we will not move quickly to jump on a bandwagon to amend the law relating to the liability of barristers.

It is fair to say that there is a view, at least in the United Kingdom and in some parts of Australia, that that immunity ought to be removed. I think the issue has been considered in South Australia by both Labor and Liberal governments over the past 20 or so years. On each occasion that it has been addressed a decision has been taken not to amend the law, very largely on the basis that, in the context of advocacy, quick decisions have to be taken in court.

When matters suddenly arise a line of questioning has to be developed in conjunction with the client, and if barristers were to be liable for negligence to their client for the decisions taken quickly on the spur of the moment, or even in the context of advice from the client, it might compromise the willingness of barristers to take decisions which they are of the view are in the best interests of their clients.

The Hon. Ian Gilfillan: A surgeon when operating has the same liability to act spontaneously.

The Hon. K.T. GRIFFIN: I am telling you what the position is in relation to barristers. It is a live issue: no-one is disputing that at all. I am telling you why, in relation to barristers, this immunity has developed and why it has been in place for well over 200 years. You do not rush in and change those rules just because suddenly an Attorney-General in Victoria, wishing to flex his muscles, decides to—

The Hon. Ian Gilfillan: What about the House of Lords?

The Hon. K.T. GRIFFIN: The House of Lords is a different situation. In Australia we are entitled to look at issues ourselves without having to rely on decisions which are taken overseas and which we then blindly have to follow. I have indicated to the honourable member—and I repeat it—that we are not rushing into a change. We will look at the publication in Victoria. Some consideration has been given to the United Kingdom position, but it is not something that will be resolved quickly. I am not going to indicate that we will rush in and support Victoria, nor am I going to indicate that we will support any test case. If someone wants to take a test case, we will deal with that issue at the time.

TRANSPORT, PUBLIC

In reply to **Hon. T.G. ROBERTS** (31 May).

The Hon. DIANA LAIDLAW: The Passenger Transport Board (PTB) has identified the following grounds as the basis for the projected decrease in operating revenue from the 1999-2000 budget allocation of $85.3 million to $71.4 million allocated for 2000-01:

- Crouzet lease income has been decreased by $6.6 million. This is due to the abolition of ticket lease charges in the new contracts for the provision of metropolitan public transport services. In the previous contracts the payment from the PTB to the contractor included an amount for leasing the ticketing equipment which the contractor paid to the PTB. As such, this reduction in income will be offset by an equivalent decrease in metropolitan service contract payments.
- Projected revenue from ticket sales has been decreased due to the following factors:
  - Metroticket fares are subject to GST, and as a result the PTB has a liability for GST to the Commonwealth (ATO) equal to 1/11th of total metropolitan fare revenue at 1 July 2000 ($4.9 million). This reduction in revenue has been fully offset by a reduction in the cost of operating public transport. Savings are expected to occur through the abolition of existing wholesale sales taxes—particularly on vehicle parts—and reductions in fuel excise rates. Econtech modelling (supplied by the Department of Treasury and Finance) has estimated ANTS (A New Tax System) related savings to be $4.9 million.
  - A correction for an over estimated level of revenue from the initial 1999-2000 budget for ticket sales ($2.4 million).
- Accreditation and Licence Fees and Country Route Licence Fees are now reported as other revenue ($1.05 million).

Bus, tram and train patronage by mode for the 1999-2000 financial year compared to the 1998-99 financial year is summarised in the table below.

	Initial Boardings			
Financial Year	Bus	Train	Tram	Total
1998-99	32 744 000	7 397 000	1 469 000	41 610 000
1999/00	32 137 000	7 439 000	1 534 000	41 110 000
% difference	-1.8%	+0.60%	+4.4%	-1.2%

Public transport patronage has been increasing since April 2000. This is only the second time in the past 25 years and the first time this decade that there has been a patronage increase for five consecutive months.

ELECTRONIC TRANSACTIONS BILL

In Committee.

Clause 1.

The Hon. IAN GILFILLAN: In his concluding remarks to the second reading debate the Attorney said:

> The government is in the process of conducting a detailed audit of the state's major transactional statutes and regulations for the purpose of determining what laws, including what documents and transactions, should be excluded from the legislation. Consideration as to whether the documents referred to by the Law Society will be excluded from the legislation will occur when the results of the audit are analysed.

I assume that you will speak further to that in committee.

The Hon. K.T. GRIFFIN: The audit is actually about three-quarters of the way through. We have not concluded the audit yet. It is intended that when the audit is completed we will then have some consultation about the documents to be excluded. The Law Society has made some representations, and I can say that, generally speaking, they are the sorts of documents that will be excluded by regulation. As to those documents, the difficulty with wills, for example, is to ensure that the person who is actually making the document is the person named in the document and that it is actually executed in the presence of two witnesses who are present at the same time. That creates difficulties of procedure as much as anything else and it is quite obvious that that sort of documentation cannot, therefore, be done by electronic means.

So, all that I can say at the moment is that this bill provides the framework that, before it is brought into operation, there will be an audit completed and then there will be an identification of the documents to be excluded. They will be promulgated into regulation and, of course, in the development of that there will be consultation, including consultation with the Law Society.

The Hon. IAN GILFILLAN: Regarding those regulations—and I accept that that may well be the vehicle to attend to the Law Society's concerns—will the Attorney give an undertaking that they will not be effective until such time as the Legislative Review Committee has assessed and reported on them?

The Hon. K.T. GRIFFIN: I have not considered that and I do not want to make a decision about it on the run. There appears to be merit in what the honourable member suggests. I presume he does not want the act to come into operation until four months after the regulations have been promulgated. The section 10 AA certificate can be given to bring the regulations into effect earlier than four months after the date upon which the regulations are promulgated. I would like to think that through in terms of the proclamation of the date upon which the legislation comes into operation. It may be that there is a mechanism by which that can be done. The difficulty is that, if the committee decides to disallow the regulations, for example, and the act has been proclaimed to come into effect on a fixed date, there is then the question whether we can undo that and, if the regulations are disallowed, quite obviously no documentation will be excluded from the operation of the legislation. I think that is an undesirable consequence.

I am sympathetic to what the honourable member is proposing—if there can be adequate time for consultation. That depends on how much consultation occurs before the regulations are made. It may be that everybody is satisfied with the cautious approach that we take, such that it might be appropriate to bring them into effect more quickly than four months after the date of promulgation. I can give this undertaking to the honourable member: I will conscientiously consider the point that he has made and indicate that I am sympathetic to it, but I cannot categorically say that that will be the outcome. But I will inform him of the government's position once we have had time to give consideration to it and look at all the ramifications of adopting that course, or some other.

The Hon. IAN GILFILLAN: I thank the Attorney for that assurance: I believe that is probably a satisfactory approach. I can understand the complications that he has outlined, but it would be of more substantial reassurance if he qualified that undertaking to inform me—and it would not exclusively be me—of the government's position and the thinking as to the timing of the implementation of the regulations, in time for us to have some form of consultation before any section 10 AA came into effect.

The Hon. K.T. GRIFFIN: I do not see any hooks in that and I will ensure that there is that consultation before the regulations come into effect.

The Hon. NICK XENOPHON: I have a question about the bill. I do not think that anyone takes issue with the fact that the bill seeks to facilitate the use of electronic transac-

tions and communications, but does the Attorney concede that with it comes a challenge with respect to issues of criminality on the net and via electronic means in terms of tracing such activity? Additional difficulties and new challenges might be posed in a regulatory regime in terms of money laundering, illegal activity, illegal transactions and illegal conduct. I understand the purpose and intention of the bill, but will the Attorney assist me as to whether protocols or safeguards will be put in place to ensure that law enforcement agencies have adequate power to go behind transactions in the context of criminality, including money laundering?

The Hon. K.T. GRIFFIN: There are some challenges, but this legislation, based on the commonwealth legislation, is designed to facilitate electronic transactions, and that requires the agreement of both parties to the transaction being conducted by electronic means. One can think of contracts, for example, where the contract will not be consummated until both parties agree that it can be done electronically. The real challenge is to be assured that the parties are able to demonstrate that the documentation is the documentation that has been agreed, and that involves issues of digital signatures attaching to the document. If they decide that they wish to enter into transactions by electronic means, they can do that. Even if they do not determine issues that relate to privity of contract and how that is established in evidentiary terms, this will still allow them to do that.

With respect, this bill has nothing to do with law enforcement agencies being able to prove or not prove a particular transaction because the interception of the electronic signals depends upon the Telecommunications Act and the appropriate processes that are in place for interception of electronic data. I presume that is the issue to which the honourable member refers. This bill will not change that. It is another means of communication. If some agreement that is being made is to have legally enforceable consequences, as between the parties they can choose that, but, as between the parties and the police or the Australian Securities Investment Commission, there will be the usual means of trying to prove that a transaction actually took place. Where it is done by electronic means it is generally done by electronic surveillance.

The Hon. NICK XENOPHON: I understand that this is not a law enforcement bill, but the point that I was making was that this bill is to facilitate electronic transactions, to have a regime in place that gives greater confidence in electronic transactions taking place, and the Attorney indicates that he agrees with that general principle. With the greater degree of facilitation or greater ease of electronic transactions that this bill, as part of the regime, makes easier, does the Attorney concede that there are further challenges not only with respect to issues of criminality, potentially fraud, but also privacy concerns in terms of how to deal with potential problems arising out of the greater facilitation of electronic transactions? If we are to facilitate it, surely there should be sufficient safeguards in place to deal with criminality because that goes hand in hand with issues of facilitation.

The Hon. K.T. GRIFFIN: The honourable member will have to explain what he is getting at in more detail for me to be able to give an appropriate response. I come back to the point that this bill seeks to say that, if something can be done by way of paper, it can now be done by way of electronic communication. That may mean that, to prove the transaction, if it is a civil matter (that is, as between the parties to the transaction), the parties will have to first agree that the transaction can be entered into electronically and, if it is, some record kept that is an accessible record for the parties, if for no-one else, as to the agreement that has been reached.

On the other hand, if criminal conduct is involved, we know now that money can be laundered. The cash transaction legislation requires financial institutions to disclose information about transactions in excess of $10 000. We know that funds can be transferred electronically already within a fraction of a second to any part of the world. All those things are already occurring without the superimposing of this bill on any of those sorts of transactions. I would not have thought that this changes any issues about privacy because it is essentially as between parties rather than between parties and third parties, and I would not have thought that the issue of criminality is any different as a result of this legislation passing than it was before.

The Hon. NICK XENOPHON: I appreciate the Attorney's response but let me clarify my concern. The Attorney draws an analogy by saying that this is effectively allowing people to do electronically what they can do by paper, but it is a different way of transacting by virtue of the internet and electronic transactions. I refer to a piece in the *Sunday Age* of 20 August, entitled 'Nowhere to hide', which talked about privacy concerns, emails that might be intercepted by government agencies and a whole range of other privacy issues. The specific point I make is that, because the bill purports to allow individuals and companies to do electronically what they can do by paper, and because it is a different mode of communication, some safeguards should be put in place. For example, given the requirements of the commonwealth legislation for financial transactions in excess of $10 000, to what extent will the authorities have the ability to monitor electronic transactions in terms of the financial transactions legislation?

Another instance would be the reversibility of transactions. If there is an allegation of fraud through an electronic transaction, through an electronic contract, is there a mechanism for that transaction to be reversed or to at least be traced? That was dealt with by my colleague the Hon. Angus Redford in the select committee on internet and online gambling. Andreas Furche, an expert on electronic transactions, indicated that transactions are ultimately traceable.

I am not disputing the intention of the bill, but I am concerned about the extent of safeguards to ensure that there is protection in instances of fraud so that we can be sure of tracing transactions electronically. In a paper transaction there is a paper trail. My concern is that this bill does not have the framework to ensure that there is an electronic trail to protect consumers and companies in case of fraud. That is the point I was making. I was not being critical of the bill in any way.

The Hon. K.T. GRIFFIN: There is no law which presently requires the paper trail to be established in relation to transactions which are paper based, except by special legislation such as the Income Tax Assessment Act, which requires that records are kept for six or seven years following the year to which they relate. Whether documentation is electronic or paper based, the obligation is to keep that information. Of course, if a taxpayer decides not to keep records—which you probably would do if you are on an illegal course—the same problem applies now as will apply under the proposed legislation. This bill does not affect that in terms of fraud.

There are many millions of transactions currently being undertaken electronically. All automatic teller machine transactions are electronic. This legislation does not change

the way in which those sorts of transactions are conducted. If there is a problem, this bill does not necessarily require special legislative or other action to properly address those sorts of issues. They are still issues at law—what is the right of a bank, for example, and what is the right of a customer in certain circumstances?—whether something is done electronically or by a paper based transaction.

I come back to the point that this legislation has already passed at the federal level and, if it passes at the state level, I do not see that we need to put in place other protections because, ultimately, it is a matter for the parties. If the parties do not agree to an electronic transaction and it is to be paper based, that is their agreement. If one party does not agree to an electronic transaction being the basis of the agreement between them, it has to be paper based.

So I do not think that the issue of privacy is a relevant consideration. No new laws have to be made in relation to privacy or surveillance in terms of access to the electronic data. Under the federal telecommunications act the law currently is that a warrant can be issued to intercept the electronic data but only where there is a reasonable suspicion that an offence has been, is being or is about to be committed, and that is how it should be.

The Hon. CARMEL ZOLLO: I believe that data protection is an issue, but I understand that it is to be addressed by federal—

The Hon. K.T. Griffin: Maybe in relation to the broader sweep but not in relation to this bill.

The Hon. CARMEL ZOLLO: Yes, and hopefully it will be addressed by federal legislation. That is my understanding.

The Hon. K.T. GRIFFIN: The point I made about data protection is in the context of this bill. This bill does not require any additional data protection legislation than if transactions were to be done by some other means. This bill does not create the necessity for additional data protection provisions, because all it does is to say if you want to enter into a contract to buy 5 000 bales of hay, for example, you can do it either by an exchange of letters or by faxing each other and saying, 'I want to sell you so many bales of hay at so much per bale', delivered free, or at $35 or $50 a bale or whatever. You can do it by letter; you can do it by fax; you can do it on the spot by signing a contract; or the parties may say, 'We will do that by electronic communication' and someone will email a document, the other will email back that it is accepted and they will enter into some appropriate transaction. It is all done electronically.

The Hon. CARMEL ZOLLO: I understand what the Attorney-General is saying but I beg to differ, because this form of transaction exposes consumers to a certain risk. However, I understand what he is saying in relation to this bill.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

The Hon. CARMEL ZOLLO: I want some clarification in relation to clause 4(d). I understand that the originator can be anywhere in the world and still be bound by South Australian law. Is that the intention of the clause?

The Hon. K.T. GRIFFIN: This is not intended to alter the common law which establishes what is the proper law of the contract. Some very complex rules apply to determine what is the proper law of the contract. If you have one party in South Australia and one party in the United States, many different factors determine ultimately which law applies, unless the parties agree. If it is a state government contract, for example, we will normally say that the law of South Australia applies and that the courts of South Australia have jurisdiction.

In some instances, private parties may come to another agreement. They may say that the law of Delaware or Alaska applies to the transaction but the courts in South Australia will have jurisdiction and the parties submit to the jurisdiction. This clause seeks to say that, if South Australian law applies, these are the requirements that can generally be met in electronic form. Also, paragraph (d), in conjunction with clause 14, is designed to ensure that there is a proper basis for the originator of either the documentation or the acceptance of the documentation to be the person referred to. For example, if an agreement involves company X and if someone just sent an email unrelated to company X saying 'Company X agrees', and there is no evidence that company X has properly authorised the transaction, company X is not bound by the consequences of that acceptance.

It is designed to be a guard against anyone sending an email without authority but purporting to bind the originator of the transaction. It is all designed to try to ensure that there is lawful authority by which company X, the originator, ultimately can be bound by the transaction.

Clause passed.

Clauses 5 to 8 passed.

Clause 9.

The Hon. CARMEL ZOLLO: Clause 9(1)(a) talks about a method used to identify. Can the Attorney provide an example of a method? I am mindful of the remarks made by the Hon. Nick Xenophon concerning consumer protection in terms of what happened with the Public Trustee when $1 million disappeared.

The Hon. K.T. GRIFFIN: The issue of identification of the parties is probably the most difficult issue. We could have been prescriptive and said, 'If you do this, this or this, that is to be evidence of identification'; but, in drafting the legislation at both the commonwealth and state levels, it was determined that that was too prescriptive and that we ought to leave it to the parties to come to an agreement about how they will identify each other. It may be a digital signature. It may be that there will be a form of encryption, which will be recognised at the other end by arrangement, and therefore it will be capable of being proved that this was the document that was agreed to by both parties.

My recollection is that the state of Utah was in the forefront of dealing with issues of digital signatures. I think that that state has a public repository of digital signatures registered so that, in some way or another, without identifying the digitising process, the state could nevertheless register the digital signatures. It would then measure what purported to be the digital signature in an electronic document against that which was deposited in the registry. I gather that all sorts of difficulty is being experienced with that system because, if you think about it, how do you prove a digital signature if you cannot gain access to it on a public basis; and, if you can gain access to it on a public basis, does that undermine the security of the digital signature? It is fraught with difficulties.

I do not purport to be an expert on this at all, but I just think that, even with limited knowledge, you can raise a number of these sorts of questions. We are endeavouring with clause 9 to get to the situation where, if under South Australian law a signature is required on a document—for example an agreement to sell land—it must be in writing and, as I recollect, there must be a signature on that. If the contract of sale of land is done by way of electronic communication,

the parties should be able to agree the form of identification of the signature and the law would recognise the way in which that signature was attributed to the document.

It is a fairly complex area and it is still very much in its infancy. However, this clause is designed, as I said before, to allow electronic transactions where the parties agree, and that includes the issue of recognition of signatures or recognition of adoption of the documentation. A report of the Electronic Commerce Expert Group gives a description of a digital signature. It states:

> The basic premise of an asymmetric cryptosystem is that two keys are used, a public key and a private key which form a key pair. The private key is used only by the signer to create the digital signature and the public key is published to third parties so that they can verify that a digitally signed document has been signed by the holder of the corresponding private key. Once a message has been digitally signed using a private key only a person with access to the public key can decipher or verify the signature. The private key will not decipher or verify the digital signature. Although the keys of the pair are mathematically related, if the asymmetric cryptosystem has been designed and implemented securely it is virtually infeasible to derive the private key from knowledge of the public key. So, although many people may know the public key of the given signer and use it to verify the signers' signatures, they cannot discover the signer's private key and use it to forge digital signatures. The mathematics involved ensure that the probability of two persons having the same key pair or two messages having the same hash is low enough for both to be considered to be substantially unique.

Clause passed.

Clauses 10 to 12 passed.

Clause 13.

The Hon. CARMEL ZOLLO: In relation to clause 13(1) under division 3, which talks about being 'outside the control of the originator', would the Attorney explain what happens when a transaction does not enter the system outside the control of the originator, such as where a client or consumer uses that system through an internal ATM system within a bank or, say, within the Department of Transport?

The Hon. K.T. GRIFFIN: This relates to the determination of the time at which, if you are one of the contracting parties, you are deemed to have actually transmitted your acceptance. Clause 13(1) provides that, for the purposes of South Australian law, if an electronic communication enters a single information system, if I am one of the contracting parties and I am going to make an acceptance of the contract, if I transmit data outside the system in which I have it and it enters another system which enables it to be transmitted to another party, then the time at which it enters that system and leaves my environment determines the time of acceptance of the contract.

For example, in the case of a tender, if you are doing things electronically, what is the time at which that tender might actually be made? For example, if tenders close at 12 midday on Friday, I press the button at one minute to 12 and it gets to DAIS at half past 12 because it has been routed around the world: if the date of receipt within DAIS was determined according to DAIS's time line, I would be out of time, but, because I have pressed the button and it has left my system and gone into DAIS's system, that is the time at which the acceptance of the tender is actually deemed to have been made.

The Hon. Carmel Zollo: Because you are the originator?

The Hon. K.T. GRIFFIN: Because I am the originator. The first two subclauses refer to dispatch and the second two to receipt.

The Hon. CARMEL ZOLLO: I refer specifically to clauses 13(4) and (5) and the words 'comes to the attention of the addressee'. That phrase appears to be a bit open-ended. What time lapse are we talking about? Are we saying that it could be important in terms of tendering, as the Attorney just pointed out, and what happens, perhaps under subclause (5), if something is misdirected? Could there be a claim that it has never turned up?

The Hon. K.T. GRIFFIN: Ultimately, that is a question of fact, it there is proof that it actually entered the system: the question is whether it did or did not enter the system, and ultimately that is a question like any other. If it was paper based, I could prove that I sent it and that it was received in the mail centre for your big corporation but it got lost in the system. Sometimes you can track these things. It is a matter of proving whether it was or was not received.

Clause passed.

Clause 14.

The Hon. CARMEL ZOLLO: I have a question about the concerns expressed by the Hon. Ian Gilfillan in relation to the regulations. As yet we have not seen any regulations, and obviously the Law Society has some concerns and feels that some documents should be excluded in relation to electronic transactions. What undertaking did the Attorney-General give about the regulations? We would like examples of what he intends to include in the regulations.

The Hon. K.T. GRIFFIN: What I indicated, before I gave the undertaking, was that we are only three-quarters of the way through the audit of state legislation. When that is concluded we will identify what documents should be excluded, and they will then be the subject of regulation. The undertaking I gave was that there would be consultation in relation to that list.

In response to the Hon. Mr Gilfillan, who suggested that the regulation not come into effect until the four months had expired and the Legislative Review Committee had had an opportunity to consider the regulation, I said that I was not convinced that that process was appropriate. If we have to bring the legislation into effect on a certain day and subsequently the regulations are disallowed before they come into operation, then there is a real hiatus. I did indicate that, while I was sympathetic to that, I would give further consideration to that proposition on the basis that I would ensure that there was an appropriate level of consultation on the documentation to be excluded.

I indicated that for the other reason that we might have exhausted the consultation before the regulations are promulgated, and that it then may not be a particularly good thing to defer yet again the bringing into effect of the act and the regulations rather than deferring it for another four months, because I do intend to have appropriate and adequate consultation with interested parties in relation to the list of documents that should be excluded.

Clause passed.

Clause 15 and title passed.

Bill read a third time and passed.

ADELAIDE FESTIVAL CENTRE TRUST (COMPOSITION OF TRUST) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 October. Page 154.)

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): The Hon. Sandra Kanck has advised me that she supports the bill but does not intend to speak to it. I thank the Hon. Paul Holloway, in the absence of the Hon.

Carolyn Pickles and on behalf of the opposition, for supporting the bill; and the Hon. Terry Cameron for his contribution. The Hon. Mr Cameron asked the following question:

I note that one member is to be appointed by the Governor on the recommendation of the Adelaide City Council. Does that mean that the Adelaide City Council puts forward a nomination and does it have to be accepted, or does the council put forward a panel of nominations of which the government accepts one?

I indicate my preference for the latter course of action. I advise the honourable member that his preference is the approach that the government does follow as a matter of policy. In fact, the government invites three nominations, one of which must be a male and one of which must be female, and one of those three nominations is taken into account when making a recommendation to cabinet and subsequently to the Governor in Executive Council.

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

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

Adjourned debate on second reading.

(Continued from 12 October. Page 150.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading of the bill. I understand that it results from correspondence from Country Arts South Australia to the minister about the current presiding trustee, Ms Downer, and the conflict that might arise in her present position as President of Regional Arts Australia and her inability, if the legislation remains as it is now, to continue in her role as President of Regional Arts Australia beyond May 2001. I believe that there is a public interest, and one hopes a great advantage to the state, by amending the legislation to enable a South Australian to remain in this important national position.

I have certainly talked to a number of people in the arts community, and I know Ms Downer well in respect of her political affiliation. She has performed a very good role in her position as presiding trustee of the Country Arts Trust, and I am sure that she will continue to provide a very good role for South Australia as President of Regional Arts Australia. So I certainly support that continuation.

The only point I would like to raise with the minister is that under the current proposal it seems we have a situation where a person could serve up to 12 years on the Country Arts Trust, six as a presiding trustee and six as an ordinary member. Can the minister confirm that this is correct and that it might be more desirable to have some kind of a compromise position, that it be no more than nine years, rather than someone being on the committee for a period of 12 years? It does seem to be an inordinately long period of time to be on the committee. We would not intend to delay the passage of the bill, but maybe the minister will consider the rather undesirable possibility of having members on the committee for ever and a day. It is important to have some kind of continuity but also some new ideas coming on. We recognise the importance to South Australia for a South Australian to be president of Regional Arts Australia and we therefore support the amending legislation.

The Hon. DIANA LAIDLAW (Minister for the Arts): I thank all honourable members for contributing to this debate and note that the Hon. Terry Cameron and the Hon. Sandra Kanck in speeches over the past couple of weeks, and today the Hon. Carolyn Pickles, have all essentially given the current chair, Ms Downer, a vote of confidence in the way in which she has conducted herself and advanced the interests of Country Arts SA, and have also wished to support her extending that influence to Regional Arts Australia; not only extending that influence but continuing the influence in her current position, acknowledging that the confines of the South Australian Country Arts Trust would mean that she could not continue as chair of Regional Arts Australia beyond the middle of next year, because that is about the time that her appointment as chair of Country Arts SA expires.

I wish to acknowledge in this place that Country Arts SA, the board led by Ms Downer and the organisation by Mr Lloyd, is one of the best managed and most successful arts organisations in this state, in terms of the new programs that it is always developing, the success it is enjoying in gaining wider participation by country people in the arts, on an individual basis, on a township basis, and in terms of arts forms taken to country areas in general. It is also exciting to see how country communities are now, of their own initiative, strongly taking up arts opportunities to celebrate and identify their towns in tourism and in economic terms.

So the support that this parliament has given the Country Arts Trust and country arts in general over some decades is really bearing fruit in country areas. I highlight that because, as the Hon. Caroline Schaefer and others would know in particular, sometimes the arts are not seen as the most serious of business in country areas. But they are being taken much more seriously today as people recognise that they are very much a focal point, catalyst, for bringing communities together, for celebrating what has been achieved in the past, for celebrating the future, for bringing together young people and older people and for advancing what is the best in the arts and in the local community, in terms of talent, and encouraging participation from people, from farmers and others, who never anticipated that they would be doing any visual art or sculptural work. They, too, are now getting involved, and it is quite a thrill to see arts being embraced so strongly across South Australia.

In terms of the question that the Hon. Carolyn Pickles raises, I accept that there would be some concern if it became general practice that some members of the board serve six years and then serve a further six as presiding member, both of the regional boards and the principal board, and I will give some consideration to the concern that the honourable member has raised. If I could speak to her further about it, and perhaps other members who have spoken in this debate, there may be an amendment that is appropriate to move in the lower house that there be no more than nine years, for instance, served in all. But I would just like to understand the implications for Ms Downer's position before I gave an undertaking that I would move that way.

Having brought this bill to this place and having gained general support for the initiative, I do not want to unwittingly undermine that measure. At the same time I would not want to unintentionally lead to a situation where it became seen as a right of some members to serve up to 12 years, when I do think in the arts in particular there is value in bringing in new people and new experiences and ideas to the deliberations of these boards. So, if the honourable member is prepared, and I think she was from her contribution, to allow me to consider this matter and speak with her before the bill goes to the other place, I would appreciate that opportunity.

Bill read a second time.

In committee.

Clause 1.

The Hon. CAROLYN PICKLES: I thank the minister for her undertaking. I think it would be an undesirable practice to have people taking advantage of this, because of this particular unique position, and I think that we are passing this legislation today in the spirit of the contribution that Ms Downer can make in her national position and with the whole of South Australia. So I would not like it to be seen by future members that this is almost a sinecure for lengthy terms of office on this particular board. I think it is good, as I indicated before, to have length of service experience, but also new ideas coming on, flowing through.

Clause passed.

Remaining clauses (1 to 4) and title passed.

Bill read a third time and passed.

ROAD TRAFFIC (ALCOHOL INTERLOCK SCHEME) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 October. Page 61.)

The Hon. SANDRA KANCK: The Democrats support the government's attempts to reduce the incidence of drink driving on our roads, and it is pleasing to see an innovative approach adopted in respect of this particular aspect of drink driving, that is, the recidivists who drive without a licence. There can be little doubt that the substantial increase in the penalties for, and enforcement of, drink driving laws during the past 20 years has fundamentally changed community attitudes towards drink driving and has resulted in a reduction in the road toll. As recently as the 1970s, Australia had a culture of acceptance of drinking and driving, and some people would even boast about how they could not remember getting home the night before, and their friends would laugh with them about it. Few people would celebrate that sort of recklessness now: I know that many young people in their social outings nominate a driver who will stay sober for the course of the night to ensure that the rest of the friends get home safely.

We all share the benefits of the widespread recognition of the dangers of drinking and driving. Had the attitude of the 1970s not been countered, we would have had what would now be amounting to a civil war on our roads. Improvements have been made but we can always look to better them. As a car dependent society, and one in which alcohol is a key ingredient in many people's social lives, it is not surprising that we have recidivist drink drivers. The minister has told us that one in five repeat drink drivers are caught driving without a licence. It is this group of law-breakers who stand to benefit from the scheme proposed in this bill, and it is therefore important to place on record why the Democrats are supporting it.

It is all very well to say that these people have been punished by having their licences taken away from them, but the reality is that they are still getting out and driving, albeit without a licence. So we as MPs have an obligation to find a way to deal with the reality and we have to do so in a way that creates the greatest safety for the rest of society. By fitting alcohol interlocks in the cars of offenders, we will be in a better position to monitor these recidivists and, thereby, ensure that they are not continuing to flout the law.

I know that not everyone will think this scheme is a good idea, particularly people who have had a family member killed or maimed as a result of that lethal combination of drinking and driving. I can understand the anger they must feel and the desire they would have to ensure that such drivers never, ever drive again. But, as we know, some of these drivers are flouting the law anyway and we must come up with some other solutions. The proposal in this Bill may not be perfect but I believe it is worth a try, and the provision for a review after two years gives me the confidence to support this Bill.

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

HARBORS AND NAVIGATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 October. Page 171.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The opposition supports the second reading of the bill. This bill seeks to make a number of legislative changes in a number of different areas, namely, the requirement to have an emergency position indicating radio beacon or EPIRB on vessels, changes to the Expiation of Offences Act 1986 regarding the operation of jet skis, changes to the State Crewing Committee and, finally, changes to marine safety jurisdictional arrangements.

The opposition supports the proposed amendment, which I will refer to briefly, commencing with the changes to administrative arrangements for jet ski expiation fees. I understand that the effect of such an amendment is to enable local councils which issue the expiation notices to retain the entire fee as opposed to a portion of it, which is the current arrangement. The bill does not make any changes to the actual amounts payable. The minister may be able to advise how many expiation notices have been issued and total revenue generated as a result since the introduction of jet ski legislation.

The bill also seeks to improve safety on vessels by introducing a new provision requiring certain vessels to carry an EPIRB or face a fine of $10 000 or an expiation fee of $400. Additionally, the current penalty structure contained in the Harbors and Navigation Act has been reviewed, causing significant increases to fees payable. All the expiation fees have more than doubled and the maximum penalty has increased from $8 000 to $10 000. Ordinarily, the opposition would be very concerned about the increases. However, I believe that the nature of the offences and potential for search and rescue costs warrant such increases. In her second reading explanation, the minister referred to the search and rescue of the vessel *Agro*, which cost approximately $230 000, and that is an extraordinary amount of money, and obviously this measure could well save lives.

Amendments to the composition of the State Crewing Committee are also proposed with the intention of making it more accessible for female membership. I wholeheartedly support this move and the other minor amendments proposed. However, the Maritime Workers Union has raised with me one concern and that is that this position should not replace the union representative, and I would not want that to occur either. Will the minister clarify the situation? The opposition

also supports the proposed changes to the jurisdictional arrangements for safety regulation of training vessels.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank all members for their prompt attention to the matters addressed in this bill and the support received from the Hon. Terry Cameron, the Hon. Sandra Kanck and now also the Hon. Carolyn Pickles. I note that, in her contribution, the Hon. Sandra Kanck claimed as a victory for the Democrats the provision about jet skis and the capacity for councils to not only impose but also collect the full expiation fee. I do not recall the Democrats raising this issue with me but, if they wish to claim victory as part of support for the bill, I am happy to accept whatever grounds bring the Democrats to support this measure.

The Hon. Sandra Kanck: It is such a sensible provision and we called for it two years ago.

The Hon. DIANA LAIDLAW: As I said, I do not recall the Democrats being so sensible two years ago, but I do wish to comment on one matter that the Hon. Sandra Kanck raised. She claimed that, at the time the Democrats made this call, 'The minister did not seem to like the proposal that we came up with but it does make a lot of sense.' My reservation had strong grounds. It is a most unusual practice for government to delegate the issue of expiation notices and the collection of any part of let alone the full expiation fee to anybody else but government. It has always been an issue for the police, and it takes enforcement practices very seriously. Every expiation notice includes $14 towards police operations, with the rest going to general revenue, and that reinforces the role of the police with respect to law enforcement issues across the board in this state, so this is unusual practice.

There are also some reservations about setting a precedent by giving local councils the authority to issue and retain all the expiation fees, and I raise this matter in terms of the enforcement of speed limits in local streets. There is a general unease amongst ratepayers and the government, and a higher sense of unease amongst the police, about granting councils the power to issue and reap full benefits of using speed guns and the like in local streets. Our not moving on jet skis at the time was not a lack of diligence on our part in not wishing to enforce the jet ski regulations but simply an understanding that we would be able to do it by the traditional method of issuing a notice and receiving the fee.

However, it has not proven to be workable and, by the current method of enforcement, we have not been able to cover enough of our coastline and Murray River waters to be effective in enforcing the regulations. Therefore we have come to the decision, perhaps advanced by the Democrats some two years ago, that we must change the practice in terms of the collection of the expiation fee.

The Hon. Sandra Kanck also asked a question about the information campaign or public relations and media campaign that will be conducted in relation to the changes to the penalty for not carrying an EPIRB or other safety equipment on board a vessel. I advise that it is proposed that the recreational boating public will be alerted to these changes through the general media, through a notice to all mariners in the *Advertiser* and Messenger Press, in leaflets that will be posted to all registered boat owners, and by way of publicity through the boating magazines and clubs and associations.

It was not proposed, such as was done with changes to road rules or school zones, to have a widespread public relations and information campaign but rather in this instance to target the boat owners and to alert them at this early stage, not just when the provisions come into force but to what their obligations will be. We will not conduct that campaign widely until I have at least some confirmation that the bill will be advancing in this place. We will assume that it will also pass the other place and we will gear up, prior to the proclamation, to alert owners to the fact that they must equip their vessels with an EPIRB if they are to travel beyond five nautical miles from the coast and gulf waters or three nautical miles elsewhere.

The Hon. Carolyn Pickles asked for advice about the number of expiation notices issued and the revenue that was raised. I do not have that advice to hand. I will provide the honourable member and the minister who represents me in the other place with that advice so that that information can be placed on the public record. I accept the Hon. Carolyn Pickles' advice that normally the opposition would be concerned about increases in penalties but because of the important safety issues involved they will support this measure.

In terms of the Maritime Workers Union, I can confirm that the position will be abandoned in order to provide for a person with marine qualifications of not less than Master Class 5 as nominated by the minister to come from one of the two positions currently provided for in the act for a master mariner. Therefore, I can confirm without qualification that there is no cause for the anxiety expressed by the Maritime Workers Union that one of the two positions as members from the union movement will be amended in any way. They will still have their places protected.

I would not need to take that approach today if the union had nominated women instead of men but, notwithstanding that challenge to the union from time to time, men were always advanced as union representatives and therefore we have made the decision that in future instead of having two master mariners we will have only one, plus a further person with a marine qualification not less than Master Class 5. All people involved in safety and the waters confirm that a person with a marine qualification of not less than Master Class 5 is more than able to make a strong contribution, even if that person is a woman.

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

STATUTES AMENDMENT (TRANSPORT PORTFOLIO) BILL

Adjourned debate on second reading.

(Continued from 5 October. Page 64.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The opposition supports the second reading. This bill seeks to make a number of amendments which include the following. The first amendment seeks to alter the definition of a motor vehicle in relation to the Goods Securities Act to include a trailer in the definition of a motor vehicle. This is a minor amendment. The second aspect of the legislation seeks to vary the eligibility requirement for concessional registration fees for incapacitated ex-service personnel. It is proposed in this bill to lower the pension rate of incapacity from 75 per cent to 70 per cent.

In consultations on this bill I wrote to the Returned & Services League of Australia (SA Branch) and it has responded, as follows:

I have sought advice from the RSL's Pensions Advocate, who informs me that the provision of a reduction in the registration charge

to those incapacitated ex-service personnel currently in receipt of a Department of Veterans Affairs pension, at a rate of 70 per cent, would be welcomed by the ex-service community.

Having said that, the Pensions Advocate cautions against the use of the wording currently appearing in the record of Legislative Council debate of 5 October 2000 (page 64). In the explanation of clauses provided by the minister to Part 3—Amendment to Motor Vehicles Act 1959, which reads:

> '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.'

The preferred wording in any part of the act should be:

> 'By lowering the pension rate of total incapacity, granted by reason of impairment of the power of locomotion.'

There is a considerable difference in the interpretation of the term 'incapacity' and the act should be sufficiently clear in its intention.

In looking at the amending clause, it merely states that section 38 of the principal act is amended by striking out from subsection 1(b) '75 per cent' and substituting '70 per cent'.

So, although I sympathise with the comments by the Returned & Services League of Australia, I do not have the principal act in front of me and I ask the minister before this bill passes the other place to check the wording of the principal act to make sure that the concerns raised by the Returned & Services League of Australia are taken into consideration, and if not perhaps the minister in another place could raise those issues with the Returned & Services League of Australia.

The third aspect of this bill appears reasonable and simple. It proposes to give inspectors under the Motor Vehicles Act and the Road Traffic Act the authority to require drivers of heavy vehicles to produce their licences. Drivers in the heavy vehicle industry are currently required to have their licence with them while driving. Therefore, the matter should not be an imposition. I accept that such an amendment enables inspectors to more easily ensure that drivers are appropriately authorised and therefore complying with other legislative requirements.

The fourth amendment, which I support, seeks to prevent the disclosure of private information that is obtained by public servants presumably in the day-to-day administration of the Motor Vehicles Act. When I received the briefing from the minister initially on this legislation I asked what caused this amendment to come forward. I asked whether there had been some incident that had prompted the amendment and I asked whether the minister had consulted with the relevant union regarding this proposal.

The final proposal contained in this bill makes it an offence for an inspector to use offensive language or behaviour, including violence, against a person in the conduct of their duties. I understand that the motivation for this amendment resides with a member in another place but, out of interest, will the minister report on any alleged incidents? The opposition will be opposing this clause. In our consultations, the Public Service Association stated that, while recognising a similar provision relating to inspectors exists in other legislation, it is of the view that the existing disciplinary provisions of the Public Sector Management Act are sufficient to deal with offences by inspectors. If it is to be included, reference to an appeal mechanism would therefore be appropriate. I concur with the union's concerns and therefore the opposition will be supporting the second reading but opposing new section 139G.

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

PROSTITUTION (REGULATION) BILL

Adjourned debate on second reading.

(Continued from 12 October. Page 147.)

The Hon. CAROLINE SCHAEFER: My contribution to this debate will be relatively short. I believe that it is quite important that most members place on record their position on this bill, because we will be taking the unusual stance, I suppose, of having a conscience vote on a government bill. Strangely, most members in this place, while we will vote quite differently, probably have some of the same causes in mind. I do not believe that any member in this place wishes to hear of prostitutes being beaten, contracting disease or lacking protection simply because of the law.

One thing is for sure: it really does not matter what law is passed in this place, it will not stop prostitution. In fact, it will probably not make much difference to either the number of people who practise prostitution or the number of people who are clients of prostitutes. Statistics in both New South Wales and Victoria—where there are various laws which, to a greater or lesser degree, legalise prostitution—indicate that prostitution has increased in both states but that illegal prostitution has not decreased. I do not believe that our carrying this bill will protect prostitutes. I do not believe that it will change anything much other than people's attitudes to prostitution.

While some of us say that prostitution, or the use of prostitutes, is an acceptable pastime (and many of us find the idea of prostitution quite repulsive), nevertheless none of us would want either our daughters or our sons to become prostitutes. One aspect of this bill that bothers me, or any form of legalisation, is that it might make it very easy for a young person who, for instance, wants to pay off their HECS fees to say, 'Okay, it's legal, so it can't be all that bad.' This bill may well produce the attitude, 'It's okay because it's legal', and I think that, over the years, we have seen that with various other laws. Having said that, I will be voting against the second reading. If the bill is read a second time I will be doing my best to vote clause by clause to make it the best possible bill within this place.

A survey of the sex business in Victoria formed part of an article in the *Age* dated 28 February 1999. The survey was conducted by Ms Jocelyn Snow, a project worker with the Prostitutes Collective of Victoria. As a result of her survey Ms Snow states:

> Legalisation has not improved prostitutes' work and the profession's negatives still outweighed the positives.

Ms Snow surveyed 321 female brothel workers and says:

> The worst thing was the clients. The arrogance, the smelliness, the violence, the demands. One in five clients still request unsafe sex.

And this is in a legalised system. Ms Snow further says:

> Nearly half [of the prostitutes] said they would change their occupation if they could and only 15 per cent always felt good about being a sex worker. About 40 per cent said they usually felt good but one in five rarely or never felt good about their trade. . . Almost a quarter of the women said they had been sexually abused as children. . . Several said they began working to 'get back' at men.

Ms Snow also says:

> The centre's profile found that three quarters of women always lied to their parents about working in the sex industry while one in five told the truth.

I am surprised that even one in five were able to tell their parents about their activities. I have also read with interest the submissions of the Local Government Association and I have some sympathy with its request that it be more involved in viewing planning applications and granting licences within local government areas. I believe that the Local Government Association is probably closer to the people in the suburbs and small towns than we are as a state organisation. If we do in any way legalise prostitution, the association, too, needs to share some of the responsibility, because it seems to me that even those who would pass this bill, and pass it in its entirety, do not particularly want a brothel next door to them. There seems to me to be quite a high degree of the nimby syndrome in respect of this bill.

Having said that, if we reach the committee stage I will support the clauses that ban advertising; I will support the clauses that make the client as well as the prostitute liable for an offence; and I will support expiation rather than prosecution. Ultimately, though, I cannot see that South Australia will be in any way advantaged by the passing of this bill and I will oppose it in its entirety.

The Hon. J.S.L. DAWKINS: I will oppose this legislation at the second reading stage. If the bill reaches the committee stage I will, with interest, analyse the clauses. If it does pass, I would wish that the bill be as good as it can be; however, I indicate that I will be opposing it. The issue of prostitution is one which many well-intentioned people have attempted to address over many years in a range of different countries. I can understand the desire of many to legalise and control a 'profession' that will always exist in society. As much as I view the current situation in which prostitution exists in South Australia as unsatisfactory, I also have grave doubts that any changes for the better would have resulted if any of the proposed legalising bills had been enacted. Indeed, it would seem that the establishment of legalised brothels under other jurisdictions has only resulted in organised illegal prostitution continuing in a parallel fashion. I would have supported the summary offences bill, but we did not see that bill because, after deliberation in the lower house, what has resulted is a mish-mash of legislation.

Like my colleague the Hon. Caroline Schaefer, and others, I have noted the concerns of the Local Government Association. I think that a lot of what it has put forward has considerable merit and, as with the Hon. Caroline Schaefer, I will support clauses to strengthen the role of local government. I also support the equity and the treatment of both the client and the prostitute as well as a number of other areas.

I will not delay the Council at this point but I have indicated my position. Having given considerable consideration to the many letters I have received—and no doubt everyone in this place has received—I will not be supporting the legislation.

The Hon. R.D. LAWSON (Minister for Disability Services): I will not be supporting this bill, ultimately. I believe that it is based upon a false premise and I believe, with the greatest respect to those who have supported its passage to date, that it is in every respect a hypocritical measure. It seeks to suggest that brothels are a form of cottage industry to be encouraged in our community.

In its desire to regulate brothels, it provides in clause 4, for example, that a body corporate must not carry on or be involved in a sex business. In other words, this is a business to be conducted by individuals—by battling women seeking to get some money to complete their PhD studies or to educate their children—and it is not a commercial enterprise that any company, partnership or trust could be involved in. This is the first measure to create this idea of brothels as a cottage industry.

The Hon. T.G. Roberts: Only for those who operate out of cottages!

The Hon. R.D. LAWSON: Indeed, only those who operate out of cottages, as the honourable member interjects. In effect, that is what this bill provides by, for example, limiting the size of brothels. Clause 12 extends this notion of the cottage industry. The operator of a sex business must not have more than one place of business; no franchising here and no branch operations. It is just a small, innocent sort of business for women trying to make money.

Some of the hypocrisy comes out in clause 13, which provides:

> A person must not, in a public place or within view or hearing of a person in a public place. . . offer. . . sexual services as a prostitute;

In other words, sweep it away. We are regulating and encouraging this little industry but, on the other hand, we will force it out of public places. Also, according to clause 14, one must not advertise prostitution. On the one hand, you have this measure which is designed to regularise prostitution and enable it to flourish as a legitimate business but, on the other hand, it is not allowed to advertise. In my view, if it is a legitimate business it ought to be able to advertise so, in terms of small business, I regard the prohibition against advertising as a cynical and hypocritical provision.

When one looks at the controls in this measure one sees, for example, not only the prohibition against companies, partnerships or other legitimate forms of business structure being involved in the sex business but in clause 4(2), for example, a person who has been convicted of a prescribed offence cannot be the owner or be involved in a sex business. Those prescribed offences list a catalogue of the worst possible crimes, including sexual servitude, stalking, extortion, money laundering, illegal immigration, trafficking in drugs, receiving stolen property and the like. So, the proponents of this measure have gone through the criminal calendar and found every heinous offence and included them as a prohibition against being engaged in this lovely little cottage industry which, it is being suggested, is to be authorised for the benefit of the community.

If one looks at clause 15, there is a prohibition against advertising employment to act as a prostitute. Once again, a double standard is being applied. On the one hand, we are encouraging these lovely little businesses to flourish, while on the other hand we are prohibiting them from doing the very sorts of things that ordinary businesses are entitled to do.

In clause 17, there is a prohibition against exhibiting any sign, symbol or other thing visible to a person approaching a brothel that identifies the premises as a brothel. Once again, in my view, it is hypocritical and, of course, entirely ineffective. It is an attempt to sweep these things under the carpet. If you are going to allow brothels, allow them—be honest enough to say that you are permitting them, that you are licensing them, that they are a legitimate business enterprise and therefore they can advertise and conduct a business. If you are game to do that, do it but do not engage in the hypocrisy of suggesting that it is anything other than a squalid business.

There are other elements along the same theme; for example, the fund under clause 23. The prostitution counsel-

ling and welfare fund is established by this measure. This very worthy and forward-thinking measure is purportedly for the benefit of these young students who are engaging in this activity for the purpose of advancing themselves along life's cruel path. Yet another element of the hypocrisy of the measure is the provision relating to planning.

The Hon. Diana Laidlaw: Have you seen the amendments on file?

The Hon. R.D. LAWSON: I have seen the amendments. My colleague ought to look at the seed from which this little measure has emerged. It is full of compromises and hypocrisy. Regarding the planning provision, once again we have these little cottages that are owned by individuals and buried in side streets. They cannot have a sign to identify them as you approach, yet local councils and communities are to have no say in where they are placed.

The Hon. Diana Laidlaw: Look at the amendments.

The Hon. R.D. LAWSON: The honourable members who are saying, 'Look at the amendments' think that this bill can be cured by amendments. This bill is so diseased that no amount of surgery can cure its defects.

An honourable member interjecting:

The Hon. R.D. LAWSON: The honourable member says that the police say that the current system is unworkable. That is a little like Mandy Rice-Davies: they would say that, would they not? If the police are unable to secure convictions, as they have not, they tend to blame the legislation, not their own methods of operation.

Members interjecting:

The ACTING PRESIDENT: Order! The minister has the call.

The Hon. R.D. LAWSON: We must look at what we have at the moment and compare that with what is proposed to determine whether the proposal before the parliament is an improvement on the current provisions. As has been noted on a number of occasions, prostitution itself is not an offence against South Australian law and it never has been part of the South Australian law. I refer to the decision of Justice Bollen in McDonald v. Samoilenko—

The Hon. Diana Laidlaw: A catholic judge?

The Hon. R.D. LAWSON: Prostitution—

Members interjecting:

The Hon. R.D. LAWSON: The honourable member describes Justice Bollen as a catholic judge.

The Hon. Diana Laidlaw: I was just asking.

The Hon. R.D. LAWSON: I can assure her that he is not. As Justice Bollen said—and this is a widely respected quote:

> Prostitution is not an offence in itself. Keeping a brothel is. So is living wholly or in part on the earnings of prostitution. Receiving money which happens to be paid over in a brothel, for the purposes of prostitution, is an offence.

So, we have a number of offences in not only the Criminal Law Consolidation Act but also the Summary Offences Act which currently control prostitution. There is a prohibition against consorting with reputed prostitutes, permitting public places to be frequented by reputed prostitutes, soliciting for the purposes of prostitution and living off the earnings of prostitution.

Keeping and managing brothels is the real offence which the proponents of this bill seek to have removed from our law. It is no little wonder that the brothel owners were in the galleries loudly applauding almost every measure. Permitting premises to be used as brothels is also currently an offence. That offence enables landlords who continue to allow lessees convicted of the offence of using premises as brothels also to be charged with an offence.

Only last year, the Criminal Law Consolidation Act was amended in a number of respects by the Criminal Law Consolidation (Sexual Servitude) Amendment Bill to create a new series of offences described under the heading of 'Commercial sexual services'. Sexual servitude and related offences are now governed by section 66 of the Criminal Law Consolidation Act which enables prosecutions to occur in cases where children are used for the purposes of prostitution. It also prohibits deceptive recruiting for commercial sexual services and it contains provisions dealing with the persistent sexual abuse of children.

That act also amended the Summary Offences Act by inserting a new provision (section 25A) which prohibits persons from engaging in procurement for prostitution. The ink on that measure is hardly dry. That measure was passed by this parliament to significantly reform the existing law relating to prostitution.

Section 270 of the Criminal Law Consolidation Act provides that it is an offence to keep common bawdy houses and common or ill-governed or disorderly houses. These are old offences. I think a strong case can be made for bringing these provisions together and updating their definitions and the like. The Criminal Law Consolidation Act also provides mechanisms by which searches and prosecutions can occur. There have been a number of measures over the years in this parliament and a number of bills and reports on the subject of prostitution. Some have been more successful than others.

The Hon. Carolyn Pickles interjecting:

The Hon. R.D. LAWSON: The Hon. Carolyn Pickles says, 'We're getting sick of waiting.' I think the important thing is not how long it takes to develop a measure but whether the measure, as developed, ultimately delivers something that is more than mere window dressing and of true benefit to the community. It is clear from the experience in other states of this country that measures of this kind have not been effective in suppressing prostitution or eradicating from the community many of its undesirable aspects.

It seems to me that those who are proposing and supporting this measure have incumbent upon them an obligation to establish how this measure will produce better outcomes than have been produced in those other measures which have been tried and which have failed to deliver. I know there is a strong feeling amongst legislators that they are actually doing the community a favour by merely passing a law to bring it up to modern standards, but what is the improvement in this measure? What we have is—

The Hon. Diana Laidlaw interjecting:

The Hon. R.D. LAWSON: The honourable member says that we are bringing the law into accord with practice. I certainly do not agree with that. I do not believe that this bill, which I have described as a cottage industry prostitution bill, will produce that result at all. The big brothel owners will continue, notwithstanding the provisions of this measure, to own their large commercial operations and exploit employees.

The provisions of the bill will not tighten up anything and will not improve the situation for anybody. It might make some people feel better when, on their CV, they can say, 'I was a proponent or supporter of a measure which reformed the law of prostitution in South Australia', when the result will be no such reform at all but will be very much more of the same.

I was originally of a mind, having regard to the fact that the House of Assembly spent a good deal of time debating the bill, to support its second reading with a hope to improving it, but on reflection I do not believe that protracted debate in this chamber will produce a result that is much better than the—

The Hon. Carolyn Pickles interjecting:

The Hon. R.D. LAWSON: I am all in favour of improving that which is capable of being improved, but I do not believe the infirmities of this measure can be improved by amendment. I believe that a different approach would be far more effective.

Members interjecting:

The ACTING PRESIDENT: Order!

The Hon. R.D. LAWSON: For those reasons, I will not be supporting the second reading of the bill.

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

STATUTES AMENDMENT (FEDERAL COURTS-STATE JURISDICTION) BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a bill for an act to amend the Agricultural and Veterinary Chemicals (South Australia) Act 1994, the Competition Policy Reform (South Australia) Act 1996, the Corporations (South Australia) Act 1990, the Gas Pipelines Access (South Australia) Act 1997, the Jurisdiction of Courts (Cross-vesting) Act 1987, the National Crime Authority (State Provisions) Act 1984 and the New Tax System Price Exploitation Code (South Australia) Act 1999. 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.

In its decision in the matter of *Re Wakim; Ex parte McNally*, the majority of the High Court held that the exercise of State jurisdiction by federal courts is not permitted by Chapter III of the Commonwealth Constitution.

The effect of the decision was to invalidate cross-vesting arrangements in so far as they purport to confer State jurisdiction on federal courts.

The cross-vesting arrangements, established by the Jurisdiction of Courts (Cross Vesting) legislation of the Commonwealth, the States and the Territories, form an important part of the administration and enforcement of joint Commonwealth, State and Territory schemes relating to agricultural and veterinary chemicals, competition policy reform, gas pipeline access, the National Crime Authority and the monitoring of price exploitation associated with the Commonwealth's goods and services tax.

In addition to the general cross-vesting arrangements, a separate cross-vesting scheme was established under the Corporations legislation. This too has been ruled invalid to the extent that jurisdiction was conferred on the Federal Court in relation to matters arising under the State Corporations Laws.

Members will recall the *Federal Courts (State Jurisdiction) Act 1999* which was passed by this Parliament in July 1999. That legislation, which represented the first legislative response of the State Government to the *Wakim* decision:

- confirmed the enforceability of judgements and rulings of federal courts declared invalid by the *Re Wakim* decision;
- facilitated the transfer of matters from federal courts into State courts; and
- confirmed the jurisdiction of the Supreme Court to hear matters arising under relevant legislation.

For its part the Commonwealth has enacted the *Jurisdiction of Courts Legislation Amendment Act 1999* or 'JOCLA Act'. This legislation made a number of amendments to Commonwealth legislation, much of which supported the Commonwealth's role in the cooperative schemes referred to above. The JOCLA Act removed invalid provisions from the relevant Commonwealth legislation which conferred State jurisdiction on federal courts and amended the Commonwealth's Administrative laws to enable the Federal Court to continue to review the actions and decisions of Commonwealth officers and agencies acting under the relevant State legislation.

The *Statutes Amendment (Federal Courts—State Jurisdiction) Bill 2000* represents the second part of the State's legislative response to the High Court's decision in *Re Wakim*. Its provisions complement those of the Commonwealth's JOCLA Act.

The Bill amends the State legislation which supports the cooperative schemes referred to above, being:

- the *Agricultural and Veterinary Chemicals (South Australia) Act 1994*;
- the *Competition Policy Reform (South Australia) Act 1996*;
- the *Corporations (South Australia) Act 1990*;
- the *Gas Pipelines Access (South Australia) Act 1997*;
- the *Jurisdiction of Courts (Cross-Vesting) Act 1987*;
- the *National Crime Authority (State Provisions) Act 1984*; and
- the *New Tax System Price Exploitation Code (South Australia) Act 1999*.

In the case of each, the Bill makes the following amendments.

Firstly, provisions which purport to confer State jurisdiction on federal courts are removed. These provisions were declared invalid by the *Wakim* decision. Since the commencement of the *Federal Courts (State Jurisdiction) Act* in August last year, all State matters arising under the cooperative schemes have been heard in the State Supreme courts.

Secondly, the Bill repeals those provisions purporting to apply the Commonwealth Administrative legislation as a law of the State.

Thirdly, the Bill brings the cross-vesting provisions, (both generally and in relation to the cross-vesting scheme established under the *Corporations Law*), into line with the revision of the schemes by the JOCLA Act. In particular, the amendments allow the judicial review of the actions and decisions of Commonwealth officers and agencies to continue to be dealt with by the Federal Court. In some limited circumstances, the State Supreme Court is given equivalent jurisdiction.

Unrelated to the High Court's decision in *Wakim*, the JOCLA Act also amended Commonwealth legislation to restrict the right of defendants in criminal matters to seek judicial review of the actions and decisions of Commonwealth officers conducting prosecutions in State courts. These unmeritorious 'collateral challenges' were used by well funded defendants to delay and frustrate prosecutions, often at great expense to the taxpayer.

The State bill makes a number of amendments to the *Corporations (South Australia) Act 1990* to complement these measures.

The amendments to the State legislation contained in the Bill are identical in substance to amendments to equivalent legislation which have been enacted, or are to be enacted, by all State Parliaments. The amendments complement, and are consequential upon, the Commonwealth amendments contained in the JOCLA Act.

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 AGRICULTURAL AND VETERINARY CHEMICALS (SOUTH AUSTRALIA) ACT 1994

Clause 4: Amendment of s. 3—Definitions

This clause amends the definition of 'Commonwealth administrative laws' to exclude Part IVA of the Commonwealth *Administrative Appeals Tribunal Act 1975* (AAT Act) and also the Commonwealth *Administrative Decisions (Judicial Review) Act 1977* (ADJR Act), which deal with appeals to the Federal Court and reviews by the Federal Court, respectively.

Clause 5: Amendment of s. 8—Ancillary offences (aiding, abetting, accessories, attempts, incitement or conspiracy)

This clause makes a minor correction by way of statute law revision to remove an obsolete reference to a paragraph of section 86 of the Commonwealth *Crimes Act 1914*.

Clause 6: Amendment of s. 16—Application of Commonwealth administrative laws in relation to applicable provisions
This clause removes the reference to the ADJR Act.

Clause 7: Insertion of s. 18A
This clause inserts proposed new section 18A, which makes it clear that, in the application of the AAT Act, references to the appeal provisions have effect as references to those provisions as they apply as Commonwealth law.

Clause 8: Repeal of Part 6
This clause repeals the Part of the Act that purports to confer jurisdiction on the Federal Court.

PART 3
AMENDMENT OF COMPETITION POLICY REFORM (SOUTH AUSTRALIA) ACT 1996

Clause 9: Repeal of Division 3 of Part 5
This clause repeals the Part of the Act that purports to confer jurisdiction on the Federal Court.

Clause 10: Amendment of s. 29—Definition
This clause amends the definition of 'Commonwealth administrative laws' in the same way as clause 4.

Clause 11: Insertion of s. 33A
This clause inserts proposed new section 33A, which is the same as the proposed new section inserted by clause 7.

PART 4
AMENDMENT OF CORPORATIONS (SOUTH AUSTRALIA) ACT 1990

Clause 12: Amendment of s. 3—Definitions
This clause amends the definition of 'Commonwealth administrative laws' in the same way as clause 4 and strikes out the definition of 'Family Court'. It also inserts definitions of 'Commonwealth authority' and 'officer of the Commonwealth' because these phrases are used in proposed new sections 40*(c)* and *(d)*.

Clause 13: Insertion of s. 36A
This clause inserts proposed new section 36A, which is the same as the proposed new section inserted by clause 7.

Clause 14: Amendment of s. 40—Operation of Division
This clause inserts two proposed new paragraphs that describe additional matters to which Division 1 of Part 9 relates, namely jurisdiction of courts in respect of decisions by Commonwealth authorities and officers.

Clause 15: Amendment of s. 41—Interpretation
This clause substitutes a new definition of 'superior court' to remove inappropriate references to federal courts, and deletes subsection (2)*(a)*(viii) for the same reason.

Clause 16: Amendment of s. 42—Jurisdiction of Federal Court and State and Territory Supreme Court
Paragraph *(a)* of this clause removes a provision applying the ADJR Act as a law of South Australia.

Paragraph *(b)* of this clause inserts two proposed new paragraphs. Proposed new paragraph *(1a)* confers jurisdiction on the Supreme Court with respect to matters arising under the ADJR Act involving decisions made by a Commonwealth authority or officer under the principal Act. This enables the Commonwealth administrative law regime to apply to the relevant decisions without challenges having to be dealt with by the Federal Court. The jurisdiction may only be exercised by the Supreme Court in the limited circumstances referred to in proposed new section 42AA.

Clause 17: Amendment of s. 42A—Jurisdiction of Family Court and State Family Courts
This clause removes inappropriate reference to the Family Court of Australia and removes the reference to the ADJR Act applying as a law of South Australia. Jurisdiction exercised by each State Family Court under the principal Act is limited to the circumstances referred to in proposed new section 42AA.

Clause 18: Insertion of s. 42AA
This clause inserts proposed new section 42AA, which gives the Supreme Court jurisdiction with respect to particular forms of action against Commonwealth officers.

Clause 19: Amendment of s. 42B— Jurisdiction of lower courts
This clause removes the reference to the ADJR Act applying as a law of South Australia.

Clause 20: Amendment of s. 43—Appeals
This clause removes inappropriate references to federal courts.

Clause 21: Amendment of s. 44—Transfer of proceedings by the Federal Court and State and Territory Supreme Courts
This clause strikes out subsection (1), and inserts proposed new subsections (1) and (3) to (7) inclusive, which enables judicial review of decisions of Commonwealth officers and authorities to be dealt with by a State court if there are proceedings in that court under the State *Corporations Law*. Without these amendments, all judicial review of those decisions would have to be dealt with by the Federal Court.

Clause 22: Amendment of s. 44A—Transfer of proceedings by Family Court and State Family Courts
This clause removes inappropriate references to federal courts, and clarifies the fact that the section does not confer jurisdiction on a court that it would not otherwise have.

Clause 23: Amendment of s. 44AA—Transfer of proceedings in lower courts
This clause clarifies the fact that the section does not confer jurisdiction on a court that it would not otherwise have.

Clause 24: Amendment of s. 45—Conduct of proceedings
This clause amends the definition of 'relevant jurisdiction' in order to remove inappropriate references to federal courts.

Clause 25: Amendment of s. 46—Courts to act in aid of each other
This clause brings within the operation of section 46 courts that have jurisdiction with respect to decisions made by Commonwealth authorities or officers.

Clause 26: Amendment of s. 50—Enforcement of judgements
This clause removes inappropriate references to federal courts.

Clause 27: Repeal of s. 52
This clause repeals section 52 because it refers to the Federal Court exercising State jurisdiction.

Clause 28: Amendment of s. 52A—Rules of the Family Court or State Family Court
This clause strikes out subsection (1) because it refers to the Family Court of Australia exercising State jurisdiction.

Clause 29: Amendment of s. 54—Interpretation
This clause removes an inappropriate reference to the Federal Court.

Clause 30: Amendment of Sched.—Savings and Transitional Provisions
This clause inserts proposed new clause 5 in the Schedule, which clarifies the application of proposed new section 42AA. This has the effect that proposed new section 42AA will apply to actions or decisions taken in the criminal justice process after the commencement of the amendments and also to challenges to actions or decisions taken before that commencement, whether or not any Federal Court review proceedings are on foot.

PART 5
AMENDMENT OF GAS PIPELINES ACCESS (SOUTH AUSTRALIA) ACT 1997

Clause 31: Amendment of s. 9—Interpretation of some expressions in the Gas Pipelines Access (South Australia) Law and Gas Pipelines Access (South Australia) Regulations
This clause removes an inappropriate reference to the Federal Court.

Clause 32: Repeal of Divisions 2 and 3 of Part 4
This clause repeals the Divisions that purport to confer State jurisdiction on the Federal Court and also repeals the Division that purports to apply the ADJR Act.

Clause 33: Amendment of s. 23—Actions in relation to cross-boundary pipelines
This clause removes inappropriate references to the Federal Court. It also inserts proposed new subsection (1a), which provides that the Supreme Court does not have jurisdiction to make orders about the validity of decisions about cross-boundary pipelines if the State is not declared to be the scheme participant most closely connected to the pipeline.

Clause 34: Amendment of Sched. 1—Third Party Access to Natural Gas Pipelines
This clause removes reference to the Federal Court and reference to the ADJR Act applying as a law of the State. It also inserts proposed new paragraph *(c)* in clause 32(4), which clarifies the fact that clause 32 does not effect the right of a person to apply for judicial review of the decision of the local appeals body, Minister, Regulator or arbitrator.

PART 6
AMENDMENT OF JURISDICTION OF COURTS (CROSS-VESTING) ACT 1987

Clause 35: Amendment of s. 4—Vesting of additional jurisdiction in certain courts
This clause removes inappropriate references to federal courts.

Clause 36: Amendment of s. 5—Transfer of proceedings
This clause removes inappropriate references to federal courts, and substitutes subsection 4*(b)*(ii), which sets out the circumstances in which a federal court must transfer a proceeding to the Supreme Court.

Clause 37: Amendment of s. 6—Special federal matters
This clause clarifies the circumstances in which the Supreme Court must transfer a proceeding or a part of the proceeding to the Federal Court.

Clause 38: Insertion of s. 6A
This clause inserts proposed new section 6A, which relates to special federal matters. These include matters within the original jurisdiction of the Federal Court and matters arising under the ADJR Act. Generally if a special federal matter is pending in the Supreme Court, the court must transfer the matter to the Federal Court. Proposed new section 6A allows the Supreme Court to exercise jurisdiction over matters arising under the ADJR Act or the original jurisdiction of the Federal Court in matters of a type described in paragraphs *(a)*, *(b)* and *(c)* of proposed new section 6A(1).

Clause 39: Amendment of s. 10—Transfer of matters arising under Division 1 of 1A of Part V of the Trade Practices Act (Cwth.)
This clause removes inappropriate references to federal courts.

Clause 40: Amendment of s. 11—Conduct of proceedings
This clause removes inappropriate references to federal courts.

Clause 41: Amendment of s. 14—Enforcement and effect of judgements
This clause removes inappropriate references to federal courts.

PART 7
AMENDMENT OF NATIONAL CRIME AUTHORITY (STATE PROVISIONS) ACT 1984

Clause 42: Amendment of s. 12—Search warrant
This clause removes inappropriate references to federal courts.

Clause 43: Repeal of s. 15
This clause repeals section 15 because it purports to confer State jurisdiction on the Federal Court.

Clause 44: Amendment of s. 20—Warrant for arrest of witness
This clause removes inappropriate references to federal courts.

Clause 45: Amendment of s. 21—Applications to Federal Court of Australia
This clause strikes out the subsections in section 21 that purport to confer state jurisdiction on the Federal Court, and also removes inappropriate references to the Federal Courts.

Clause 46: Repeal of s. 22
This clause repeals section 22 because it relates to the provisions of section 21 that are to be struck out.

PART 8
AMENDMENT OF NEW TAX SYSTEM PRICE EXPLOITATION CODE (SOUTH AUSTRALIA) ACT 1999

Clause 47: Repeal of Division 3 of Part 5
This clause repeals the part of the Act that purports to confer State jurisdiction on the Federal Court.

Clause 48: Amendment of s. 28—Definition
This clause amends the definition of 'Commonwealth administrative laws' to exclude Part IVA of the AAT Act and also the ADJR Act, which deal with appeals to the Federal Court and review by the Federal Court, respectively.

Clause 49: Insertion of s. 32A
This clause inserts proposed new section 32A, which makes it clear that, in the application of the AAT Act, references to the appeal provisions have effect as references to those provisions as they apply as Commonwealth law.

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

FIRST HOME OWNER GRANT (NEW ZEALAND CITIZENS) AMENDMENT BILL

Adjourned debate on second reading.
Continued from 12 October. Page 167.)

The Hon. P. HOLLOWAY: The first home owner grant scheme was introduced in a bill that came before this Council earlier this year. On behalf of the opposition, when we debated it on 2 May, I announced that we would support it. At that time I pointed out that, although the Australian Labor Party has consistently opposed the GST—and our position on that is well known—given that we had no opportunity to prevent it from taking effect, all we could do was to look at measures the government put forward to try to mitigate the impact on the community. Given that the first home owner scheme was introduced to address the problems that the imposition of the GST would impose on a section of the home buyer market, we supported the bill.

The first home owner grant scheme provides that, where neither a spouse nor a partner have held an interest in a residence prior to making an application, they be granted a one-off assisted payment of $7 000. This $7 000 grant applies anywhere in Australia, regardless of the value of the home or the location. During the debate I pointed out that that amount was based on an estimate of what the GST would add to a house and land package valued at approximately $150 000. This scheme was a one-off, catch-all scheme to compensate first home buyers who otherwise might have to pay that $7 000 in GST.

Many problems in the building industry have been created as a consequence of the introduction of the GST, quite apart from the problem with first home owners which this scheme addressed. I covered those problems at length when I spoke to the Building Work Contractors (GST) Amendment Bill on 27 June. I indicated the problems that were faced by many home buyers and builders who had signed contracts to build homes some seven or eight months before the GST was due to be introduced, and because of problems in the industry and the great demand for home building, which was complicated by the Olympic Games in Sydney, many people were unable to get their work finished on time and consequently were up for the GST.

When I spoke to that bill I called on the commonwealth government to address these problems. The bill before us today is an attempt by the commonwealth to address a minor anomaly in the building industry that has been caused by the imposition of the GST, and I refer to New Zealand citizens permanently living in Australia. New Zealand citizens living in Australia have special category visas that enable them to remain in Australia permanently but do not have the technical status of permanent residents. Consequently, because of the way the first home owner grant scheme was originally devised, they are not eligible to receive the first home owner grant even if they are eligible in other respects, and they have to become Australian citizens, which requires a two years' residency period in Australia before they are eligible for the first home owner grant.

The commonwealth government has decided to support the extension of the grant to include New Zealand citizens who reside permanently in Australia under a special category temporary visa. We have been informed that the commonwealth will meet the cost of amending the eligibility criteria in this manner. Also, we have been informed that Queensland and the Northern Territory have already passed amendments to give effect to removing this anomaly and that all other state governments have indicated that they will move similar amendments. We are also told that this bill will operate retrospectively from 1 July, so if there were any eligible New Zealand citizens who applied for the grant they would still be able to get this loan back to the start of the scheme.

So, in conclusion, the opposition agrees that the anomaly affecting New Zealand citizens should be corrected, and so we will support the bill before us. However, in doing so the opposition does make the point that the introduction of the GST has left a trail of wreckage within the building industry and we hope, although we do not expect, that the commonwealth government should correct those many other anomalies as well, because there is no doubt that there are many people who in good faith signed contracts to build their homes earlier this year or late last year but, because of events

beyond the control of those people, and in many cases beyond the builder's control, that work was unable to be finished and they are now being hit with the GST. That is a matter which in the past we have called on the commonwealth government to address. As I say, we are not hopeful it will do so, but we use this opportunity to call on the federal government to accept its responsibilities and correct those anomalies, just as it is correcting this particular anomaly in relation to New Zealand citizens. With those comments, we support the bill.

The Hon. J.S.L. DAWKINS secured the adjournment of the debate.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.
(Continued from 12 October. Page 178.)

The Hon. J.S.L. DAWKINS: I rise to support the Address in Reply and commence my remarks with an expression of gratitude to His Excellency the Governor for the speech with which he opened this parliament, and also I would like to indicate my thanks for the way that both His Excellency and Lady Neal conduct their vice-regal functions around South Australia. The comments that His Excellency made in relation to the regional employment strategy and to the need to work in cooperation with local communities reminded me of the commitment that Sir Eric makes to all of South Australia, and particularly the regions of the state. In fact, this was emphasised by his attendance for part of the recent Conference 2000 at Renmark: Regional Development and its Impact on the National Economy. That leads me into some remarks that I would like to make in relation to regional development, following on from the title of that conference.

Indeed, the nation's ability to develop its potential in economic and social terms is dependent on regional development. As we move into the 21st century regional South Australia is experiencing heartening growth, with ongoing vineyard and winery developments, expansion into exports by the horticultural sector, new mining developments, a rapid increase in agricultural production, and exciting developments in regional tourism and aquaculture. Based on this regional strength South Australia's economic growth is surpassing all other states of Australia. South Australia's employment rate is the highest it has been for a decade. This is not unexpected when employment in agriculture, forestry and fisheries is growing by 11 per cent.

Regional South Australia offers potential investors a wealth of exciting opportunities. Natural resources and a 'can do' attitude, combined with South Australia's advantages for business in costs, skills and infrastructure, enable our regions to provide exceptional investment possibilities. As an example, 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.

South Australia's 14 enterprising regions are the state's export powerhouse. An estimated 50 per cent of our export income can be attributed to commodities and products from South Australia's regions. However, many rural and regional communities are still to share the benefits of development and growth. While many parts of non-metropolitan South Australia are charging ahead, others are struggling to meet the challenges posed by globalisation and structural changes within industries. As many communities across the nation are discovering, there are challenges associated with geographical distance, economies of scale, and lack of employment and enterprise opportunities. Changes occurring from globalisation, new technology, market deregulation and industry rationalisation have had a particular impact on regional South Australia.

In view of the importance of regional South Australia and pressures for change facing regional communities, the state government commissioned the Regional Development Task Force to report on strategies to strengthen South Australia's regions. The full set of recommendations proposed by the task force provided a framework for improved processes in regional development, building upon existing systems, structures and priorities. The state government has consequently built, and will maintain, a significant role in regional issues.

As a demonstration of the state government's commitment to regional development it has undertaken the following steps:

- The appointment of a Minister for Regional Development who is a senior cabinet minister.
- A Regional Development Council established to advocate for a whole-of-government approach to regional development.
- An Office of Regional Development established to represent the regions' interests directly to the state government.
- A Regional Development Issues Group comprising senior government officers to better integrate action across government, and in recent times this group has also included representatives from the Local Government Association and Regional Development SA.
- The establishment of a $15.5 million Regional Development Infrastructure Fund to assist with the infrastructure requirements of projects within the regions.
- Preparation of an annual regional development strategy that provides a framework for action to reinvigorate economic and community development in regional South Australia.
- The preparation of a Regional Budget Statement, which outlines the government's commitment to regional services.
- Increased funding to the state's Regional Development Boards, which undertake a key facilitation role in partnership with local government, to vigorously support economic development in the state's 14 regions.

My interest in rural and regional South Australia is well known. Members of this chamber have heard me speak on a number of occasions about the government's efforts in regional development. In my role as chair of the Regional Development Issues Group and convenor of the Regional Development Council I am keen to see a more focused effort on government agencies working together and in partnership with other levels of government, local communities and business, to address the many and varied issues facing our regions. As chair of the Regional Development Issues Group I am most encouraged to see how enthusiastic our public servants are about working across sectors, and, I must say, within sectors, to achieve a mutual goal.

The government's scorecard on implementing the recommendations of the Regional Development Task Force report is very strong, with at least 60 per cent implemented at this stage and sound progress on the remaining recommendations. In the term of this parliamentary session, the Regional Development Issues Group will be continuing its work on

improving infrastructure in regional areas. Its main area of focus will be to encourage regional development boards to facilitate discussion with ETSA Utilities on strategic electricity supply issues, progressing a whole-of-government approach to the accommodation shortage in the Upper South-East, and finalising its work on identifying strategic infrastructure gaps across the state.

The government will also be looking to progress issues relating to the attraction and retention of government employees to the regions, the coordination and integration of regional service delivery, building community capacity (particularly leadership development), and the introduction of a regional buying policy which proposes that a preference be given to regional suppliers of goods and services to state government. The South Australian government is committed to the development of regional communities, and part of this commitment is ensuring that regional businesses have access to government tenders, contracts and outsourcing opportunities. Local loyalty is very important to the development of regional businesses. The advantages of government buying locally in regional areas include the fact that money is invested and reinvested locally, which helps to create, sustain and expand business and develop improved employment opportunities in regional communities. The viability of small towns and regional centres is strengthened, as is local pride in providing a service to the community.

I take this opportunity to compliment the work of the Office of Regional Development, a small team working behind the scenes to facilitate and encourage partnerships between government agencies, but also working to achieve better integration between the three levels of government in terms of regional development. The office not only plays a key role in facilitating the recommendations of the Regional Development Task Force but has also facilitated strategic initiatives to promote and encourage collaboration on regional development issues. In the past 12 months, the office has played a key coordinating role in finalising South Australia's proposal, bringing together state and local government, key regional organisations and education providers, in support of a bid to locate the national headquarters of Australia's leading rural philanthropic body, the Foundation for Rural and Regional Renewal, in Mount Barker. South Australia and its regional communities are now well positioned to gain from the many potential flow-on benefits from the head office being located in South Australia. In particular, there is potential to increase this state's share of grants to regional communities and an increased awareness and level of charitable giving in regional areas for community betterment projects.

The Office of Regional Development has also been instrumental in establishing the community builders' initiative, a grass roots leadership development program supporting regional residents to better understand and build their communities. Again, this initiative is a partnership between the Local Government Association, the federal government's Department of Family and Community Services and the state government. The work of the office will continue, with plans well under way to facilitate a grants register to ensure rural and regional communities gain easy access to areas of funding; demonstration projects and community capacity building; creating enterprising opportunities for young men and women; regional profiles to promote South Australia's enterprising regions; and the introduction of a business retention and expansion program to provide local communities with the skills to help their local businesses grow.

I would also expect the government to release its regional development strategy in the coming weeks. This strategy and its priorities have been developed over the past six months by the Regional Development Council. It is through this strategy that the government will outline its vision for regional South Australia. This vision is one formed by the views of people throughout the regions of South Australia and expressed in extensive consultations over that six-month period. The state government's vision for regional South Australia is one in which communities are strengthened and empowered economically, culturally, and socially through integrated and flexible support from government in partnership with stakeholders in the community. Regional and rural communities will be confident, vibrant and valued for the contributions they make to the state and the nation. They will have a strong role in determining their future supported by economic viability.

The equitable delivery of services and associated infrastructure, together with communications and transport networks, will reinforce social, economic and environmental bonds. While the state government has a role in framing the higher level policies and strategies to revitalise South Australia's regions, the key to economic transformation is people working together. By developing innovative partnerships involving all levels of government, the local community and industry, we can as a state achieve greater local economic development and take advantage of our opportunities.

I welcome the opportunity to make these few remarks in relation to that specific topic. I close by commenting on some criticism of the Address in Reply process that I have heard attributed to members in the other place. While lengthy speeches may take up the time of parliament, we are here to do more than just debate legislation. We are also here to put on the record the views and feelings of our electorates. In this place, of course, we all share the same electorate but we all have different focuses, and I have taken the opportunity to put down some of the important perspectives in relation to the regional development of South Australia which, as I indicated earlier in my speech, is vital to the economic prosperity of South Australia.

The Hon. J.F. STEFANI: I am pleased to support the motion for the adoption of the Address in Reply and in so doing I commend His Excellency the Governor of South Australia, Sir Eric Neal, for his speech in opening the Fourth Session of the Forty-Ninth Parliament. I acknowledge and express my personal appreciation for the way in which Sir Eric and Lady Neal fulfil their many vice-regal duties and give freely of their time to attend many community functions. I also take this opportunity to express condolences to the families of the former Governor of South Australia, Sir Mark Oliphant, and the former Premier of South Australia, the Hon. Dr David Tonkin, who provided great leadership during his period as Premier of this state when he achieved significant progress for all South Australians.

I acknowledge the contribution made to this state by Dr Basil Hetzel, who recently retired as Lieutenant-Governor, and pay tribute to the service that he and Mrs Hetzel rendered to our state. I express my warm congratulations to the new Lieutenant-Governor, Mr Bruno Krumins, who was the inaugural Chairman of the South Australian Ethnic Affairs Commission and has served the South Australian community

in many positions. I am confident that in his new position he will continue to serve our community in a dedicated manner.

In recent times I have been privileged to be involved in a number of special projects and important community celebrations. I will endeavour to place on record some comments on each of these events, which have a particular significance in the multicultural life of our community. In the first instance and of particular importance was the 45th solemn celebration of the feast of Our Lady of Montevergine, organised by the Italian Community and held at St Francis of Assisi Church, Newton, on 24 September. The guests of honour at this event were His Excellency the Governor of South Australia, Sir Eric Neal, and Lady Neal. More than 8 000 people attended the festival, which has become one of the largest religious festivals held by the Italian community in Adelaide.

The devotion to the Madonna of Montevergine originates from the small church of Montevergine, which was erected in southern Italy in 1124 AD. This church was later restored in 1611 AD and, after the Second World War, a new imposing basilica was built to cater for the numerous pilgrims who make their religious journey to the sanctuary. This and other religious festivities are part of many traditions that have been brought to South Australia by the Italian people.

We are a state of many cultures, and thousands of immigrants from around the world have settled in our state. Today the richness of our diversity has enriched the lives of many people and continues to have a strong influence in our society. On 16 September, the Greek Orthodox community of South Australia celebrated its 50th annual Grecian Ball at the Adelaide Festival Centre. On that occasion the community also acknowledged the 70th anniversary of the foundation of the community and honoured the achievements of many hundreds of volunteers who have worked tirelessly and contributed to the development of the community.

At this event, the Greek Orthodox community also formally endorsed a statement in support of the reconciliation process with the indigenous people and expressed appreciation to the Aboriginal and Torres Strait Islander people, the original inhabitants of this land. A special presentation was also made to some of the first debutantes attending the function as well as to Mr Sam Savvas, the inaugural chairman of the organising committee for the 1951 Grecian Debutante Ball.

On Saturday 7 October I was honoured to attend celebrations to mark the 25th anniversary of settlement in South Australia by the Vietnamese community. The function was attended by His Excellency the Governor of South Australia, Sir Eric Neal, and Lady Neal, members of parliament, other distinguished guests and more than 700 people. The event was organised by the Vietnamese Christian community at Pooraka as an expression of gratitude and thanksgiving to the people of South Australia for the warm welcome and support extended to the many refugees and boat people who have come to settle and make their home in this state. It was also an occasion when the community celebrated the many achievements and contributions made by the Vietnamese people since their arrival in 1975.

In a year when a number of community organisations have celebrated major milestones, I was pleased to be involved with the work of the organising committee established by the Multicultural Communities Council of South Australia, which worked to promote the inaugural multicultural awards. This year the awards focused on honouring volunteers in a number of categories, including youth, women, senior volunteers, community volunteers and volunteers with disabilities. At a gala evening held at the South Australian Italian Association on Friday 13 October, each nominee received a certificate acknowledging their contribution as a volunteer.

The Premier of South Australia, the Hon. John Olsen, presented awards to the winner of each category and emphasised the important role played by volunteers in our community. I pay a special tribute to the Multicultural Communities Council and, in particular, the President, Mr Michael Schulz AM, for this initiative and to the Chairman of the awards subcommittee, Dr Tony Cocchiaro, for his work in ensuring a most successful inaugural event.

I would now like to speak about and acknowledge the role of the South Australian Stone Industry Forum, which has been working to establish the Stone Industry Association of South Australia. I have been fortunate to have been involved with the work of the forum, which is a partnership between government and industry, represented by companies involved in the quarrying, utilisation, manufacture and export of dimension stone from South Australia.

As I have previously mentioned in this chamber, I have been fortunate to represent the Minister for Minerals and Energy on two occasions at the Carrara International Marble and Machinery Fair in Italy. The minister had been invited to attend the fairs by the Italian government. It is important for me to express sincere thanks to the Italian government and, in particular, the Italian Consulate office in South Australia for the continuing support extended to assist the development of a dimension stone industry in this state. I also acknowledge the work that has been undertaken by the Italian Chamber of Commerce and Industry in supporting South Australian companies at the international trade fairs at Carrara and, more recently, at the Verona Stone Fair, which was attended by the Hon. Wayne Matthew.

The dimension stone industry operates worldwide to provide prestige building and construction products. It is an industry that holds enormous potential for South Australia. Global dimension stone markets are expanding and world trade in raw stone materials is already at $20 billion a year, with about 20 million tonnes traded each year. It is estimated that one-third of this product is being imported by the East Asian nations. World dimension stone production is forecast to expand six times in the next 25 years. The Australian dimension stone industry, including South Australia, is under developed. Our dimension stone quarrying is presently small by international standards, yet South Australia has high quality resources.

Domestic markets for dimension stones are likely to expand following increased international trends to use stones for bench tops, paving and housing. The primary objective of the South Australian dimension stone industry is to establish a coordinated industry body that will forge stronger links with the industry and enhance a positive liaison with government. Increased dimension stone marketing and promotion are also crucial, and it has been identified that the development and implementation of a marketing plan is essential if we are to capitalise on the potential that the expanding world market offers.

In order to achieve significant development, the dimension stone industry in South Australia requires capital investment that will increase the value of the industry and result in a greater return for our products. In this regard the impact of government programs must be maximised. Skill levels in working stone must also be increased, whilst access to stone resources for development needs to be improved. Opportuni-

ties for regional development through the dimension stone industry must be thoroughly explored.

The vision of the stone industry in this state is: South Australia, the stone capital of Australia, influencing the world market through the use of stone products. South Australia has the highest dimension stone production of all Australian states. South Australia has a record level of production in granite and the highest production within Australia of slate and limestone. Our dominant position in the Australian industry is due to the historical use of stone and the lack of timber, coupled with the availability of substantial stone resources. Stone use is enhanced in South Australia by the involvement of the Italian and other European migrant groups in the industry.

South Australia is considered to have great potential for further stone industry development. South Australian quarries currently produce granite, slate, bluestone, limestone and sandstone for domestic markets. A significant export market has been developed for granite that can be utilised in large orders for major international building projects. Specialist processors have been long established in South Australia, especially companies working as monumental masons, slate processors and manufacturers of building products. Australia's largest diamond tool manufacturer has its base in Adelaide. This company is also the agent for the world's largest supplier of stone equipment.

South Australia has several high quality stone masons and builders who support quality stone housing construction and landscaping. We also have some internationally recognised stone sculptors. Once established, it is hoped that the Stone Industry Association will play a major role in assisting its members to develop their businesses to international standards in a national and worldwide market.

In concluding my remarks, I will briefly speak about the Migration Museum Foundation. Since its launch at Government House in December last year, the foundation has been working to establish the Settlement Square. This project offers a unique opportunity for the many families who have migrated to South Australia to be honoured and remembered in a special way with a paver in the Migration Museum courtyard. This significant community project will recognise, in a permanent and public way, the contributions that early settlers, immigrants and refugees have made to our state. It will also promote an appreciation for the Migration Museum and its high quality programs and activities. Funds raised from donations to the Settlement Square will support the Migration Museum in its work to document, preserve and present the history and cultural diversity of South Australia.

Since its establishment, the Foundation has developed a number of donor programs and has received very strong support from many individuals and community groups. Hundreds of inquiries have been received from people who are interested in being involved in the Foundation in the future.

The Settlement Square project was officially opened by His Excellency the Governor of South Australia, Sir Eric Neal, last Friday 20 October, when he dedicated a paver to his parents who arrived in South Australia from England in 1927. The Settlement Square has become a most attractive feature of the Migration Museum's courtyard, drawing the attention of many visitors and tourists who spend time browsing the many different names and countries of origin that are already acknowledged with a paver. Next year the Migration Museum will establish a computer database where the names of all donors to the Foundation will be accessible. This database will include details of the immigration and settlement history of all Foundation members and will become an invaluable resource for students who are seeking information about the cultural diversity that is reflected in our state's multicultural community.

So far, more than $120 000 has been received by the Foundation, and dozens of inquiries are received each week from many interested people. I acknowledge the generous support received by the Migration Museum Foundation from Arts SA and, in particular, from the Minister for the Arts, the Hon. Diana Laidlaw, who enthusiastically embraced the Settlement Square project. I support the motion for the Address in Reply.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank His Excellency the Governor for his speech in opening this session of parliament, and I will use this opportunity to record my thanks to His Excellency and Lady Neal for all the work that they undertake in the South Australian community and on our behalf both interstate and internationally. I also again register my respect for the work that they undertake in promoting the arts in this state.

The Hon. Julian Stefani mentioned the Migration Museum and Settlement Square project. Early last Friday morning His Excellency opened Settlement Square. Later that day at Government House, as patron of the Come Out children's festival, His Excellency the Governor was responsible for hosting a major reception to enable teachers to become familiar with the Come Out program for next year. Last Friday's activity is a reflection of the work that His Excellency and Lady Neal undertake to promote the arts and support our community in general.

Today I record my delight that last Wednesday, 18 October, the Prime Minister (John Howard), the Premier (John Olsen) and the Chief Minister of the Northern Territory (Denis Bourke), with various private sector parties and proponents, signed the commercial arrangements relating to the construction of the Adelaide-Darwin railway. This project has been a long time coming, almost 120 years, but with the signing ceremony last Wednesday the project is now finally under way. All we await is the financial arrangements to be signed off, and that is anticipated to happen in about five weeks.

This represents one of the most complex infrastructure projects ever assembled in Australia, covering the building, owning and operating of the missing link in the transcontinental railway—a 1 410 kilometre track from Alice Springs to Darwin. Nothing of this scale has been undertaken in Australia for over half a century since the Snowy Mountain Scheme was constructed. It involves a complicated financial arrangement with government sources funding $480 million. This sum comprises $160 million from each of the commonwealth and the Northern Territory governments and $150 million from the South Australian government.

The remaining $750 million will come from the Asia Pacific Transport consortium, which was selected last year as the preferred bidder to build, own and operate the line with a hand-back to government in 50 years. Briefly, I make reference to an article in the *City Messenger* today by Terry Plane who called the signing ceremony last Wednesday 'a sham'. I can assure him that it was not. This event was critical in the culmination of so many diverse activities that have led to all parties agreeing that it is possible, beyond the finances, to advance this project. The work to date has entailed:

1. Environmental impact reports;

2. Close cooperation with Aboriginal land councils representing some 50 communities to gain freehold access to the land corridor and an outlay of $22 million to buy the required land;

3. Realignments of the surveyed track to avoid sacred heritage and archaeological sites;

4. Negotiation of a third party access required for the corridor;

5. Legislation in both the Northern Territory and South Australian parliaments to address issues associated with the construction and operation of the line;

6. Countless meetings with dozens of government advisers, lawyers, bankers, accountants and environmental experts;

7. Economists and politicians of all persuasions have also been involved at federal, state and territory levels.

The project has also weathered the horrors of the collapse of the Asian economy some two years ago, the falling value of the Australian dollar and persistent assaults on the project from vested interests in the eastern states. In the meantime, the South Australian government has been diligent in ensuring that businesses in South Australia are ready to capitalise on this major project. Always the government has made it clear that the investment of $150 million of state taxpayers' funds was in recognition of the contracts and jobs that the project could generate in South Australia.

Also, in terms of the successful bid by the Asia Pacific Transport Group, an important consideration was the undertaking by the corporation to source 70 per cent of goods, services and labour from South Australia and the Northern Territory. Today it is exciting that, through the government's Partners in Rail initiative launched last year, a total of 832 South Australian companies, including 161 from the Upper Spencer Gulf, have already registered an interest in securing construction-related contracts for the rail line. These expressions of interest cover everything from supplying concrete sleepers and plant and equipment to catering and communications.

Certainly, the project is a fillip for Whyalla and I am confident that it will bring work, attention and wealth to Port Augusta. Contracts worth up to $500 million are expected to be let during the construction phase creating up to 2 000 jobs. An additional 5 000 jobs are anticipated in the supply of goods and services. The new railway will provide a major economic and social boost to both South Australia and our regional areas, particularly the Upper Spencer Gulf. It has the real potential to set up South Australia as the gateway to Asia for the south-eastern seaboard, and certainly work across government is well under way in advancing a transport hub proposal either at Port Augusta or Adelaide.

There is just no question—and this can be confirmed by all the agitation in the eastern states to ensure that this project did not proceed—that the eastern states are troubled by the move of power, attention, markets and access to Asia from the eastern seaboard to central Australia—to us. Certainly, the project will focus economic and trade attention to central Australia like no other issue has since European settlement of Australia. I am also confident that the railway line will be a major bonus for tourism, with international tourists and Australians alike keen to undertake the great rail journey across the heartland of Australia, the Northern Territory and South Australia. Indeed, I understand that registrations of interest from around the world have already been received from people eager to undertake a journey on the Ghan from Adelaide to the Arajura Sea.

In terms of advancing the Adelaide-Darwin railway, I acknowledge the efforts of the Prime Minister, John Howard. He is the first Prime Minister this century who has seriously committed the funding from a commonwealth level to enable this project to proceed, and he has done so in concert with Liberal/National Party governments in the Northern Territory and South Australia. It is a unique partnership that I have to speculate has been possible only because like-minded governments have pulled together, often against the odds, with determination and vision to ensure that this project proceeded on the eve of our nation's celebrating 100 years of federation.

For my part, I am thrilled to be transport minister at this time, knowing that I have been able to play a small role in the realisation of this national project. Certainly, as shadow Minister for Transport prior to the 1993 state election I did a great amount of lobbying of my colleagues to get them to agree that a Liberal government in South Australia would commit $100 million to this project. I recall that this was a challenging task because we faced all the trauma of Labor's State Bank debt and Labor's over-expenditure of the current account—and the investment commitment was for a project that was not even in our state.

Therefore, today, I acknowledge the then leader of the opposition, Dean Brown, for his unqualified support for this $100 million investment promise as South Australia's commitment to the construction of the Adelaide-Darwin railway. As Premier, Dean Brown pursued this commitment with zeal and, in 1995, signed a memorandum of understanding with the Northern Territory Chief Minister Shane Stone to advance the railway as a private sector funded and operated development. I also acknowledge the enthusiasm, commitment and tireless efforts of Mr Barry Coulter, the Northern Territory minister for the railway, during this period. I believe earnestly that, notwithstanding his ways of doing business—often cowboyish in manner and alarming in terms of legal processes—he was very effective in championing this project with equal—

The Hon. T.G. Roberts interjecting:

The Hon. DIANA LAIDLAW: Yes, there have been many players. The Hon. Terry Roberts mentions Neville Wran, and he did play a part in looking at the economics of this project and advancing arguments for it. I want to say that with equal zeal Premier John Olsen has pursued the project with South Australia's funding share increasing in the meantime to $150 million. Last Wednesday I know that John Olsen was overjoyed (and he had reason to be) as Premier of South Australia to be signing the commercial contracts that finally will see the long-awaited and long- promised project become a reality.

Before concluding this contribution I place on public record the fact that this Liberal government in this state has delivered on a range of transport infrastructure projects which have long been promised by previous governments of all persuasions but which, until now, never delivered:

1. The Southern Expressway, earlier referred to as a third arterial road. This is a $137.5 million project with stage 2 scheduled to be completed in June next year. It will provide access to all areas of Adelaide south of Darlington to Noarlunga with an efficient uninterrupted road link for motor vehicles and public transports. Directly related to this project is the government's current engineering study of a southern O-Bahn from the central business district to the Sturt Triangle

at Darlington—with a major interchange at Bedford Park and frequent connecting services to Flinders University, Flinders Hospital and the Marion Shopping Centre.

2. The Berri Bridge, which was a $17.5 million project completed in 1997 and which had been promised by successive governments for at least 20 years.

3. The Adelaide-Crafers road, incorporating the Heysen Tunnels, completed as a $151 million federal-funded project last year. The need for this major project had been on the agenda for years—and without qualification I know that the unrelenting representations and lobbying of this state government were instrumental in finally gaining all the federal funds necessary to progress this outstanding infrastructure project.

4. The Adelaide Airport runway was extended by 572 metres in 1997 following a novel funding arrangement that involved the state government paying $20 million for the much-needed project to be undertaken—a sum later to be repaid by the commonwealth government when lease arrangements for the long-term operation of the airport were resolved.

5. The sealing of the South Coast Road on Kangaroo Island following a decision by this government to invest $17 million in funding over four years arising from savings following the closure of the *Island Seaway* service (a loss making enterprise) between the Port of Adelaide and Kingscote.

6. The sealing of all rural arterial roads in corporate or council areas of the state over 10 years to the year 2004. This project involves the sealing of 440 kilometres of roads over a 10 year period at a total cost of $75 million. I know that no earlier government in South Australia has ever made a commitment to seal these roads and it required a deliberate policy commitment by this government in terms of regional development to ensure that the task was undertaken.

The Burra Morgan road is now sealed (and locals continue to tell me that they have been agitating for this for some 40 years), as is the Kimba to Cleve road. Work is also well advanced on the Lock to Elliston road, the Orroroo to Hawker road, the Jamestown to Booleroo Centre road and the Walkers Flat to Bow Hill road in the Murray Mallee. The last road to be commenced under this sealing program is the Mount Burr road which will begin in 2002.

7. The Pinnaroo to Tailem Bend—

The Hon. T.G. Roberts interjecting:

The Hon. DIANA LAIDLAW: It is Lucindale—that short section. I think it goes in front of the house of the local member. He has not yet persuaded me to change the schedule and advance it beyond 2002, but he is working on me.

The Hon. T.G. Roberts interjecting:

The Hon. DIANA LAIDLAW: He is already working on me.

The Hon. T.G. Roberts interjecting:

The Hon. DIANA LAIDLAW: No, he tells me that there are property entrances but it is unsealed in front of his house.

The Hon. T.G. Roberts interjecting:

The Hon. DIANA LAIDLAW: That is right. It finishes at his house, but he wants it beyond the house. The list continues:

7. The Pinnaroo to Tailem Bend rail line was standardised from broad gauge in 1998 following a state government investment of $2 million, which acted as the 'carrot' necessary for the federal government to invest the remainder of the funds necessary to undertake this important initiative. Without this state government initiative, we would today be faced with an untenable situation with the Murray Mallee grain harvest transported by road through metropolitan Adelaide to Port Adelaide for export, or have lost the export business to ports in Victoria.

8. The Port River expressway—the $145 million road and rail link between Salisbury and the Port of Adelaide and on to Outer Harbor—which this government has developed as a funding partnership with the federal government and the private sector. Again, as the federal member for Port Adelaide, Mr Rod Sawford, and the member for Hart in the other place, Mr Kevin Foley, will confirm it is this government that is progressing this project that has been called for for years by both federal and state Labor MPs, the local council, the grain industry and the road transport sector. Until now it has not been delivered.

I could go on and on listing the transport infrastructure projects that this government has delivered—which previous governments promised or merely mooted but failed to realise. Of course, the Adelaide-Darwin railway is the jewel in the crown. All the projects I have listed—and more—have been undertaken by this government, often through innovative funding arrangements, and all of them have proved to be critical in supporting South Australia's primary and secondary industries, export growth, jobs in general in this state and regional development overall.

As South Australia is distant from prime markets interstate and overseas, it has always been and will continue to be critical that we provide efficient transport links to get our products and produce to markets and to retain jobs in this state. This government has delivered on this front, transforming rhetoric into reality. I support the motion.

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

MAPICS

The Hon. R.D. LAWSON (Minister for Disability Services): I seek leave to make a brief ministerial statement about MAPICS.

Leave granted.

The Hon. R.D. LAWSON: Today, in answer to a question from the Hon. Terry Cameron, I said that advertisements have been placed for the engagement of staff and a manager for the Parliamentary Network Support Group. I am now advised that advertisements have not yet been placed. However, they are in the course of preparation and will be placed very shortly. At the time, I believed that the advertisements had, in fact, been placed.

ADJOURNMENT

At 6.30 p.m. the Council adjourned until Wednesday 25 October at 2.15 p.m.