LEGISLATIVE COUNCIL

Tuesday 13 March 2001

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

ASSENT TO BILLS

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

Adelaide Festival Centre Trust (Composition of Trust) Amendment,

Authorised Betting Operations,

Construction Industry Long Service Leave (Miscellaneous) Amendment,

Construction Industry Training Fund (Miscellaneous) Amendment,

Controlled Substances (Drug Offence Diversion) Amendment,

Country Fires (Incident Control) Amendment,

Development (System Improvement Program) Amendment,

Education (Councils and Charges) Amendment,

Electrical Products,

Electronic Transactions,

Gaming Machines (Freeze on Gaming Machines) Amendment,

Harbors and Navigation (Control of Harbors) Amendment,

Harbors and Navigation (Miscellaneous) Amendment,

Legal Practitioners (Miscellaneous) Amendment,

Maritime Services (Access),

Native title (South Australia) (Validation and Confirmation) Amendment,

Occupational Health, Safety and Welfare (Penalties) Amendment,

Racing (Proprietary Business Licensing),

Road Traffic (Alcohol Interlock Scheme) Amendment,

Shop Theft (Alternative Enforcement),

Shop Trading Hours (Glenelg Tourist Precinct) Amendment,

South Australian Country Arts Trust (Appointments to Trust and Boards) Amendment,

South Australian Ports (Disposal of Maritime Assets),

Stamp Duties (Land Rich Entities and Redemption) Amendment,

Statutes Amendment (Federal Courts—State Jurisdiction),

Statutes Amendment (Transport Portfolio),

TAB (Disposal).

VIRGO, HON. G.T., DEATH

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

That the Legislative Council expresses its deep regret at the recent death of the Hon. Geoffrey T. Virgo, a former member of the House of Assembly and minister of the Crown, and places on record its appreciation of his distinguished public service.

In speaking to this motion, as with other condolence motions, I will endeavour, I suppose unsuccessfully, to summarise the contribution of an individual over a significant career in the parliament and also in the community. Obviously, I will be able to provide a particular perspective as a political opponent of Geoff Virgo, and I am sure that the Leader of the Opposition and some of her colleagues will be able to provide the perspective of a political colleague in greater detail.

Geoff Virgo was born in North Adelaide in 1918. He grew up in Colonel Light Gardens and was educated at the Colonel Light Gardens Primary School and the Adelaide Technical High School. He started his career as a South Australian Railways electrician, and it was there that he began a lifelong association with the union movement.

I am told that he joined the Edwardstown Labor branch or committee in 1941 and held various positions there. He was the State President from 1947 to 1959. Obviously, state presidents lasted longer in those days than they do these days—they seem to get recycled every 12 months or two years. He was then elected state organiser for the Labor Party until which time he had been working in the rail yards.

He was a member of the Marion council for three years in the late 1950s. As well as being State Secretary, he was a member of the federal Labor Executive, a delegate and honorary life member of the ACTU, and State President of the Electrical Trades Union for 12 years. He was elected to parliament in 1968 and served parliament in the seat of Ascot Park eventually (I think formerly Edwardstown) from 1968 to 1979.

He served through not only the Dunstan period but also the period of the Hall government from 1968 to 1970, and then the Dunstan/Corcoran government of 1970 to 1979. I am sure that my colleague the Minister for Transport will be aware from transport circles of some of the contributions that Geoff Virgo made. He was an outspoken advocate of public transport. There are many quotes in the newspaper clippings relating to his hatred of the motor vehicle. I do not know whether 'hatred' is too strong a word—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: It is not too strong a word? Certainly, he had an immense dislike of motor cars, and much of what he sought to do as Minister for Transport, whether it was vetoing car parks in the city council area or a variety of other transport initiatives, was driven by this particularly strong view that he had of motor cars. There are some quotes of his visiting Sydney and Melbourne, highlighting 'This is a lesson for Adelaide: we don't want to end up like Sydney and Melbourne in terms of transport policy.'

All the articles written about him give him credit as the minister at the time—although his colleagues may be able to say whether it was he or others within the Labor Party—for free Beeline city buses, airconditioned buses, the South-Eastern Freeway and the extension of passenger rail services to the southern suburbs. He was also a passionate supporter of converting Rundle Street into a mall during the early 1970s.

As with all ministers, not all his ideas bore fruit. His proposal for an underground rail system for the city did not see the light of day, if we can put it that way. It has often been talked about since the 1970s and is occasionally resurrected, but it was obviously an idea that he contemplated at the time. A proposal that he vigorously opposed and denounced at the time was that of the O-Bahn busway link (the 21st anniversary of which we have just celebrated), another area where his strong views in terms of transport policy did not accord with what happened in the end. I guess that South Australia is grateful that the decision-makers of the time did implement the north-eastern O-Bahn, as it was known then.

When Geoff Virgo retired in 1979, he did not end his community involvement. Amongst many other contributions, I understand that he sat on the board of the *Workers Weekly Herald*, the Road Safety Council and the ETSA board, and

was Chairman of the West Beach Trust from 1984 to 1993. I well recall that at that time, as a political adversary, I sat on the Marineland inquiry with my former colleague the Hon. John Burdett, and our paths crossed again during that sequence of events.

He also gave many other commitments, such as the Edwardstown Baptist Boys Gymnasium Club, the Ascot Park Tennis Club and the South Adelaide Football Club. Again my colleagues will speak better than I can, but he had a great love for golf, being a regular player at the Riverside Golf Club and the Westward Ho Golf Club at West Beach.

In 1981 he was made a member of the Order of Australia for his parliamentary and community service. As I said, it is almost impossible to summarise a person's contribution in five minutes or so, but I think that certainly gives a reflection of the type of person that Geoff Virgo was. My first crossing of the paths with Geoff Virgo was some time in the mid-1970s when, on matters relating to redistribution, Geoff Virgo, together with Hugh Hudson, was assisted by a couple of young bucks at the time—John Black, who went on to become a Senator for Queensland, and Chris Schacht, who has fallen out of favour with the Labor Party in latter years. Geoff Virgo, together with Hugh Hudson and those two junior officers, was responsible for the Labor Party presentations at those redistributions.

There is no doubting that people like Hugh Hudson and Geoff Virgo, with their decades of experience in not only the union movement but also the Labor Party, were past masters at assiduously presenting the Labor Party view to the various electoral commissioners in relation to matters of redistribution. Even latter day members of the Labor Party would bemoan the loss of the sort of expertise that the Labor Party had in those days. These days, the Labor Party is sadly lacking in terms of quality in its head office or its secretariat on such thorny issues. I know that is a view expressed by a number of members of the Labor caucus who hold the view, 'Oh, for the days of Hudson, Virgo and Co.'

On behalf of government members, I express my condolences to Geoff Virgo's family. I understand that he has a large family comprising 14 grandchildren, 12 great-grandchildren and four children, as well as a surviving spouse. On behalf of government members, I pass on our condolences to his family. We are very pleased to join the public commendation and acknowledgment of Geoff Virgo's service, not only to his political party, the union movement and his colleagues but also to the parliament and to the wider South Australian community.

The Hon. CAROLYN PICKLES (Leader of the Opposition): I am very pleased to second the motion. Geoff Virgo was indeed an example to all of us, particularly in my shadow portfolio area of transport. My first dealings with Geoff Virgo as a minister, although I knew him in the Labor movement, came when I was a young mother with children at Rose Park Primary School and Rose Park Kindergarten. At the time we held large demonstrations involving women wheeling prams and taking kids around the streets, saying that we were sick and tired of the traffic hurtling down Grant Avenue given that there was a school there and no crossing. Geoff Virgo's reply to that was, 'Let's not worry about a crossing. Let's have some road closures and make it a bus-only lane through Grant Avenue past the school.'

We thought he was wonderful, but I am not sure whether the residents of Rose Park and Toorak Gardens felt the same way. It was a bold move and I know that we felt very pleased that a minister of the Crown had listened to the views of the humble parents of the Rose Park Primary School and Kindergarten.

When I was reading through some of the press clippings about Geoff, I realised that we tend to forget some of the things he did. He had a terrific sense of humour. A lot of people said he was a tough man, and indeed he was a tough man politically, but he also had a very human side—as long as you were on the right side. It says in an article of 20 December 1976:

> Geoff Virgo being seen by some as a ministerial ogre for his uncompromising attitude to the beleaguered motorists in the continuing Dunstan experiment is the antithesis of the suave South Australian Premier.

Geoff was very uncompromising in his views, and the Treasurer has already alluded to some of the things he tried to do. He certainly wanted to have a car free city, and that is something that subsequent ministers of transport and even the present Minister of Transport would like: a city with fewer cars that is more people friendly. Geoff made the slogan 'Cities are made for people, not motorcars' his own. In an article of April 1973 he said:

> I do not want to ban cars from every street, but I do not want either to see Adelaide becoming a car park. I would like to see commuters and shoppers take public transport into the city. They do not have to come to the fringe of the city: they could switch to public transport at one of the many places where there are park and drive facilities. Most people have seen the outer suburban train and bus stations where there is plenty of free all day and all night parking.

Geoff was certainly a man of his time, and certainly the city is very congested these days. It is a pity some of his views were not taken up by the Adelaide City Council. He was also very passionate about smoking on buses. Although Geoff was quite a heavy smoker, he banned smoking on buses and, as a pregnant woman catching a bus to work every day, I was very grateful for that. I had to get off the bus when it reached the parklands because I could not stand the stink any longer. So, banning smoking on buses was a bold move.

Geoff had a long and illustrious career in the trade union movement and as President of the Labor Party. He certainly steered us through some difficult times, and the combination of Geoff's strength and wisdom and at times his harsh tongue tended to keep matters under control. He was a minister from 1970 until 1979. He was Minister of Transport, Minister of Local Government and Minister of Marine. There are many permanent reminders of his time in parliament. I know that he was very proud of the South Eastern Freeway, the free Beeline city buses and the conversion of Rundle Street into a mall. They are things for which we remember him best when we look at the cityscape of our state.

Geoff made a decision about the MATS plan. He did not want to see Adelaide become a city of freeways, losing its character, and at the time when he was a minister there was not so much heavy transport through the city as there is today. Geoff had very strong views about the compulsory wearing of seat belts, and I can remember that there was quite a controversy about those views, especially amongst people who had strong civil libertarian views. I can remember some quite spirited debates in the Labor conferences about Geoff's very strong views on seat belts—things that we all take for granted these days. I suppose those strong views could be said to have saved many hundreds of lives. Thank goodness for people like Geoff Virgo, who persisted in that kind of area.

Geoff had obviously left parliament by the time I entered it, although in 1979 I stood as a candidate. He was certainly very supportive of younger people standing for parliament. He had some strong views which he kept until the last weeks of his life. He often came into Parliament House to tell us how we should be running the state or conducting ourselves in opposition. They were views that we did not always share with him, but he put his point very strongly. I will miss him very much indeed. I think he will go down as one of the great ministers of the Dunstan era and we in the Labor movement will always remember him for his strength, his wisdom and his wit.

I would like to express my condolences to Geoff's widow, Kath. They had four children—Barbara, Pat, Joy and Lindsay—14 grandchildren and 12 great grandchildren and I think nearly all of them were at his funeral. It is probably indicative of the man that he did not want a state funeral but the funeral was attended by many hundreds of people. I think that shows the great fondness that people have for Geoff Virgo and the respect they had for him as a minister of the Crown and as a long-time member of the community who, after retirement went on—as indeed I hope to—to serve the community in many other areas.

The Hon. M.J. ELLIOTT: I support the motion. I did not know Geoff Virgo personally and so I do not have the stories to tell that some have. Certainly, he was active in politics at the time when I first paid interest and there is no doubt that, during his years in the parliament, he was a very able and important part of the Labor Party. Other than to say that, I will leave the personal comments to others. On behalf of the party, I pass on condolences to Geoff's family.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): Having had the job of Minister for Transport for some seven years, I can say without qualification that I have enormous regard for the workload of any minister for transport: it does change one's perspective on life. I have made the comment before that I was a civil libertarian until I got this job and I know, having scanned the *Hansard* of the period during which Mr Virgo was Minister for Transport in the Dunstan government, that there were many reforms in relation to road safety and the like, all of which addressed the vexed issues of civil liberties and trade-offs in terms of individual freedoms and road carnage.

Mr Virgo also made some very big decisions about infrastructure for the public transport system in the Adelaide metropolitan area. I know, from my own work in this area, how taxing it is to make those decisions because they are complex and involve a great deal of community input, are always expensive, and the ramifications of such decisions are long lasting.

Mr Virgo was involved in the extension of the passenger rail service to the southern suburbs. This is an issue that is taxing me today in terms of how we best improve public transport services to the southern suburbs. As the honourable Mr Griffin would know, as a resident of the Marino area, the railway line to Noarlunga is an excellent service but, in fact, it has been positioned so close to the coast that we do not have the pool of people to draw on to fully utilise and optimise the maximum benefit of that rail infrastructure.

I applaud Mr Virgo's decision, and that of the Dunstan government, regarding the Beeline bus service in the city of Adelaide. It was a decision that I was pleased this government was able to build upon in terms of the city loop free bus service. I note too that he was heavily involved as state minister in advocating the South Eastern Freeway and, again, I was very pleased as minister to be able to build on that work and get the present federal government to introduce the magnificent new road between Adelaide and Crafers that I celebrated just one year ago as Minister for Transport. Air conditioned buses are also a joy to every passenger and we certainly need more—and with the upgrade of the fleet, we will. So, Mr Virgo has been instrumental in making many good changes to the public transport and road system in this state and it is the lot of further ministers to expand on that work.

However, you cannot always get it right in this job of transport, and there are two matters that require some attention, including one that has not been referred to today. Mr Virgo was Minister for Transport at the time of the sale of the South Australian Railways to the Commonwealth, which was a very vexed matter for this parliament and led to elections and a whole range of issues. Recently I have been involved in the dismantling of Australian National following the decision by the federal government to no longer be in the rail business as an operator, and today we are seeking to rebuild our non-metropolitan rail services.

Lastly, I refer to the O-Bahn to the north-east. Mr Virgo and I over time did reflect on the success of that initiative, notwithstanding the lack of support by the Dunstan government at that time. So, I do honour and respect Mr Virgo. I wanted that placed on the record most sincerely. I have been pleased in many instances to build on his work of benefit to this state, and I suspect that that will be the lot of ministers after me—to build on, amend, overturn or fix up matters that I may have been involved in. I send my condolences to his family.

The Hon. P. HOLLOWAY: I would like to join this debate to remember Geoff Virgo and the contribution he made to South Australia. He was born in Adelaide in 1918 and was a stalwart of the Australian Labor Party. From his involvement in the union movement to his work as a member of the Dunstan government, Geoff Virgo represented the best traditions of the Labor Party. Geoff began his working life as an electrician with the railways, working his way up in the union movement to become President of the Electrical Trades Union.

He was also an ALP state organiser and was state Secretary of the ALP from 1964 to 1968. Those of us who can recall those times would remember that the Labor Party at that stage had been in opposition for something in excess of 30 years, thanks to the gerrymander that had existed in this state. It was largely Geoff Virgo's work as an organiser and the strategies he developed in the Labor Party that led to the overcoming of that and the election, and continuation, of a Labor government.

The Treasurer referred earlier to Geoff Virgo's work on the boundaries commission. I guess it was that tough fight when he had to overcome the disadvantages of the gerrymander that made him well aware of the importance of electoral boundaries and the importance of keeping them fair. I guess that is why he was such a tough opponent.

Geoff entered politics in 1968 and held the seat of Ascot Park, formerly Edwardstown—the seat that former Premier Walsh had held. Geoff held that seat until his retirement on 14 September 1979. As has been pointed out, he was minister of transport, local government and marine under the Dunstan government, and his achievements were great and varied. As

has also been pointed out, after his retirement he also served in positions such as Chairman of the West Beach Trust, where he made a considerable contribution.

The achievements that Geoff Virgo made in his time as a minister have been well pointed out, including the extension of the South-Eastern Freeway, the Bee Line bus service, air conditioned buses, the extension of passenger rail services to the southern suburbs and the compulsory wearing of seat belts. Geoff championed all of those causes and, of course, he was instrumental in the development of Rundle Mall.

Speaking on a more local basis, as someone who lived in the south-western suburbs, many people are extremely grateful for what Geoff did in relation to the Emerson crossing overpass on South Road and the rail overpasses over Dawes Road and Marion Road. Anyone who has lived in those areas would know what incredible traffic jams used to take place. Many local people in those areas are extremely grateful for Geoff's contribution.

As a young member of the Labor Party in the south-western suburbs, I well remember the respect with which Geoff was held by his colleagues, party members and people within his electorate. I particularly remember when Geoff was the campaign director for the Federal ALP in the seat of Hawker during some of the tough elections of 1975 and 1977. In 1977, Steele Hall was the candidate for the Liberal Party against Ralph Jacobi, the sitting member for Hawker. Of course, the ALP was broke—it had faced two elections in 1975 and 1977. It was a very difficult period, but Geoff was the election mastermind and it was really his skill and experience that enabled the Labor Party to win the election by a few hundred votes.

Geoff was a tough, no-nonsense operator, but he also had a compassionate side, and he never forgot the people who put him into parliament. At Geoff's funeral service on 10 January this year, the former federal member for Hawker and my former employer, Ralph Jacobi, delivered his eulogy. During his eulogy, Ralph described Geoff as one of Labor's most shining true believers and a pillar of strength to Dunstan. Ralph also commented on the strength of the membership of the Dunstan government, and I believe that his words bear repeating, as follows:

> Many accolades have been showered on Don Dunstan. These were all well merited beyond question. The Dunstan Labor government was the most successful reformist government that ever graced the Treasury benches in South Australia. Don was blessed with an extremely talented cabinet. They rightfully deserve to be equally recognised for the many reforms that have meant so much to the people of this state. This they collectively achieved because they brought to bear the three attributes that are a must for all successful governments, and they are: competence, trust and, above all, unity.

Geoff's work, both inside and outside parliament, will be remembered as groundbreaking, courageous and heartfelt. My sympathy goes to Geoff's widow, Kath, his four children and members of his wider family.

Motion carried by members standing in their places in silence.

DISTINGUISHED VISITORS

The PRESIDENT: I recognise three gentlemen in the gallery from the Legislative Assembly of Saskatchewan: Mr Andrew Thomson, Mr Dan D'Autremont and Mr Gregory Putz, the Deputy Clerk. I understand that they are visiting us to observe our practices and our committee system. They are about to visit the Cleland Wildlife Reserve. I hope that the koalas behave for you while you are there. I welcome you to the Council on behalf of the members, and I hope that you enjoy your stay here.

McLEAY, Hon. J.E., DEATH

The Hon. R.I. LUCAS (Treasurer): I am delighted that we are ranked before Cleland. Welcome. I move:

> That the Legislative Council expresses its deep regret at the recent death of the Hon. John E. McLeay, former member of the House of Representatives and Minister of the Crown and Australian Consul General, and places on record its appreciation of his distinguished public service.

In speaking to the motion, I note that John McLeay was born in March 1922 in Adelaide and died on the day after Christmas last year. He was born into a world of conservative politics. He first joined the LCL (the Liberal Country League, as it was then known) at the age of 18 in 1940.

He was educated at Scotch College here in Adelaide and left with honours, so I am told, and became the first federal government minister schooled at Scotch. There have been subsequent federal government ministers and, indeed, state government ministers, including some in this chamber at this moment, but John McLeay was the first.

He enlisted in the AIF in 1941 and served in Papua New Guinea as a gunner in the 13th Field Regiment, and when he returned to Adelaide he was elected to the Unley City Council, on which he served for 21 years. He was mayor for two years, from 1961 until 1963. In 1963, on behalf of the Liberal Party, he contested the state parliamentary seat of Unley. He was unsuccessful in taking on Gil Langley in 1963, but he then took over the federal seat of Boothby on the retirement of his father Sir John McLeay in 1966, three years later.

John McLeay's uncle was also a federal Liberal senator for South Australia in the 1940s. The McLeay family, father and son, held the seat of Boothby for a total of some 31 years. In the 1970s John McLeay was known for his uncompromising views on a number of issues, including the Vietnam war, and for his very strong anti-communist views throughout the 1970s, in particular. The press clippings and summary of his contribution in the Parliament and public statements make it evident that these were very strong views held by John and, I am sure, adequately represented the very strong views of his constituency in the electorate of Boothby at that time.

Given the turmoil of that time, the articles written about his career highlight some controversies. There was a slight altercation in Parliament, during which he was punched by an unnamed Labor MP; his letterbox was bombed; death threats were made to his family; there were graffiti attacks on his home; and his car was vandalised. Although I had no active involvement in student politics during the early to mid-1970s, I recall that during that period members of Parliament were invited to the campus. John McLeay was invited to speak on an issue, and I think it is fair to say that the student body accorded him a warm welcome.

I am not sure how much of his contribution was actually heard, but all credit to the man and to the politician: he never backed off from putting his views. He was no shrinking violet. He had been asked by the student body, as had others who obviously had much more popular views with the student body at the University of Adelaide at that time. Nevertheless, true to his beliefs he was prepared to front up to the university and put his views, even if no one listened to him. And full credit to him.

Whilst I suspect that those with whom I was mixing at that time (and probably I myself) did not necessarily agree with all that he might have been saying—if we could have heard him—nevertheless I admired the fact that he was prepared to turn up and put his point of view to the student body at that time. In my defence I must say that I was much more interested in Daddy Cool performing in the cloisters than listening to John McLeay or, indeed, to anybody from the Labor Party.

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: No, I was just a daggy watcher! There were many others who were much more actively involved in university politics than I was during that time. John McLeay served as Minister for Administrative Services in the Fraser government from 1978 to 1980 and was responsible for the establishment of the new commonwealth police force. He also served as Assistant Minister to the Minister for Civil Aviation, Minister for Construction, and Minister assisting the Minister for Defence. For five years in the late 1970s he was the only South Australian in the Fraser ministry.

After resigning from parliament in 1981, he was appointed Australia's Consul-General to Los Angeles from 1981 to 1983 and founded the Australian-American Chamber of Commerce in Los Angeles. He was a passionate advocate of Australia and South Australia. He served on a number of community committees: the Clarence Park Institute, Goodwood Oval, Goodwood Technical School, Goodwood South Progress Association and a number of other associations, including the Scotch College Old Collegians Association. He helped found the Unley Senior Citizens Club and the Arts Society for the Handicapped and he gave support to Minda Home and many other pensioner organisations.

With his family, he was successful in his own carpet business during that period, and he had a range of other interests. Being a keen sportsman he participated in scuba diving, volleyball and amateur league football. After his retirement, John McLeay maintained a steadfast silence on politics until very recently when, at some stage late last year, he spoke publicly in favour of the current member for Unley, given the trials and tribulations that the local member, the Minister for Water Resources, was experiencing in terms of ensuring that there was a majority plus one of members of his electoral college who were prepared to endorse him.

The Hon. L.H. Davis interjecting:

The Hon. R.I. LUCAS: He may well have joined the Kings Park branch; I am not sure. He steadfastly refused to make public commentary, but he obviously felt strongly enough at that time, as many of the minister's colleagues were prepared to do as well, in publicly endorsing the importance of the minister and the local member for Unley being re-endorsed, as has now eventuated. I am sure that John McLeay's endorsement would have had a level of support amongst some long-serving members of the Liberal Party in the Unley electorate.

John McLeay is survived by his wife and three sons, five grandchildren and one great-grandchild. On behalf of government members in this chamber, I publicly acknowledge John McLeay's contribution to his party, to the parliament and to the wider Australian community in terms of his service, and I pass on my condolences to his family at his passing.

The Hon. CAROLYN PICKLES (Leader of the Opposition): John McLeay was my local member for the period that he was member for Boothby from 1966 to 1981 and he was successful in many campaigns. I do not think that we ever expect to win the seat of Boothby, but you never know your luck at the next federal election. He contested the seat at the election in 1966, 1969 and 1972, and I was involved in that campaign because Anne Levy, who was formerly a minister in this place, was also a candidate for Boothby. I remember that that was probably the first time that the Labor Party had taken seriously a campaign by a woman. It was the 'It's time' campaign and I recall going to a meeting at the Unley Town Hall. All the candidates were arrayed in front of us and we had organised a bit of a crowd, mostly women, and the issue at the time was the sales tax on the contraceptive pill. Mr McLeay did not share the views of the feminists present at the time that the sales tax should be removed.

It was a very spirited campaign and I recall, as did the Leader of the Government, that John McLeay had some very conservative views that did not always endear him to members on my side of politics. He strongly attacked communism. In fact, it might have been John McLeay who made the statement about reds under the beds. I know that he had many clashes with Clyde Cameron on issues that were dear to the hearts of the Labor movement.

He served with distinction in the Fraser government and previously had a distinguished business life. He served his country from 30 June 1941. He served in the AIF in Papua New Guinea as a gunner in the thirteenth field regiment. He was elected to the Unley City Council and, as we mentioned, a 31 year political career followed. Probably not too many people in politics today will have a 31 year career, neither do we want to. He went on to take part in public life after he left parliament. He served on community committees—the Clarence Park Institute, the Goodwood oval, the Goodwood Technical School, the Goodwood South Progressive Association, the Retail Furniture Association of SA and Scotch College Old Collegians Association. He founded the Unley Senior Citizens Club and Art Society for the Handicapped and gave support to Minda Home and pensioner organisations.

He was a very successful businessman. It is interesting to note that there was a bit of a family dynasty and that he followed into parliament his father, who was a former Lord Mayor of the City of Adelaide and Speaker of the House of Representatives (Sir John McLeay). I am not sure whether any of his sons are the least bit interested in carrying on the family tradition, but I am sure he will be greatly missed by his wife, three sons, five grandchildren and one great grandchild.

The Hon. L.H. DAVIS: I support the motion of condolence on the passing of the Hon. John McLeay. He was a great character, a great community leader and a very successful businessman. There are many people who would remember the slogan of McLeay's Carpets 'Buy direct and bank the difference' at a time when for many years it was the leading carpet house in Adelaide. He had a colourful political career, as outlined by my colleague the Hon. Robert Lucas. He won preselection for the blue ribbon seat of Boothby in 1966 against a state member of parliament—none other than the Hon. Robin Millhouse.

In those days the Liberal Party had a full plebiscite of financial members, and there were several thousand such members in the federal seat of Boothby. My memory is that Robin Millhouse, who was a keen army reservist, was away

in camp for a couple of weeks. John McLeay went around collecting ballot papers from Liberal Party members—as you could in those days—and he won that plebiscite very comfortably. Perhaps it would not surprise honourable members to know that they changed the rules after that particular preselection. He was a very good political operator and he was passionate in his beliefs. As the Hon. Robert Lucas explained, they were beliefs that sometimes were controversial, but he was a fearless advocate for what he believed in.

At his memorial service at the chapel of Scotch College, where he had been a successful student and a very popular and successful sportsman, his close friend Sir James Killen was to deliver the eulogy. Sadly, on the day Sir James was unable to make the trip from his Brisbane home. However, John's son Digby McLeay did deliver the eulogy, and one of the many stories that he told about the Hon. John McLeay involved his father's great friend Jim Killen.

Apparently, a very young and eager member of the Liberal Party was making his maiden speech and it concerned a very controversial subject, and both Jim Killen and John McLeay thought what he had done was not quite proper. He had spoken on something controversial relating to his electorate, or something which would bring controversy to the party. As Digby McLeay observed in his eulogy, it was a bit rich coming from Jim Killen and John McLeay that they believed that someone else was being controversial. They adjourned to Jim Killen's office, and John McLeay rang this Liberal member's office and said, 'I am ringing from the *Times* in London and I would like to put you through to the editor of the *Times*.' Sir James Killen then came on to the phone and, in one of his very funny voices, said that his stringer in Canberra had reported on an extraordinarily fine maiden speech delivered by this new Liberal member and, if it was not too much trouble, he would be delighted if he would set down in 800 words or so a summation of what he had said; the only trouble was that the *Times* had a report deadline and it would need to be in by 5 a.m. Australian time. So, this young Liberal member, very much taken in by the bait, worked through the night and faxed off his 800 word diatribe to the *Times* and was very surprised when it was never published.

They were colourful times and John McLeay was part of that rich tapestry of political history. He made a great contribution, as I said, to his community, to his party, to the state and, indeed, at an international level when he was Consul General for Australia in Los Angeles. He was a devoted family man and I know he will be sorely missed by his family and his many friends.

The Hon. R.D. LAWSON (Minister for Disability Services): I too support the motion relating to the passing of the Hon. John McLeay. I first met Mr McLeay when I was president of the Adelaide University Liberal Club. At that time he was very active in the Liberal Party and he was not necessarily sympathetic to the views of the members of the university Liberal club; however, I found then, and always found in my subsequent dealings with him, that he was friendly and open and had a great sense of fun. I met him not only in political but in business and legal contexts after that time.

He was portrayed by the media as a rather rabid anti-Communist and I think the media portrait painted of him was not very flattering. It seemed to me that he rather enjoyed that notoriety and he revelled in stirring his political opponents, which he did at every opportunity. He was a man who always had fun, not only in his civic life and in his political life but also in his business life. Like the honourable Legh Davis, I was at the memorial service—a very well attended memorial service—for John McLeay. The eulogy given by his son Digby emphasised something that I think anyone who knew John McLeay at all would have understood—how much he appreciated his own family and was appreciated by them. John McLeay made a very significant contribution to a number of aspects of public life in this state and in Australia. I pass on my condolences to his family.

The Hon. M.J. ELLIOTT: On behalf of the Australian Democrats, I rise to support the motion. I did not know John McLeay personally, only by reputation, and I think it is best that the people who knew him make comment in regard to him. But, on behalf of the Democrats, I pass on our condolences to his family.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I also send my condolences in this public way to John McLeay's family. I attended the memorial service, and the Hon. Mark Brindal represented the Premier on that occasion. I worked with John McLeay when he was Minister for Administrative Services and, as I recall, assisting in defence. He was an active, enthusiastic and diligent minister and his office was a great environment in which to work.

Notwithstanding his responsibilities as a minister and to the federal parliament, he was always available to his electorate in the so-called safe seat of Boothby. The example that he set always impressed me, and it has been something that I have sought to follow. I enjoyed the period that I worked with him as a research officer. I simply pay my respects again today.

The Hon. A.J. REDFORD: I support the motion. Mr McLeay was a good man, a straight and decent man. He had a great sense of humour, and on the odd occasion that I was with him I had the opportunity to enjoy that. He was very loyal, and if you asked him to do something on behalf of the party he always did it. For that, I would like to convey my thanks and appreciation.

We often judge people by their children. Certainly in relation to Travis and Digby, whom I know very well, he is to be judged positively. My sympathy goes to his family and in particular to Travis, Digby and Robin for their loss.

Motion carried by members standing in their places in silence.

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

That, as a mark of respect to their memories, the sitting of the Council be suspended until the ringing of the bells.

Motion carried.

[Sitting suspended from 3.20 to 3.30 p.m.]

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions on notice be distributed and printed in *Hansard*: Nos 1, 3, 9, 14, 15, 21, 23, 24, 26, 28, 50, 57, 61 and 63.

TRANSPORT, EXPIATION NOTICES

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

1. Before the introduction of ticket inspections at the Adelaide Railway Station, did the Passenger Transport Board undertake any studies into the length of time passengers would have to wait during peak periods while ticket checks were being conducted?

2. Will the minister give a categorical promise that the safety of passengers, as they enter and leave the Adelaide Railway Station, will not be compromised as a result of the enforcement of ticket inspections at the Adelaide Railway Station?

3. How many people have been issued with infringement notices from ticket inspections at the Adelaide Railway Station as of 30 July 2000?

The Hon. DIANA LAIDLAW:

1. A trial of ticket checking was carried out on 12 May 2000 to develop protocols for ticket checking.

2. The safety of passengers is enhanced through the inspection of tickets at the Adelaide Railway Station as there are many more staff present and barriers are being designed to appropriate standards.

3. 2 053 expiation notices were issued for ticket offences between 2 and 30 July 2000.

SOUTHERN O-BAHN

3. **The Hon. T.G. CAMERON:** How will the proposed Southern O-Bahn run a line down each side of the railway track at Emerson Railway Station, as it appears there is little or no room for such lines?

The Hon. DIANA LAIDLAW: On 29 June 2000, consultants were engaged to thoroughly investigate all the major design and engineering issues associated with constructing a busway along the preferred alignment for the proposed Southern O-Bahn. This investigation will be considered by the government prior to determining the future of the project—and only at this time will I be in a position to provide the honourable member with the detail that he has sought on the Emerson Railway Station.

TOURISM MINISTER, STOLEN DOCUMENTS

9. **The Hon. P. HOLLOWAY:** What is the reason for the delay in providing an answer to questions asked in the Legislative Council on 23 November 1999 and 3 May 2000 relating to the theft of documents from the Minister for Tourism's car?

The Hon. R.I. LUCAS: The Minister for Tourism has provided the following information:

The reason for the delay in responding to the Hon P Holloway's question relates to the State Ombudsman's investigation into a Freedom of Information (FOI) request by the Member for Mitchell for information relating to the stolen documents.

It would have been inappropriate to reply to the Hon. P. Holloway's question, until the Ombudsman had completed his investigation.

The Ombudsman has provided the following advice:

- All documents have been handed to the Auditor-General.
- As the Ombudsman has stated in his final report, there are no stolen documents that relate to soccer at Hindmarsh.
- The Minister for Tourism has only had in her possession documents relating to the Olympic football tournament, for which she was the responsible minister.

ROAD FUNDING

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

1. How much has the South Australian State Government spent in total on building and maintaining South Australian non-metropolitan roads for the years:
(a) 1995-1996;
(b) 1996-1997;
(c) 1997-1998; and
(d) 1998-99?

2. How much has the South Australian State Government spent in total on building and maintaining South Australian metropolitan roads for the years:
(a) 1995-1996;
(b) 1996-1997;
(c) 1997-1998; and
(d) 1998-99?

3. How much has the Federal Government contributed to the building and maintaining South Australian non-metropolitan roads for the years:
(a) 1995-1996;
(b) 1996-1997;
(c) 1997-1998; and
(d) 1998-99?

4. How much has the Federal Government contributed to the building and maintaining South Australian metropolitan roads for the years:
(a) 1995-1996;
(b) 1996-1997;
(c) 1997-1998; and
(d) 1998-99?

5. Per capita, how much has the South Australian State Government spent in total on building and maintaining South Australian non-metropolitan roads for the years:
(a) 1995-1996;
(b) 1996-1997;
(c) 1997-1998; and
(d) 1998-99?

6. Per capita, how much has the South Australian State Government spent in total on building and maintaining South Australian metropolitan roads for the years:
(a) 1995-1996;
(b) 1996-1997;
(c) 1997-1998; and
(d) 1998-99?

The Hon. DIANA LAIDLAW: The honourable member's question asked that expenditure on road construction and maintenance be split on a metropolitan-non-metropolitan basis. For most purposes, the metropolitan area is defined as the Adelaide statistical division even though this area contains a number of rural localities. Transport SA does not collect data based upon the Adelaide statistical division, but rather upon its metropolitan and rural regions. This is because road maintenance contracts are called and administered on a regional basis. Transport SA's metropolitan region comprises the Adelaide statistical division plus the areas of the District Council of Mount Barker and those parts of the Adelaide Hills Council outside the Adelaide statistical division. Therefore, the figures provided for 'metropolitan' include some expenditures on road maintenance and construction in rural areas outside the Adelaide statistical division with the 'non-metropolitan' figures being correspondingly less.

Summary Table

	State	Federal	Total
1991-92*	$90m	$79m	$169m
1992-93	$96m	$118m	$214m
1993-94	$104m	$72m	$176m
1994-95	$110m	$53m	$163m
1995-96	$145m	$71m	$216m
1996-97	$173m	$75m	$248m
1997-98	$169m	$91m	$260m
1998-99	$112m	$98m	$210m
1999-2000	$166m	$69m	$235m
2000-01(est)	$163m	$42m	$205m
	(est.)	(est.)	(est.)

* Provided for comparison—separated costings not provided in subsequent answers.

Peaks and troughs are to be expected as a result of the cycle of major projects.

1. State government expenditure on South Australian non-metropolitan roads

Increased expenditure in 1995-96 was due to a number of rural arterial road projects. The increase in expenditure in 1997-98 was due to the construction of the Berri bridge. In 1999-2000, major expenditure incurred on the Hindmarsh Island bridge and increased work on unsealed arterial roads.

	Total
1992-1993	$50.400m
1993-1994	$57.663m
1994-1995	$59.119m
1995-1996	$80.463m
1996-1997	$68.276m
1997-1998	$79.480m
1998-1999	$64.882m
1999-2000	$87.152m
2000-2001	$67.294m (est)

Please note: The 2000-2001 figure is an estimate based on the approved budget strategy. Expenditures include the cost of operating the River Murray ferries.

2. State government expenditure on South Australian metropolitan roads

Increases in 1996-97 and 1997-98 were due to Stage 1 of the Southern Expressway. In 1999-2000, Southern Expressway Stage 2 commenced with increased expenditure expected in 2000-2001.

	Total
1992-1993	$45.602m
1993-1994	$46.091m
1994-1995	$51.846m
1995-1996	$65.090m
1996-1997	$104.989m
1997-1998	$89.041m
1998-1999	$47.402m
1999-2000	$79.238m
2000-2001	$95.547m (est)

Please note: The 2000-2001 figure is an estimate based on the approved Budget Strategy. Street lighting and traffic signal operating costs have been excluded.

3. Federal government expenditure on South Australian non-metropolitan roads

	Total
1992-1993	$64.378m
1993-1994	$49.552m
1994-1995	$31.370m
1995-1996	$46.884m
1996-1997	$46.104m
1997-1998	$48.237m
1998-1999	$23.487m
1999-2000	$21.852m
2000-2001	$25.469m (est)

Please note: The 2000-2001 figure is an estimate based on the approved Budget Strategy.

4. Federal government expenditure on South Australian metropolitan roads

Increases in 1997-98 and 1998-99 were due to the construction of the Adelaide-Crafers freeway.

	Total
1992-1993	$54.086m
1993-1994	$22.579m
1994-1995	$22.710m
1995-1996	$24.347m
1996-1997	$28.898m
1997-1998	$43.521m
1998-1999	$74.814m
1999-2000	$47.248m
2000-2001	$17.006m (est)

Please note: The 2000-2001 figure is an estimate based on the approved budget strategy.

5. State government expenditure on South Australian non-metropolitan roads—per capita

	Estimated Total Expenditure per Capita
1992-1993	$141
1993-1994	$161
1994-1995	$166
1995-1996	$224
1996-1997	$190
1997-1998	$220
1998-1999	$179
1999-2000	$240
2000-2001	$186 (est)

Please note: Population estimates for 1999-2000 and 2000-2001 were based on ABS publication 'Population Projections' Cat No 3222.0.

6. State government expenditure on south australian metropolitan roads—per capita

	Estimated Total Expenditure per Capita
1992-1993	$41
1993-1994	$41
1994-1995	$46
1995-1996	$58
1996-1997	$94
1997-1998	$79
1998-1999	$42
1999-2000	$70
2000-2001	$84(est)

Please note: Population estimates for 1999-2000 and 2000-2001 were based on ABS publication 'Population Projections' Cat No 3222.0. Population estimates are based on the area encompassed by Transport SA's metropolitan region mentioned in the preamble to my responses.

THE *RING*

15. **The Hon. T.G. CAMERON:** In relation to the *Ring* event at the Festival Centre in 1998:

1. How many tickets have been sold to the four performances (and in total) of Wagner's *Ring* production?

2.
(a) Have any free tickets been given out for any performances of the *Ring* production; and
(b) If so, to whom?

3.
(a) Have any free tickets been distributed to members of parliament; and
(b) If so, to whom?

4. How much did the State Government subsidise each ticket sold to the *Ring* production for each performance?

5. How much did the State Government subsidise the entire production of the *Ring*?

6. Would the Minister please provide a breakdown of funding for the production of the *Ring*, including:
(a) private sponsorship;
(b) Government funding; and
(c) ticket sales?

7. How many people attended the live broadcast of the *Ring* free of charge at:
(a) the Playhouse Theatre; and
(b) the Space Theatre?

8. How much revenue was returned to the government as a result of the *Ring* production through:
(a) ticket sales; and
(b) *Ring* paraphernalia?

9. Can the minister provide a detailed list of the guaranteed 'spin-offs' from the *Ring* production for South Australia?

The Hon. DIANA LAIDLAW:

1. 20 667 individual tickets were sold.

2.
(a) 200 complimentary tickets were allocated.
(b) Artists and cover artists (40) as per contracts;
Board (13);
Theatre du Chatelet (4);
Artistic director (8);
State Government (6);
State Opposition (4);
Federal Government (6);
Media (46);
Diplomats/VIPs (10);
Opera companies (6);
Production/music staff (31);
Life members (4);
AFCT (8);
ASO (4);
AFA (3); and
Artist agents (6).

3.
(a) Yes, see above.
(b) Premier (2)
Minister for the Arts (2)
Minister for Tourism (2)
State Opposition (4)
Federal Minister for Communications and the Arts
Federal Minister for the Arts and the Centenary of Federation

4. and 5. The State Government investment in the production was $1.73 million—$83.70 per seat sold.

6.
(a) $800 000.
(b) State Government funds

Production subsidy State Opera	$0.5 million
Orchestral Services—	
Adelaide Symphony	$0.13 million
Underwriting from Australian Major Events	$1.1 million
Total	$1.73 million

Federal Government—$250 000.

(c) $4 million.

7. (a) and (b)

(a) Approximately 2 200 people attended the live relay.

8.

(a) The State Opera Company received $4.201 million in ticket sales.

(b) The State Opera Company received $84 393 in revenue from sale of merchandise.

9. The government commissioned an economic impact study from the Centre for Economic Studies. It was completed in March 1999 and released in July 1999. The major findings of the study are that the *Ring* attracted 3 600 new visitors to South Australia with an economic impact of $10 million to the State.

Other benefits to the State from the *Ring* include:

- World wide positive publicity for Adelaide in such publications as the *London Times* (sports section as well as arts section), the *London Observer*, the *Spectator*, *BBC Music Magazine* and locally the Melbourne *Age*, the *Bulletin*, the *Financial Review* and the *Sydney Morning Herald*;
- World wide critical acclaim for the production and in particular for the Adelaide Symphony Orchestra;
- The increase in the number of permanent players of the Adelaide Symphony Orchestra from 68 to 80;
- The opportunity for the Adelaide Symphony Orchestra to work with maestro Jeffrey Tate for four months continuously;
- South Australian singer Elizabeth Campbell taking one of the lead roles in the production and the opportunity for the State Opera chorus to work in a world class production;
- Maestro Tate's high opinion of the orchestra made widely known;
- the completion of refurbishment works at the Adelaide Festival Centre resulting in a venue—the Adelaide Festival Theatre itself—with an acoustic provided through the LARES acoustic enhancement system which has been described by critics and performers as world class; and
- new flooring and seating in the Festival Theatre as well as outfitting the foyers and toilets.

In addition, on 11 August 2000 the Commonwealth Government confirmed a new funding package amounting to $2.952 million that will enable State Opera to stage the first ever Australian production of Wagner's *Ring Cycle* in 2004, with an estimated economic impact of $12 million.

PASSENGER TRANSPORT USER COMMITTEE

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

1. Can the minister provide a current list of members of the Passenger Transport User Committee (PTUC) panel with dates of tenure?

2. What mechanism is used to replace members?

3. What criteria is used for the selection?

4.

(a) Could the minister provide information regarding issues covered in the last twelve months by the PTUC?

(b) Could the minister provide resolutions and recommendations of the PTUC for the last twelve months?

(c) Could the minister provide PTUC areas for discussion over the next 12 months?

5. What action has been taken by the Passenger Transport Board to address issues raised by PTUC members?

6. Will the minister investigate whether it would be possible in future for members of the public to:

(a) access the outcomes of the PTUC meetings;

(b) have the opportunity to attend and observe PTUC meetings; and

(c) if not, why not?

7. What is the current status regarding the Rail Panel?

8. Do vacancies currently exist?

9.

(a) Will the minister investigate whether it would be possible in future for members of the public to attend and observe; and

(b) If not, why not?

10. Could the minister provide a copy of the 10 Year Public Transport Investment Plan as a complete document?

11. Why was the decision to build a bus interchange at Football Park made, rather than a rail service?

The Hon. DIANA LAIDLAW:

1. The current members of the Passenger Transport User Committee (PTUC) are:

Members	Organisation
Sheila Brown	Smogbusters
Elaine Grimm	Local Government Association of SA
Ruth Lenton	SA Association of School Parents Clubs Inc
Sue Dunn	People for Public Transport
John Evans	SA Tourism Association
Glenda Marie Reid	Students Association Flinders University
Stephen Sidiropoulos	Adelaide Sister Cities Young Ambassador
Margaret Staples	Southern Adelaide Regional Transport Advisory Group SARTAG
Vacant	Recent resignation of Geoffrey Banks, Dept of Veterans Affairs
Kym Davey	Youth Affairs Council of SA
Tina Karanastasis	Multicultural Communities Council of SA
Ian Yates	Council on the Ageing
Dennis Cripps	Northern Adelaide Regional Transport Action Group NARTAG
Peter Hetherington	TA Rail Customer Panel
Ray Hancox	United Trades and Labor Council & Rail Tram and Bus Union
John Spender	Returned Services League

The tenure of the incumbent PTUC is for a period of two years and expires in March 2001.

2. and 3. II. In order to attract new members to the PTUC, a call for expressions of interest was conducted in March 1999. Over 70 inquires and 36 applications were received from organisations and the general public with an interest in being a member of the PTUC. From these applications, as well as agencies identified as peak sector organisations, the membership is selected.

4.

(a) Issues covered by the PTUC in the last 12 months include:

- Passenger Transport Board (PTB) Community Passenger Network Program;
- PTB Standards Committee operation;
- Review of the Passenger Transport Act;
- Rail Fare Compliance Program;
- Wheelchair restraints in buses;
- Access all Areas video;
- The Patronage Challenge;
- PTB Marketing Plan 1999-2000;
- 40 kph zones;
- Electronic Journey Planning;
- Penalties applying to early and late running of buses;
- The PTB Inner South Information project;
- Transport SA Living Neighbourhood project;
- Colours of the new bus livery; and
- Regular updates on the Draft Ten Year Plan and other public transport initiatives.

(b) The committee discusses a range of issues which are followed up by appropriate areas of the PTB, but does not make resolutions.

(c) Items for discussion at PTUC meetings generally arise from matters raised by committee members during the course of meetings. From time to time the PTB may also raise matters of topical interest – and at this time there are no set issues for discussion over the next 12 months.

5. Issues raised by PTUC members are taken up with appropriate areas of the PTB and have ranged from patronage to fare compliance.

6. The committee membership already reflects the wide ranging interests of the community. Members are also able to present to the PTUC any issues raised by the public.

7. The rail customer panel meets regularly on the third Monday of each month.

8. and 9. The membership and function of the rail customer panel is currently under review. Meanwhile, Expressions of Interest are to be sought shortly through the TransAdelaide Express publication to fill vacancies.

10. The Liberal Passenger Transport Policy (September 1997), incorporated a commitment to prepare a 10 Year Investment Plan for Public Transport, taking into account 'cost benefit studies' relating to a number of proposals. Already the Rail Safety and Security Program and the Footy Fast Initiative for West Lakes have been announced, while the PTB is well advanced in undertaking the Southern O-Bahn study.

11. The West Lakes 'cost-benefit' study identified that substantial benefits will be gained by improving bus access and services to Football Park—far outweighing those potentially offered by rail. It was estimated that extending a single track rail line to

Football Park would cost more than $13 million—while both local residents and the Charles Sturt Council expressed misgivings about the rail option.

The study highlighted that:

- Buses (unlike rail) can offer a comprehensive network of services direct to Football Park from locations throughout metropolitan Adelaide and country areas—plus greater flexibility to respond to changes and peaks in demand associated with football matches and major events.
- The operating facilities for bus services to Football Park, such as bus terminals and bus storage would require much less space than those that would be needed for a rail service such as a station and marshalling yard (it was estimated that 33 rail cars would be required to serve the demand from Football Park).
- The new bus facilities have the advantage of lower capital and longer-term operating costs.

Construction of a bus interchange and phase one of the bus priority road works commenced in November 2000. All this work will be completed by April 2001, in time for the opening of the new grand stand with increased seating capacity. It is forecast that these initiatives, together with improved marketing, will increase the number of people using public transport to and from matches at Football Park to over 5000 (currently 2000 footy patrons use public transport to attend matches).

Both the South Australian National Football League and the City of Charles Sturt have endorsed the bus proposal over rail. When constructed the new facilities will make Football Park one of only two major sporting stadiums in Australia with an undercover bus terminal on its property, the other being the Olympic complex at Homebush.

TRANSPORT, FEEDER INTERCHANGES

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

1. What plans are being implemented by the Passenger Transport Board (PTB) with regard to feeder interchanges?

2. What consideration is being given to the concept of increasing the catchment area of the existing rail system through the use of feeder buses to rail stations?

3. Has there been an analysis of the benefits to the travelling public of using feeder buses to railway stations, vis-à-vis bus services parallel to rail?

4. What strategies will be used to ensure that bus services will not duplicate rail services, hence compete against each other for passengers?

5. Will the PTB put in place measures to ensure that operators running feeders, rather than parallel services, are not disadvantaged financially or in future contracts, especially where feeders link with services provided by another operator?

The Hon. DIANA LAIDLAW:

1. and 2. A number of bus-rail interchanges which have feeder services, including Elizabeth Railway Station, Blackwood Railway Station and Glanville Railway Station are being upgraded under the Safer Stations Program. The Suburban Links (bus and mini-bus) service at Golden Grove has also been introduced and is proving popular. Other 'bus to bus feeder' services have been introduced such as the West Lakes Loop and Marion Access buses which feed into West Lakes Mall interchange and Marion Centre interchange respectively.

Further feeder interchanges are being considered as part of the government's long term investment plans for public transport, which aim to maximise the potential of the existing rail infrastructure.

3. Calculations of travel time for passengers (including walking and transferring) have been undertaken as it is recognised that this issue is critical in determining customer response to the provision of feeder services. If the total travel time by feeder bus and rail is quicker than by direct bus then the feeder services are more likely to be well patronised. However, if the catchment area is too large, travel time using a feeder service may be increased. Based on these factors, a number of rail feeders already exist at stations such as Munno Para, Smithfield, Brighton and Hallett Cove Beach—but not in inner metropolitan areas where passengers would be disadvantaged in terms of travel time, if required to transfer to rail.

4. Regular assessments of services consider all ways to best meet customer needs without duplication. Some bus services have developed 'along-route' patronage that would not be served if the bus services were altered to feed the trains. As an example, 40 per cent of the passengers on the Route 721-727 bus services crossing O'Halloran Hill have destinations in locations such as Clovelly Park, Melrose Park, Edwardstown and Black Forest, and these passengers could not travel by train. Many of these passengers may be lost from public transport if the current bus services no longer operated.

5. Contractors are paid the same rate per passenger boarding regardless of whether or not the passenger is travelling short or long distances.

TAXIS

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

1. What strategies is the Passenger Transport Board (PTB) putting in place to ensure that taxis are available in the suburbs?

2. What are the contractual arrangements for taxis providing services that link with public transport, such as trains?

3. What are the patronage figures for these taxi services for the years:

(a) 1997-1998; and

(b) 1998-1999?

The Hon. DIANA LAIDLAW:

1. It is a requirement of accreditation that centralised booking services must comply with an agreed average service standard enabling customers to obtain a taxi within an average of 12 minutes of ordering. This requirement extends to services in the suburbs. Regular reporting to the Passenger Transport Board (PTB), supported by mystery shopper auditing, has found that taxi service standards are, on average, less than the prescribed 12 minutes.

There are 77 council taxi zones (ranks) located outside the central business district and 34 private taxi zones maintained at shopping centres around the metropolitan area.

2. There is currently one taxi being used on Route 682 in the Hallett Cove area, in place of a bus after 7 p.m. This arrangement is not subject to separate contractual terms with the PTB. It is an arrangement negotiated by SouthLink with Yellow Cabs to provide taxis between 7.08 p.m. and the last train service all nights of the week, except Sundays and Public Holidays. Passengers pay $0.50 per trip and taxi drivers are paid a fixed hourly rate.

3. For the years 1997-98 and 1998-99 the Hallett Cove Transit Taxi Service was negotiated by TransAdelaide. Since 23 April 2000 TransAdelaide has no longer operated bus services in their own right, and the material the honourable member seeks has been placed in archives and is not readily available.

However, I am able to provide the following patronage figures for the Transit Taxi Service for the period July to December 2000:

Month	Total
July	398
August	456
September	508
October	477
November	452
December	534
Total	2 825

TRANSPORT, TICKETING SYSTEM

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

1. What provisions will be put in place to ensure that 'double dipping' is not allowed or encouraged given that the existing ticketing system effectively allows for the potential for multiple expenditure from the Passenger Transport Board to private contractors?

2. What part of the contract process will be subject to fines or disciplinary action for breaches?

3. What strategies will be provided for customers to be part of the process of monitoring and assessment of contract performance, e.g. reporting procedure?

4. Will customers be compensated for failure to provide a stated service, such as a customer having to take a taxi because a stated service is not provided?

5.

(a) What has been the nature of breaches of service contract?

(b) How many penalties have been issued to operators in the last 12 months prior to the latest round of contracts being awarded?

The Hon. DIANA LAIDLAW:

1. Private contractors are subject to defective service adjustments when they don't provide services within prescribed time limits or where a trip is not provided at all or where a defective vehicle is provided for a service. This effectively prevents contractors from 'double dipping'—through receipt of standard contract payments, plus payments arising from boardings as part of patronage incentives.

2. The service contracts provide for deductions from contract payments, in the event of defective services, ie where a trip is not provided in accordance with the timetable, or the vehicle does not comply with the standard required in the contract. Major defaults could lead to termination of the contract.

3. Customers will continue to be encouraged to be a part of the monitoring and assessment of contractor performance through mail, telephone or e-mail. Both the Passenger Transport Board (PTB) and the service providers have feedback lines to receive this information. There is also a feedback facility on the Adelaide metro website. Independent customer satisfaction surveys will also be undertaken, and the PTB gains further feedback through the Passenger Transport Advisory Committee, and contractor panels.

4. There is no compensation facility offered by the PTB or as part of the operators contract, in the circumstances outlined. On occasions, however, the PTB and/or contractors have provided complimentary tickets to customers who have received less than satisfactory service.

5.

(a) The previous bus contracts expired on 22 April 2000. To that date, the only breaches of those bus contracts was in the area of non-delivery of some services in accordance with published timetables, ie early, late and missed trips.

(b) For the period 1 April 1999 to 31 March 2000, 20 587 penalties were issued to bus operators as a result of early, late or missed trips. Of this figure, 19 036 penalties were issued as a result of industrial action. (Note: Under the previous contracts, a missed trip was defined as a trip that did not take place, or did not include the whole of the route, or ran greater than 20 minutes late, or ran greater than 2 minutes early.)

EMERGENCY SERVICES LEVY

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

1. How many people have paid the full emergency service levy, since its introduction, on:

(a) motor vehicles;

(b) trailers;

(c) boats;

(d) caravans; and

(e) any other item?

2. How much revenue has been raised as a result of the levy since its introduction?

3. Will people be entitled to a refund or a portion of a refund when the level drops on 1 July 2000?

The Hon. DIANA LAIDLAW: The Minister for Police, Correctional Services and Emergency Services has provided the following information:

1. The actual number of people who have paid the full emergency services levy on motor vehicles, trailers and caravans since its introduction is not available, as some people may sell or buy several different vehicles in any given financial year.

(a) The following information is available on the number of motor vehicle registration, re-registration and renewal transactions on which the emergency services levy was paid during the period 1 July 1999 to 30 September 2000.

3 month registration period	1 385 225
6 month registration period	550 188
9 month registration period	34 145
12 month registration period	626 105
24 month registration period	664
36 month registration period	2 363
To common expiry	20 301
other period	40 542

(b) The following information is available on the number of trailer and caravan registration, re-registration and renewal transactions on which the emergency services levy was paid during the period 1 July 1999 to 30 September 2000. This is a combined total, as separate information relating to trailers and caravans is not available.

3 month registration period	35 437
6 month registration period	29 449
9 month registration period	2 030
12 month registration period	178 662
24 month registration period	53
36 month registration period	1 086
To common expiry	7 423
Other period	3 110

(c) During the period 1 July 1999 to 30 June 2000, 45 139 people paid a $12 emergency services levy on recreational boats, and 274 people paid a $24 levy on commercial boats. The emergency services levy on recreational boats has been removed effective from 1 July 2000. It is estimated that between 1 July 2000 and 30 September 2000 69 people paid the $24 levy on commercial boats.

2. The revenue raised from the emergency services levy on 'mobile property' since its introduction (for the period 1 July 1999 to 30 September 2000) is as follows:

Motor vehicles	$38 812 253
Trailers (including caravans)	$1 745 056
Boats	$549 900
Total	$41 107 209

3. The emergency services levy applies for a financial year. The $24 million package of remissions announced last year by the Premier apply to the 2000-01 year and are not retrospective, therefore no refunds will apply.

HOSPITALS, COMPLIANCE COSTS

50. **The Hon. R.R. ROBERTS:** In respect of the following Hospitals and Health Services—Andamooka Outpost Hospital; Balaklava and Riverton Districts Health Service at Balaklava; Balaklava and Riverton Districts Health Service at Riverton; Barossa Area Health Services Inc.; Booleroo Centre District Hospital and Health Services Inc.; Bordertown Memorial Hospital Inc.; Burra, Clare and Snowtown Health Service Inc. at Clare; Ceduna Hospital Inc.; Central Eyre Peninsula Hospital Inc.; Central Yorke Peninsula Hospital Inc.; Cleve District Hospital Inc.; Coober Pedy Hospital Inc.; Cowell District Hospital Inc.; Crystal Brook District Hospital Inc.; Cummins and District Memorial Hospital Inc.; Elliston Hospital Inc.; Eudunda and Kapunda Health Service Inc.; Flinders Medical Centre; Gawler Health Service; Hawker Memorial Hospital Inc.; Jamestown Hospital and Health Service Inc.; Kangaroo Island General Hospital Inc.; Kapunda Hospital; Karoonda and District Soldiers' Memorial Hospital Inc.; Kimba District Hospital and Health Services; Kingston Soldiers' Memorial Hospital Inc.; Lameroo District Health Services Inc.; Laura and District Hospital Inc.; Leigh Creek Hospital Inc.; Loxton Hospital Complex Inc.; Lyell McEwin Health Service; Mannum District Hospital Inc.; Meningie and District Memorial Hospital and Health Services Inc.; Millicent and District Hospital and Health Service Inc.; Modbury Public Hospital; Mount Barker District Soldiers' Memorial Hospital Inc.; Mount Gambier and Districts Health Service Inc.; Murray Bridge Soldiers' Memorial Hospital Inc.; Naracoorte Health Service Inc.; Noarlunga Health Services; Northern Adelaide Hills Health Service Inc.; Northern Yorke Peninsula Regional Health Service Inc.; Orroroo and District Health Service Inc.; Penola War Memorial Hospital Inc.; Peterborough Soldiers' Memorial Hospital and Health Service Inc.; Pinnaroo Soldiers' Memorial Hospital Inc.; Port Augusta Hospital and Regional Health Services Inc.; Port Broughton District Hospital and Health Service Inc.; Port Lincoln Health Services Inc.; Port Pirie Regional Health Service Inc.; Queen Elizabeth Hospital; Quorn and District Memorial Hospital Inc.; Renmark Paringa District Hospital Inc.; Repatriation General Hospital at Daw Park; Riverland Regional Health Service Inc.; Roxby Downs Health Service; Royal Adelaide Hospital; South Coast District Hospital Inc.; Southern Yorke Peninsula Health Service Inc.; St. Margaret's Hospital at North Adelaide; Strathalbyn and District Soldiers' Memorial Hospital and Health Service Inc.; Streaky Bay Public Hospital Inc.; Tailem Bend District Hospital Inc.; Tanunda War Memorial Hospital; Tumby Bay Hospital and Health Services Inc.; Waikerie Hospital and Health Services Inc.; Whyalla Hospital and Health Service Inc.; Women's and Children's Hospital; Woomera Hospital:

1. What will be the estimated compliance costs to the respective Hospital or Health Service in relation to:

(a) GST; and

(b) Emergency Services Levy?

2. Will these costs to the respective hospital or health service be taken from the current budget or will there be an allocation from government?

3. What programs, if any, will be cut by the respective hospital or health service to pay for these costs?

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

1. Hospitals and health services estimate the annual cost of ongoing compliance with GST at $851 200.

(a)
- This estimate excludes the cost of implementing GST that is funded by Treasury.
- These are still considered preliminary estimates only as experience may result in variations.

(b) The annual cost of compliance with Emergency Services Levy is estimated at nil.

2. The costs will be met through internal re-organisation of administrative functions.

3. It is not planned to cut any programs from any of the respective Hospitals or Health Services.

CONSULTANTS

57. **The Hon. R.R. ROBERTS:**

1. Has the Premier, Minister for State Development and Minister for Multicultural Affairs, or any of his officials, engaged the services of any public relations firm, or individual, for the period 30 June 1997 to 30 September 1998?
2. What is the name of the firm or individual?
3. What was the nature of the service provided?
4. For how long was the service provided?
5. How much was paid for each service?

The Hon. R.I. LUCAS: The Premier has provided the following information.

1. Yes.
2. (a) Ball Donnellan Public Relations.
   (b) The Write Connection.
   (c) DDB Needham Pty Ltd.
   (d) The Right Mix Strategic Communications Agency.
   (e) Mr B Hickey.
   (f) Hamra Management Australia Pty Ltd.
3. (a) Independent advice was sought regarding the national visit media accreditation scheme.
   (b) Speech writing and other communication services.
   (c) Strategy, planning, preparation and production of the Budget Campaign. Development of material to promote the Adelaide to Darwin Railway.
   (d) Develop designs and visuals and recommend suitable formats for State Government corporate identity.
   (e) Report on communication and change management.
   (f) Staging of a function at the Adelaide Convention Centre.
4. (a) Meeting consultation and feedback on material outlining procedures for the accreditation scheme.
   (b) Continuous.
   (c) A One-off project.
   (d) A One-off project.
   (e) A One-off project.
   (f) A One-off project.
5. (a) Total cost of the service—$420.00.
   (b) Total cost of the service—$86 860.00.
   (c) Total cost of the service—$97 074.27.
   (d) Total cost of the service—$2 715.00.
   (e) Total cost of the service—$2 645.37.
   (f) Total cost of the service—$7 308.90.

QUEEN ELIZABETH HOSPITAL

The Hon. SANDRA KANCK:

61. For how many days in the past two months has the emergency department at the Queen Elizabeth Hospital been on ambulance bypass?

2. On the days the Queen Elizabeth Hospital was on ambulance bypass, for what time frames and hours was this the case?

3. How many ambulances and clients were sent on to other services/hospitals in this time?

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

1. The Queen Elizabeth Hospital (TQEH) has experienced 21 episodes of ambulance service bypass since 1 September:
   - September—6 incidents
   - October—10 incidents
   - Up to 20 November—5 incidents
2. Total hours:
   - September: approximately 35 hours
   - October: approximately 70 hours
   - Up to 20 November: approximately 24 hours

Timeframes ranged from 1 hour to 11 hours at a time. Diversions are lifted as soon as exit block pressure resolves.

3. Once TQEH is on ambulance bypass patients are taken directly to the RAH unless they specifically ask for a private hospital.

Once the decision to divert is made, the hospital on diversion is unaware of the volume of traffic or numbers of cases transported by the ambulance service.

INDUSTRY AND TRADE DEPARTMENT

63. **The Hon. P. HOLLOWAY:** Will the minister provide a table showing the number of people within each of the divisions of the Department of Industry and Trade (as given on page 405 of Part B, Volume 2, of the Auditor-General's Report) whose remuneration exceeds $100 000 per annum, providing details of their remuneration in $10 000 bands?

The Hon. R.I. LUCAS: I provide the following table in answer to the honourable member's question:

	$100 000 to $110 000	$110 001 to $120 000	$120 001 to $130 000	$130 001 to $140 000	$140 001 to $150 000	$150 001 to $160 000	$180 001 to $190 000	$190 001 to $200 000	$230 001 to $240 000
Executive				1				1	1
Invest SA	1	2		2					
International SA						1			
SACFM	1	3	1					1	
TBC	1	1		1		1			
Infrastructure		1			1				
Corp Services			1						
Partners in Rail	1								
Sydney					1				
Total	4	7	2	4	2	2		2	1

OFFICE OF THE EMPLOYEE OMBUDSMAN

The PRESIDENT: I lay upon the table the report of the Office of the Employee Ombudsman 1999-2000.

PAPERS TABLED

The following papers were laid on the table:

By the President—

Employee Ombudsman, Report, 1999-2000

By the Treasurer (Hon. R.I. Lucas)—

Electricity Industry Superannuation Scheme—Report, 1999-2000

Regulations under the following Acts—

Alice Springs to Darwin Railways Act 1997—Special Provisions

Construction Industry Training Fund Act 1993—Amendment Act Regulations

Southern State Superannuation Act 1994—Enterprise Agreements

Taxation Administration Act 1996—First Home Owner Grant
Water Resources Act 1997—Extension of Deadlines
Electricity Supply Industry Planning Council Charter
ElectraNet Transmission Report
ETSA Utilities Distribution Report
Flinders Power Northern Power Station Report
Optima Energy Report
Synergen Report

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

Reports, 1999-2000
Code Register for the National Third Party Access Code for Natural Gas Pipeline Systems
Dog Fence Board
Dried Fruits Board of South Australia
Juvenile Justice Advisory Committee
National Crime Authority
Pastoral Board
Regulations under the following Acts—
Animals and Plant Control (Agricultural Protection and Other Purposes) Act 1986—Feral Deer
Construction Industry Long Service Leave Act 1987—Viability
Cremation Act 2000—Principal
Dangerous Substances Act 1979—Compressed Natural Gas
Electoral Act 1985—Ballot Paper Form
Fisheries Act 1982—
Management Committees
Various
Gas Act 1997—New Quality Standards
Livestock Act 1997—
Registration of Beekeepers
Vendor Declarations
Primary Industry Funding Schemes Act 1998—
Apiary Fund
Ovine Johne's Disease
Corporations Law Rules 2000 (South Australia)—Amendment No. 1
Juries Act Rules 1996—Amendment No. 1—Mental Impairment
Rules of Court—
District Court—District Court Act—
Amendment No. 30—Minor Changes
Amendment No. 31—Exclusions
Magistrates Court—Magistrates Court Act—
Amendment No. 19—Electronic Records
Supreme Court—Supreme Court Act—
Amendment No. 11—Form of Warrants
Amendment No. 80—Lump Sum for Default
Amendment No. 81—Magistrates Court Transfer
Rural Industry Adjustment and Development Fund Financial Statement—Primary Industries South Australia Annual Report 1999-2000—Addendum
Strathmont Centre Redevelopment—Aged Care Facility Response

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

Reports, 1999-2000
Emergency Services Administrative Unit
South Australian Country Fire Service
Regulation under the following Act—
Second-hand Dealers and pawnbrokers Act 1996—Receipts

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

Regulations under the following Acts—
Liquor Licensing Act 1997—Dry Areas—
Adelaide, Coober Pedy
Hallett Cove, Westfield
New Year's Eve
Onkaparinga, Port Augusta
Port Lincoln
Plumbers, Gas Fitters and Electricians Act 1995—Safety Provisions
Second-hand Dealers and Pawnbrokers Act 1996—Game Console
Second-hand Vehicle Dealers Act 1995—Fund Exclusions

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

Reports, 1999-2000
Coast Protection Board
Dog and Cat Management Board of SA
Environment Protection Authority
Fifth annual Report of the State Heritage Authority
Local Government Superannuation Board
National Environment Protection Council
City of West Torrens Development Plan—Thebarton—Local Heritage Plan Amendment Report
Proposal to Construct a 1,550 Metre Long Rail Loop in the Melbourne to Adelaide Rail Corridor—Crown Development Report
Regulations under the following Acts—
Development Act 1993—
Murray Plan
Railway
Residential Design
Significant Trees Amendment
Environment Protection Act 1993—Waste Transport
Local Government Act 1999—Central Market Leases
National Parks and Wildlife Act 1972—Protection of Marine Mammals
Passenger Transport Act 1994—Taxi Fares
Road Traffic Act 1961—
Approved Hospitals
Detection Device
Evidence
Corporation By-laws—
Mitcham—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Local Government Land
No. 4—Streets and Roads
No. 5—Dogs
Onkaparinga—
No. 1—Local Government Land
No. 2—Roads
No. 3—Domestic Waste
No. 4—Bridges and Jetties
No. 5—Moveable Signs
No. 6—Boat Ramp
No. 7—Permits and Penalties
No. 11—Beach and Foreshore
Salisbury—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Local Government Land
No. 4—Roads
No. 5—Dogs
District Council By-laws—Grant—Various

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

Ministers of the Crown and Officers and Members of Parliament—Determination of the Remuneration Tribunal
Telephone Rental and Calls Allowance—Determination and Report of the Remuneration Tribunal
Travelling and Accommodation Allowances—Determination and Report of the Remuneration Tribunal.

SELECT COMMITTEE ON NETHERBY KINDERGARTEN (VARIATION OF WAITE TRUST) ACT REPEAL BILL 2000

The Hon. R.D. LAWSON (Minister for Disability Services): I bring up the report of the committee together with the minutes of proceedings and evidence and move:

That the report be printed.

Motion carried.

The Hon. R.D. LAWSON: I move:

That the Netherby Kindergarten (Variation of Waite Trust) Act Repeal Bill be recommitted to a committee of the whole Council on the next day of sitting.

Motion carried.

MOTOROLA

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

Leave granted.

ALICE SPRINGS TO DARWIN RAILWAY

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

Leave granted.

AMUSEMENT STRUCTURES

The Hon. R.D. LAWSON (Minister for Disability Services): I seek leave to make a ministerial statement on the subject of regulations governing amusement structures.

Leave granted.

The Hon. R.D. LAWSON: Members will be aware of a tragic incident involving an inflatable bouncy castle at Kapunda last Sunday. Preliminary reports suggest that the incident was caused by freak weather conditions. I am sure that all members will join me in expressing deepest sympathy to the family of the child who died and in extending to those who were injured our best wishes for a speedy and complete recovery.

I have ordered that the Workplace Services investigation into this tragic incident be given the highest priority. I have asked that the investigation covers issues such as whether the device was being used in accordance with the manufacturers' instructions, whether there was any defect in the ropes apparently securing the device to the anchorage points, and whether those anchorages were appropriate for the expected weather conditions.

It is too early to tell whether there is evidence which would suggest the commission of any offence in relation to the incident at Kapunda and I will refrain from any speculation in that direction. I can assure the parliament that the investigations already under way will be thorough and will ensure that, if any breach of the regulations is established, action will be taken. Moreover, if the investigation shows that practices should be changed, appropriate measures will be taken.

Yesterday, the Labor Party put out a statement calling upon the government to adopt Australian Standard AS 3533 for the purposes of the occupational health, safety and welfare regulations governing amusement structures. Today, the Public Service Association is calling for the appointment of more inspectors. Before addressing those issues, I should outline briefly the situation with regard to amusement devises.

Amusement devices are covered by the Occupational Health, Safety and Welfare Act and regulations. Under the act and regulations, operators have a paramount duty to ensure that amusement devices are operated and maintained so as to minimise risk to the health and safety of people. Following two incidents last year in which amusement devices suffered mechanical failures apparently caused by metal fatigue, I convened a summit meeting of amusement ride operators (many of whom are members of the Showmen's Guild), representatives of the Royal Show, the Institute of Engineers and others to examine ways of ensuring that show rides are made as safe as possible.

The summit was well attended and productive. In particular, representatives of the consulting engineers provided input as to how the system of independent certification of amusement devices and the non-destructive testing of components could be improved. This complex issue has been pursued since the summit. I have been informed that a proposed form of regulation is in the course of formulation and will be delivered to me by the end of this month.

The reason for the involvement of independent certifiers of devices arises because the regulations require that amusement devices be registered and that the application for registration be accompanied by a statement that the device has been inspected by a competent person and is safe to use or operate. Some have suggested that the government has left the safety of amusement devices to self-regulation. I reject this suggestion.

It is not correct to describe the safety regime under the Occupational Health Safety and Welfare Act and regulations as self-regulation. Just as the owners of buses, aircraft, cranes, hoists and vehicles re required to keep them well maintained, so, too, are the owners of amusement devices. The regulatory regime which applies to the amusement industry is no different from that applying to any other industry in relation to occupational health and safety duties.

No government is resourced—and never has been resourced—to be able to guarantee the safety of each amusement ride at every amusement venue operating in the state. The only sensible regulatory structure is the one which prevails throughout Australia: that is, that there is a fundamental duty of care on the part of owners and operators of amusement rides which must be satisfied through rigorous maintenance procedures.

Better regulation of amusement devices is not simply a matter of calling up Australian Standard 3533. Whilst the Australian Standard can, in certain circumstances, make it easier for Workplace Services to prosecute an offender, the new regulations will focus on all aspects of amusement devices, including registration, maintenance, safety and operation—not just prosecution. Moreover, the Australian Workplace Relations Ministerial Council resolved in October 1998 that the mere adoption of Australian Standards is not a good model for occupational health, safety and welfare legislation.

On the subject of prosecutions, I remind members that this government introduced, and last year the parliament passed, legislation which effectively doubled the penalties for breach of the Occupational Health, Safety and Welfare Act. Moreover, prosecution after the event is no substitute for proper maintenance and supervision by the person who has day-to-day management of any amusement device.

The Public Service Association has repeated calls by the Opposition for the appointment of more inspectors under the act. It is worth reporting that Workplace Services now has 47 full-time equivalent inspector positions relating to occupational health and safety. In addition, there are 10 full-time equivalent positions which provide expert support in fields such as occupational hygiene, technical issues and asbestos. By contrast, in 1994, there were 35 (as opposed to

47 now) occupational health and safety full-time equivalents whose primary employment was occupational health and safety. This government is committed to the best possible regime relating to amusement devices.

QUESTION TIME

MOTOROLA

The Hon. CAROLYN PICKLES (Leader of the Opposition): I seek leave to make a brief explanation before asking the Treasurer a question about Motorola.

Leave granted.

The Hon. CAROLYN PICKLES: On 13 December last year the Treasurer was sent a memo from the deputy chief executive officer of the Department for Industry and Trade (Jim Hallion) revealing what are now known as the missing documents to the Cramond inquiry. The documents were made public in Parliament by the opposition two weeks ago. After a series of questions in Parliament by members of the opposition, the Premier gave a brief ministerial statement in which he claimed that he had never seen these documents because his chief of staff, who had been sent copies of the missing documents in early December last year, had forwarded them to the Treasurer without telling him anything of their existence.

The chief of staff forwarded them to the Treasurer because she had believed that they were his responsibility as the Minister for Industry and Trade. This means that the Treasurer received copies of the missing documents twice: once from his own senior departmental officer and once from the Premier's chief of staff. The Treasurer has since made public statements that he did not bother to mention the documents to the Premier either and, to this day, does not believe that he needed to.

Given the fact that the missing documents contradicted key findings of the Cramond report and gave rise to serious questions about why documents were withheld from the inquiry, my questions to the Treasurer are:

1. Did the Premier's chief of staff make any specific requests or comments, either verbally or in writing, to the Treasurer in the process of forwarding the missing documents to the Treasurer in early December last year?

2. How did the Treasurer respond to the Premier's chief of staff, or did the Treasurer speak to anyone on the Premier's staff after the chief of staff forwarded the missing documents to him in early December?

The Hon. R.I. LUCAS (Treasurer): The Leader of the Opposition, deliberately or otherwise, has misrepresented the facts in relation to the documents that she is talking about. On Wednesday 7 March the Premier released a statement, attached to which was a letter from Jim Cramond to the Crown Solicitor. The Leader of the Opposition has repeated statements that Mr Conlon and Mr Foley have been making for some weeks that these documents that had been produced in December of last year absolutely cut across the findings of the Cramond inquiry; they destroyed the Cramond inquiry findings; they were directly at odds with the Cramond inquiry findings.

Those were the types of claims being made by Messrs Foley, Conlon and others. The documents have been referred to Mr Cramond, and the Premier released a statement last week.

The Hon. L.H. Davis interjecting:

The Hon. R.I. LUCAS: Obviously not, because Mr Cramond said—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: The Leader of the Opposition says that she does not believe Mr Cramond in relation to his statement. That is a disgraceful reflection on Mr Cramond and I hope that the Leader of the Opposition, at the conclusion of my answer, will stand up in this chamber and apologise to Mr Cramond for having reflected upon his integrity in the way that she did. Let me continue, because I do not want to be diverted by the outrageous interjections from the Leader of the Opposition, casting slurs on the integrity of senior people in the community who undertake these inquiries.

On page 1 of his letter Mr Cramond says:

> I conclude that, in respect of the ultimate question as to the Premier's state of mind when answering questions in Parliament, my findings would not have been influenced had I been aware of the documents.

One can get no more clear and unequivocal assurance than 'my findings would not have been influenced had I been aware of the documents.' That is not what the Leader of the Opposition said in her explanation to her question, and that is not what Mr Conlon, Mr Foley and others have been parroting around the community and the media that this struck at the heart of the Cramond inquiry.

The Premier, who obviously has had much greater knowledge of these issues over the years than I do, said at the time that this issue was first raised publicly that he believed—and I paraphrase him as I do not have his exact words—that this supported the position that he had been putting and certainly did not support the position being put around by Messrs Conlon and Foley. To support that, Mr Cramond in the last paragraph of his letter said:

> I do not at present, however, see what benefit would accrue to Mr Olsen from being a party to suppression of the material.

That is, Mr Cramond, having looked at the documents and said that they would not have changed his findings, said that he could not see what benefit could possibly accrue to the Premier from being a party to suppression of the material. That is the position, in the broad, that the Premier was putting when these documents first surfaced.

The other thing that ought to be put on the public record is this view that these documents were being hidden during the period from December through until March. The chief executive of the Department for Industry and Trade had actually sent the documents to the Ombudsman, to the chief executive of the Department of the Premier and Cabinet, to the Under Treasurer and to one or two other members of the Prudential Management Group of the government, which group had been established as a result of concerns arising from the initial Cramond inquiry.

The chief executive of the Department for Industry and Trade was angry at the end of December—I forget the exact dates—when he saw for the first time, as he said, the report of the Prudential Management Group, and also when he went to present evidence to the Economic and Finance Committee, when he was named as the person at whom significant criticism was being directed. Again I do not have the exact words with me, but they were words to the effect of the 'gung ho attitude of the then EBA and others,' and he was identified in the Economic and Finance Committee inquiry some time in December as being the officer to whom various reports had been referring.

Some time in December the chief of staff to the Premier together with, I think, the deputy chief executive of the department, forwarded the documents to me. The discussion that I had at some stage with the chief of staff—I do not intend to go into detail; I have indicated this publicly already—is that I made what I believe was the not unreasonable assumption that, the documents having been sent to me by the chief of staff to the Premier, there was no requirement for me to advise the Premier of their existence.

As I have just publicly indicated, the chief executive of the Department of Industry and Trade was mightily upset at events in or about December last year just prior to Christmas. He is also currently involved in very significant legal action with a media organisation, and his integrity and credibility as an individual is at least one potential aspect of that significant legal action. He believed that the prudential management committee report and evidence of the Economic and Finance Committee cast doubt on statements that he made and views that he expressed, and he wanted to clear his name.

That is why he sent the documents to all and sundry—to the Ombudsman, chief executive of the Department of the Premier and Cabinet, the Under Treasurer and others. He certainly was not sitting on the documents. He was sharing them around to all and sundry to see whether the Ombudsman or the Prudential Management Group was prepared in some way to help him clear his name in relation to statements that were made. As the minister responsible for the Department of Industry and Trade, my responsibility was to work through a process with the chief executive, given the views that he had expressed very strongly that he wanted to see his name cleared from what he believed were ill-informed criticisms of his actions, behaviour and statements.

I do not intend to place anything more on the public record other than that the key issue is why these documents did not turn up three years ago when the inquiry was being conducted. Mr Cramond has found that they would not have changed his view. He could see no reason why Mr Olsen would suppress them. Mr Olsen has said that they support his case, so the conspiracy theorists will have to find more evidence than they have so far to mount a convincing case to prove conspiracy.

I note that Mr Foley and others have been making claims that these sorts of documents do not just go missing. I remind Mr Foley of the Marineland inquiry, which reported in 1995. The inquiry was conducted prior to the 1993 election. A select committee was established at the time and all documents relating to Marineland were directed to be presented to the Marineland select committee. Lynn Arnold, as the minister, and his senior adviser, Kevin Foley, sent what they said were all the documents in relation to Marineland to the select committee. They trumpeted that they had sent some 1 000 pages of documents to the select committee.

When we looked at those documents, we found cross-references to documents that were not there. We all know that Kevin Foley was the driving influence in Lynn Arnold's office. Everything that went on within that office was being controlled by Kevin Foley.

The Hon. L.H. Davis: He knew more than Lynn Arnold did.

The Hon. R.I. LUCAS: He knew more than Lynn Arnold did about what was going on with those documents. Kevin Foley and Lynn Arnold said, 'Oops! We have just discovered a filing cabinet that we did not know existed.' As a result, 500 pages of documents had not been presented to the select committee, and that was because Kevin Foley and Lynn Arnold said there was a mistake in the filing. It was not just one file or a range of documents; it was 500 pages of documents.

If Mr Foley wants to run around with the media saying that mistakes never happen in the public sector, that documents never get misfiled and lost, if that is his argument, I refer members of the media and members of the Labor Party back to Mr Foley's evidence to the Marineland select committee. Not once, but on a second occasion after we got the 500 pages, we did further cross-referencing and three months later we found further documents missing.

The Hon. L.H. Davis: There's more?

The Hon. R.I. LUCAS: We asked Kevin Foley and Lynn Arnold, who had given evidence that all the documents had been presented—

The Hon. L.H. Davis: You got the steak knives as well?

The Hon. R.I. LUCAS: We got the steak knives as well. Not only had 500 pages not been presented, we then found mysteriously that there were some documents in a vault that had not been discovered, and they were then presented to the select committee.

Members interjecting:

The Hon. R.I. LUCAS: Who knows? Whether by accident or by design, one will never know. All I am saying is that, if Kevin Foley and Pat Conlon's argument is that documents never go missing, that they are not misdescribed, lost in a filing cabinet, left in a vault or whatever, I would ask them to keep a straight face and read Mr Foley's own evidence to the select committee where he tried to put a completely different story to the select committee on Marineland. I have had occasion in recent days to re-read the evidence of Mr Foley and Mr Arnold, and all I can say is that, comparing what he says now with what he said back in the early 1990s, there is a very big credibility gap for Mr Foley in relation to these issues.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order! The Hon. Mr Roberts, I have called for order. The Hon. Mr Holloway, when he stops interjecting, might be able to ask his question.

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Treasurer a question on the Motorola contract.

Leave granted.

The Hon. P. HOLLOWAY: On 13 December 2000, the Minister for Industry and Trade was handed a minute from the deputy chief executive of his department. This minute contained documents relating to the Motorola contract. Mr Hallion, the deputy chief executive officer, states in his minute:

> There are a number of matters raised in the PMG (Prudential Management Group) report to which this department takes issue. I understand that the PMG report was effectively based on the Cramond report so the matters raised also have implications for that report.

He continues:

> The implication in the PMG report and also from the Cramond report is that the EDA never provided a copy of the Motorola contract to the Office of Information Technology (OIT) or at least not before the preferential treatment was accorded to Motorola. . . I do not believe that this implication is correct.

That is the deputy chief executive of the minister's department, not Kevin Foley or Pat Conlon, who said that.

Members interjecting:

The Hon. P. HOLLOWAY: This is the deputy chief executive officer of the minister who says that he does not believe that the implication in the report was correct. He goes on to say:

> I attach for your consideration copies of relevant correspondence between this department and the Department of Information Industries (DII), formerly known as OIT, which confirms that not only was the Motorola contract provided to DII prior to November 1996, but that DII had taken responsibility for the contract.

Mr Hallion concludes his minute with this statement:

> I believe that the record in terms of both the department and the CEO needs to be corrected on these matters.

My question to the Minister for Industry and Trade is: given that the minister has had these documents in his possession for three months, does he believe they vindicate the actions of his department and its CEO, Mr Cambridge, and, accordingly, that the record does need to be corrected, or does the minister stand by the criticisms of his department and its officers which were made in the Prudential Management Group report? Which one is correct?

The Hon. R.I. LUCAS (Treasurer): We have any number of inquiries that ultimately will provide some light on that. One or two have already reported and it is not for me to make a judgment. However, I can say that clearly it has now been established that documents were provided to the old Department for Information Industries, so to that extent there cannot be much dispute about the facts. The honourable member and his Leader clearly have not had the opportunity to read Mr Cramond's letter of last week. Mr Cramond finds as follows:

> These documents confirm that during the greater part of the period between the signing of the two contracts DII was not in possession of the first. That contract was not provided when it was needed or for the purposes for which it was needed.

Whilst it is a statement of fact that has now been established that the documents were provided from the old DIT to the old DII—Department for Information Industries—Mr Cramond has found that, yes, they had.

An honourable member interjecting:

The Hon. R.I. LUCAS: No, this is Mr Cramond—

The Hon. P. Holloway: Are you going to defend your department—that is the question?

The Hon. R.I. LUCAS: Mr Cramond is an independent arbiter and he has said that 'these documents confirm that during the greater part of the period between the signing of the two contracts, DII was not in possession of the first. That contract was not provided when it was needed or for the purposes for which it was needed.' So, Mr Cramond has given his opinion in relation to that. We have another inquiry that has been established to look at this issue. Mr McCann, the chief executive, may well have reported today in relation to his particular inquiry. Ultimately, these decisions will have to be made by others who were more actively and intimately involved with the issues than I was. Three years ago I was happily sorting out the initial budget problems that we had inherited, together with other matters. I had no involvement at the time with the Cramond inquiry prudential management issues. I have no direct knowledge of the events of that time or those that preceded them, as I was then the Minister for Education and Children's Services.

ALICE SPRINGS TO DARWIN RAILWAY

The Hon. T.G. ROBERTS: I seek leave to give a brief explanation prior to asking the Treasurer a question about fee for guarantee.

Leave granted.

The Hon. T.G. ROBERTS: In the current discussion debate controversy in relation to the gap financing of the Darwin to Alice Springs rail—

The Hon. A.J. Redford: It is a good opportunity to congratulate the Premier on a good outcome.

The Hon. T.G. ROBERTS: I will congratulate the Treasurer after we find out what interest rates are being paid.

Members interjecting:

The PRESIDENT: Order! I ask the honourable member to return to his explanation.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order, the Hon. Mr Davis!

The Hon. T.G. ROBERTS: We are. My question is directed to the Treasurer. Was the Treasurer consulted to comment on CKI being charged an annual fee by the government in return for the government guarantee of its loan to the Asian Pacific Transport Consortium as required under the Public Sector Finance Act and, if so, at what rate will the fee be charged?

The PRESIDENT: Order! I hope the Treasurer heard the question.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS (Treasurer): I did not hear all the details of the honourable member's question. Certainly, I have had discussions off and on over the last weeks with the Premier in relation to this issue. The Premier has had principal carriage of the resolution and I hope the Hon. Mr Roberts would join with government members in congratulating the Premier on his single minded determination to ensure this huge infrastructure project of critical importance to industry and to the future development of the state. Because of his personal involvement and last minute intervention, he may well have got it across the line in a way which we would hope all members, including Labor Party members, will be able to support when the legislation comes before the parliament.

I do not intend to share the discussions of a confidential nature that I have had with the Premier other than what I have said, namely, that, yes, we have had discussions over a period of weeks. I have not had discussions with the Premier for some hours now because he has been in Hong Kong resolving the issue. My last discussion would have been either Friday or Saturday morning, I suspect, so I have not had a chance to have a discussion with him since that time but, having had a quick look at the ministerial statement he has produced, I think it is obviously a singular and significant achievement for the government and the officers who have been involved. I understand that the Premier has acknowledged those officers. I know that Mr Cambridge and Mr Hallion, Crown Law officers and I think a Treasury officer back in Adelaide worked many hours over the weekend in terms of resolving the final details of the negotiation with CKI, and I publicly acknowledge their contribution in addition to the contribution made by the Premier.

STATE ECONOMY

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Treasurer and Leader of the Government in the Council, the Hon. Robert Lucas, a question on the subject of economic indicators.

Leave granted.

The Hon. L.H. DAVIS: I notice that in recent days and weeks there have been encouraging indicators and commentary on the performance of the South Australian economy—one I notice from the Australian Bureau of Statistics and the other from Access Economics. It is pertinent to ask the Treasurer the following question. Perhaps even the Australian Democrats' self-appointed strategy spokesman, the Hon. Sandra Kanck, will be forced to admit that these economic indicators show that the South Australian economy is pretty pert. My question to the Treasurer is: will the Treasurer advise the Council what these two recent studies have shown about the state and health of the South Australian economy?

The Hon. R.I. LUCAS (Treasurer): As much as I would like to, at this stage I decline to take up the opportunity to make comments about the Democrats' strategy spokesperson, the Deputy Leader of the Democrats, and her recent statements—maybe another day. I do know that over the last few weeks, probably some time early to mid February, the Australian Democrats did come out and publicly attack South Australia's growth figures and soon after that Dick Blandy came out and attacked South Australia's growth figures. Perhaps he had read the Democrats' web site. There was significant criticism put about regarding South Australia's performance. I make no criticism of Dick Blandy's right to make commentary in terms of the state's economic performance. He has had a distinguished economic career. As I have said before, on a number of occasions we agree and increasingly we find a number of areas in which we disagree, and this is obviously another one of those.

Access Economics, to give an alternative view to the Democrat-Blandy view of the state's performance, reported just before or just after Christmas that South Australia's recent economic performance had been one of Australia's untold success stories of recent years.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Elliott says, 'One little sentence.' I bet if Access Economics said in one sentence that South Australia was a basket case economy, the Democrats would be in here jumping up and down quoting that one sentence, saying that South Australia is a basket case, that these independent commentators have said they we are a basket case and that they have agreed with the Australian Democrats. But because the one sentence says that it is an untold success story in Australia in recent years, the Democrats do not want to have a bar of it: they obviously do not want to have anything to do with Access Economics.

What about the Australian Bureau of Statistics? Is it independent enough for the Leader of the Australian Democrats? What did it produce? The Australian Bureau of Statistics has just released the growth figures for all states in the past 12 months through to the end of last year. It shows that South Australia's recorded growth was 3.6 per cent, and the next best was Queensland at 2.1 per cent.

Members interjecting:

The PRESIDENT: Order! The Hon. Paul Holloway and the Hon. Angus Redford.

The Hon. R.I. LUCAS: New South Wales, Western Australia and Tasmania all recorded negative growth in terms of state final demand for that particular 12 month period.

Members interjecting:

The Hon. R.I. LUCAS: Well, it has taken the government a while to fix the mess that this lot left us back in 1993-94. These are the most recent figures in terms of state final demand.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: All we get now from the Democrats and the Labor spokesman is, 'Ah, but look at the last quarter.' Even for the last quarter for last year, only two states, Queensland and South Australia, demonstrated positive growth. All other states had negative growth in the last quarter of last year.

Members interjecting:

The Hon. R.I. LUCAS: Well, the whole controversy in terms of national economic policy at the moment is about one quarter's economic growth figures, the last quarter of last year. I must say that, in terms of a cautionary note, we prefer to look at a full year's state final demand. The quarterly figures are notoriously volatile—they go up and down. In all public statements I made last week, I cautioned journalists and others about interpreting only one quarter's figures, because they do jump up and down significantly. But look at the full year's results.

We need to have another look, at about this time next year, at the state's full year final demand figures for the year 2001 to get another feel for the growth. I would only hope, if it were ever possible, that the Australian Democrats and others might occasionally put out a statement highlighting some of the good news about the state's economic performance.

BEACHPORT BOAT RAMP

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

Leave granted.

The Hon. A.J. REDFORD: Members may recall that last year the Hon. Terry Roberts raised a number of questions in this place concerning the Beachport boat ramp. Following those questions and various meetings, the minister appointed Mr Tim O'Loughlin to consult with the various stakeholders and provide advice to the minister about the siting of the launching facility.

Following Mr Tim O'Loughlin's attendance in the South-East and discussions with the stakeholders, I understand that the minister wrote to the mayor of the Wattyl Range Council by letter dated 20 December. In that letter she pointed out that Mr O'Loughlin advised on the topic of which was the most appropriate site, and the minister confirmed that she had accepted his advice that the offer of funding for the council's proposal should be confirmed subject to certain assurances. I understand that these assurances related to risks associated with the construction and with the swimmers, and that she sought an assurance from the council that it would accept full responsibility for managing both those risks.

In addition, she referred to the complex and difficult issue of sand management and the fact that particular attention needed to be given to that aspect of the council's proposal. She suggested that there was some likelihood that an area of seagrass matting, which provides the beach with some protection, could completely erode over the next 10 to

20 years. She said that she had received some advice that the council had undertaken some modelling suggesting that there was little or no impact on the sand deposition. My understanding is that that modelling consisted of two days of tests in April some two years ago.

In any event, the minister sought an undertaking from the council that it would not seek additional support from the state government for future sand management activities that were required to keep the beach at least at its current standard and to keep the boat launching facility fully operational. She offered to trial some sandbag protection for the area of seagrass matting, and offered to assist in those tests to ensure the most appropriate sand management process.

Following that, a number of articles appeared in the local paper, the *South Eastern Times*. First, on 18 February Mayor Don Ferguson indicated that there were significant additional state government funds to be supplied in relation to this boat ramp. I understand that the initial offer was for some $245 000. Indeed, Councillor Braes, during the course of the discussion in relation to sand management costs, said that dredging costs could not be estimated and that any delay could lead to the council losing some in-kind support in relation to construction and that, therefore, notwithstanding any costs to the ratepayers of the Wattle Range Council it ought to go ahead.

There was further discussion and the council decided to get some final figures of the cost of the boat ramp. At the following meeting it was told the cost would be $706 000—up from the initial estimate of $500 000 by an amount of the order of 50 per cent. During the course of the discussion, Councillor Murray—who, I understand, has indicated his intention to run as an independent against the member for MacKillop, Mitch Williams—in relation to the ongoing costs of sand management, said:

> It is pointless to go over the same old arguments. We have to accept some unidentified costs. There will be no actual yearly maintenance figure [and] we have to work on some logic and risk in our lives.

Oh, Mr President, to be so flagrant in ignoring future costs!

The PRESIDENT: Will the honourable member get on with asking his question. He has had more than four minutes.

The Hon. A.J. REDFORD: Yes, Mr President. Oh, to be so flagrant in ignoring the costs to ratepayers! My questions are:

1. Is the minister aware of significant additional funds that might be made available in relation to the costs?

2. Has the council responded to the minister's letter and given any undertakings in relation to risk management, particularly in relation to construction and swimmers?

3. Has the council indicated in any formal sense that it is prepared to undertake the whole of the liability for sand replenishment costs?

4. What steps is the minister taking to ensure that there is no future risk to South Australian taxpayers in relation to any sand replenishment costs that might arise from the construction of this boat ramp?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): It is correct that I did write to the council on 20 December. I made it very clear, following an investigation by Mr O'Loughlin, the Chief Executive of the Department for Transport, Urban Planning and the Arts, that I had accepted Mr O'Loughlin's advice, and I wrote as follows:

> . . . that the offer of funding for the council's proposal should be confirmed, subject to the assurances discussed below. . .

For the purposes of the honourable member's question, I emphasise the words 'offer of funding' and 'subject to assurances'. One of these assurances is that the council will accept full responsibility for managing the risks related to sand management and access by swimmers.

I have received a letter from the council within recent days, but my reading of it would suggest that the council has not addressed either of the assurances that I seek and therefore the offer of funds will not be triggered. I will not deviate from what I said in the letter of 20 December—that it is an offer of funds and it is subject to the assurances. The council may wish to play games with this issue and it may choose to be too cute by half, but I have sought two simple assurances and, until I receive undertakings from the council that it will accept full responsibility for the matters that I have addressed, the funds will not be available.

In the meantime I understand that the council has determined that it will proceed with tenders. It can do so, but it is not on the basis that it has confirmed funding for the project. I think it is unfortunate, considering the trauma that this project has caused in the community and the considered manner in which Mr O'Loughlin has assessed all the matters, that the council will not address the issues or comprehend the matters that I have raised in my letter.

Some councillors of the Wattle Range Council, it would appear from public reports (and I do not know whether they are accurate), do not consider that they are interested in the costs of this project or responsibility for future environmental and community safety and amenity issues. I say very strongly to this place that these funds, in terms of the $245 000 that is on offer to the council, are not my funds: they are funds that arise from a levy on boat owners in South Australia. They are dedicated funds about which I receive recommendations for approval. I am very conscious of my responsibility in terms of the careful allocation and approval process for these funds, and they will not be provided until I receive the council's assurances and undertakings that I have sought.

I have written to the council in this regard and, if the letter has not been sent to date, certainly it should be received by the council tomorrow. I have clarified my concern that its reply to my letter does not address the matters that I have asked the council to address.

TAFE FUNDING

The Hon. M.J. ELLIOTT: I seek leave to ask the Treasurer, representing the Minister for Employment and Training, a question in relation to TAFE funding in South Australia.

Leave granted.

The Hon. M.J. ELLIOTT: My question relates to the South Australian government's position in relation to guaranteeing commonwealth government funding for TAFE in this state. The Australian National Training Authority agreement controls the flow of federal funds to TAFE in the states. In 1997 Minister Kemp used his two votes and casting vote on the Education Ministerial Council to impose a freeze on commonwealth funding to further education within the ANTA agreement. This effectively set federal funding to the states for TAFE at $890 million indexed per annum until the end of last year.

With the shift of further education services from TAFE to private providers over this time, this freeze has in fact had a net effect of a funding cut to TAFE. Further, state government spending on TAFE has been cut by around

$52.82 million over the last 10 years. These cuts are despite Education Department reports showing that in South Australia last year there was a 10 per cent jump in TAFE enrolments, with significant surges in the areas of nursing (which is up by 574 per cent) and manufacturing (which is up by 166 per cent). This rise in demand is in line with a recent report by the CEOs of state training authorities that estimated that future demand for TAFE will grow by around 5.7 per cent. ANTA has estimated that every 1 per cent of growth in demand equates to a cost of $27 million. Clearly, additional funding will be necessary if resource supply is to match growing training demand.

Conscious of the growing financial pressure that Mr Kemp's funding freeze has placed on TAFE services, late last year Australian Ministers of Education called for a $155 million per annum increase across Australia for TAFE enrolment growth. Minister Kemp rejected this call and made clear that he wishes to extend the funding freeze for a further three years when the education ministers meet this coming Thursday.

With the changes caused by the recent state elections in Western Australia and Queensland, in all likelihood a multilateral agreement will not be reached. People working in the education area have a real concern that Minister Kemp will attempt to strike a series of bilateral agreements with the remaining Liberal education ministers to further free his funding to TAFE. My questions are:

1. Did the minister speak against a further three year federal funding freeze to TAFE at the meeting of education ministers on 30 June last year? If not, why not?

2. Does the minister support the call by education ministers for a $155 million per annum increase to TAFE funding from the federal government over the next three years? If not, why not?

3. Will the minister promise to protect the South Australian further education sector by refusing to make any bilateral agreement that will cause a freeze of TAFE funding for the next three years when he meets with Minister Kemp this Thursday?

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

SHOP TRADING HOURS, RIVERLAND

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Workplace Relations a question in relation to shop trading hours in the Riverland.

Leave granted.

The Hon. J.S.L. DAWKINS: Honourable members may recall that late last year I asked the minister a question about the deregulation of shop trading hours in the Berri-Barmera council area, and the subsequent community debate about the issue in the Renmark-Paringa and Loxton-Waikerie council areas. On that occasion the minister's answer included a reference to the survey process then being undertaken by the Renmark Paringa District Council to ascertain the views of residents in relation to shop trading hours. Will the minister indicate what developments, if any, have occurred as a result of the council's survey of residents?

The Hon. R.D. LAWSON (Minister for Government Enterprises): I thank the member for his question. As all members of this chamber are aware, I appreciate the great work that he does in the Riverland of South Australia and the great interest that he shows in its affairs.

On 19 December, the Renmark Paringa District Council passed a resolution that application be made to the Minister for Workplace Relations seeking the abolition of the Renmark shopping district. The effect of such abolition would be to deregulate shopping hours in the area. As required under the Shop Trading Hours Act, the application was made following a polling of interested people in the locality—not only residents but also shop workers and shopkeepers.

I am told that the council received 849 responses to its survey: 497 (or 59 per cent) were in favour of the abolition of the shopping district, and the remaining 350 responses (that is, 41 per cent) were against it.

Crown Law Office advice some years ago was that a minister with responsibilities under the Shop Trading Hours Act could rely on the result of a survey conducted by a council rather than having to undertake an independent inquiry on behalf of the minister, and I was glad to accept that survey and the resolution of the council, because the council has responsibilities to its local community, encompassing not only residents but also shopkeepers, consumers and all interested parties such as churches, community clubs and the like.

The Renmark Paringa District Council undertook its responsibilities conscientiously and resolved to seek the abolition of the shopping district. I was pleased to recommend that resolution, and I advise the Council that on 8 March His Excellency the Governor in Council approved that proclamation, deproclaiming the district.

It is worth mentioning that in recent years a number of regional centres have gone down this same route: for example, Kadina in 1996, Murray Bridge the following year, then Penola, Berri and Barmera in the year 2000, and Mount Barker as from the beginning of this year. I am advised that none of those centres has suffered any of the dire consequences that have been suggested by opponents of extended shop trading hours.

On 2 June last year, I read with interest—as I am sure the Hon. John Dawkins did—an editorial in the *Murray Pioneer* under the somewhat portentous heading 'Life Changed Forever'. The opinion related to the deregulation of the Berri-Barmera shop trading hours. The editor wrote:

> Life as we know it in the Riverland has changed forever.

He went on to say:

> Consumers will be the big winners. They will now have greater flexibility to do their shopping. It will also open up Berri as an after-hours and weekend shopping destination.

However, the editorial went on to say that smaller businesses might be the losers. It is up to small business. I accept that it is a challenge for small business to meet the demands of extended hours but, of course, there is no obligation on smaller businesses to remain open. Small businesses which are well managed and which serve their consumers' needs appropriately have nothing to fear from extended hours. They can prosper and they can win business from larger businesses in a deregulated environment. I wish them all the best in Renmark as elsewhere.

The Hon. IAN GILFILLAN: Can the minister advise the Council what question or questions were asked by the council in the survey?

The Hon. R.D. LAWSON: I do not have details before me other than the result of the responses, but I will seek that

information and bring back a more detailed response in due course.

The Hon. IAN GILFILLAN: How can the minister determine that the survey suited his purpose if he does not know what the question was?

The Hon. R.D. LAWSON: I did not say I did not know what the question was at the time I approved the proposal. I said that at the moment I do not have in my mind, as I am sure honourable members would not expect me to have in my mind, the precise details of the question. I will obtain precise details and bring back a response.

PORTS CORP

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Treasurer questions regarding the South Australian Ports Corporation.

Leave granted.

The Hon. T.G. CAMERON: The Melbourne Ports Corporation opened an office in Adelaide last year and since then has aggressively marketed the export and import of South Australian cargo via trains to Melbourne. I am informed that the Victorian Labor government is subsidising the cost of transporting containers on trains from Adelaide as well as the costs of the Melbourne port fees. It would appear—

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. CAMERON: Well, there is a Labor government in Victoria.

An honourable member interjecting:

The Hon. T.G. CAMERON: No, I think it is a new policy. They opened an office here shortly after winning the election, as I understand it. It would appear that the Melbourne Ports Corp has stolen a march on South Australia with some 50 000 to 70 000 containers, worth hundreds of millions of dollars, going through the port of Melbourne instead of being shipped out of the port of Adelaide. This is despite the excellent work which has been done at the port over the last four or five years, with Port Adelaide now being the most productive in the country, handling over 30 containers an hour, compared to Melbourne port's 20 or so per hour. My questions are:

1. Is the government aware that the Victorian government is subsidising the cost of railing freight and port charges to lure business away from the South Australian Ports Corp and, if so, how much do these subsidies amount to?

2. What is the government doing to combat this aggressive marketing campaign by the Victorian government?

3. What is the government doing to combat the perception that the Port Adelaide corporation is not open for business?

The Hon. R.I. LUCAS (Treasurer): I will refer the member's questions to the Minister for Government Enterprises and bring back an answer.

ARDROSSAN-PORT GILES TRANSPORT ROUTE

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question on the Ardrossan to Port Giles transport route.

Leave granted.

The Hon. CARMEL ZOLLO: I understand that Pine Point is the only town on the Ardrossan to Port Giles grain route which accommodates B-double road trains. This is of concern to the local business people and residents because of the increasing high traffic volumes and heavy loads. These concerns were expressed to the hard-working endorsed Labor candidate for Goyder, Mr Ian Fitzgerald, in his recent doorknocking in the town of Pine Point. The consequential effects of being directly on the transport route also include increased noise caused by trucks changing down gears and applying air brakes to slow down to pass through the town. Whilst the importance of the transportation of grain on the peninsula is widely acknowledged by everyone, the residents are concerned that they and the town are being placed at risk. My questions are:

1. Are any plans being developed to bypass the town in the near future and, if not, will the minister investigate the possibility of doing so?

2. What measures are currently in place to ensure the safety of local residents and businesses?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): In terms of safety issues, there is certainly a lower speed limit, as one would expect in the circumstances outlined by the honourable member. Various towns across South Australia have an arterial road (and, therefore, the heavy vehicle access route to a further destination) passing through the centre.

I have been made aware of the concerns of Pine Point residents, particularly those of the caravan park owner. However, I highlight that the Labor candidate for the area, if he had been diligent, would understand that the bigger issue, at present, which the government is addressing, is a heavy vehicle bypass for Wallaroo. The current route taken by heavy vehicles passes the local school and, with my encouragement, the local council has put out options for consideration by the local community. I have received those options and I am considering them in the budget context.

The honourable member would appreciate that it is the lot of every minister of transport that you must work on a priority basis, that you cannot help everyone with every transport related infrastructure concern. If you are looking at a priority basis in terms of heavy vehicle bypass routes, Pine Point would not rate a high priority compared with some of the other issues in terms of the number of grain trucks and the extent of their movements.

The Hon. J.S.L. Dawkins: What about the upgrade at the top of the gulf?

The Hon. DIANA LAIDLAW: In which particular area?

The Hon. J.S.L. Dawkins interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: Yes, that is true. As the Hon. John Dawkins highlights, the government, together with the Wakefield Plains Council, has also invested (and the work is under way) in the upgrade of the road to Kulpara. We have just finished the upgrade of the road from Kadina to Wallaroo and we are now looking at the bypass options.

I cannot satisfy the honourable member or the Labor candidate. I think that the Labor candidate and any future Labor government would be well advised not to suggest at any time during the next century that Pine Point should be a priority over some of the other routes. The Labor candidate may think that he will win favour, but he would not deliver: it would be a false promise.

MUSIC INDUSTRY

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for the Arts a question about the contemporary music industry in Adelaide.

Leave granted.

The Hon. SANDRA KANCK: The live music industry in South Australia has been dealt some crippling blows recently by the Adelaide City Council's decisions regarding licensing conditions in the East End as well as restricting the practice of postering which, for many musicians, is the only affordable method of advertising. The council's East End Precinct Licensing Statement restricts the type of entertainment and the operating hours for live entertainment in and around Rundle Street. This means that any new licence applications will be subject to conditions such as having no live entertainment after 1 a.m., no entertainment on any balcony or in any outdoor areas, and no advertising of premises as nightclubs, dance clubs, karaoke bars or rock band venues. These conditions could also apply to existing businesses if complaints are lodged regarding noise levels.

The Adelaide City Council's licensing conditions are potentially damaging for local businesses as well as the local music industry. In the latest *Rip It Up*, there is an article about this, ending with the statement:

> The only question that remains is directed to the Minister for the Arts, Diana Laidlaw, MLC: 'What are you doing Diana, to protect the live music industry in South Australia?'

My questions are:

1. Does the Minister acknowledge that the Adelaide City Council's licensing conditions and poster bylaws will have a damaging effect on Adelaide's music industry?

2. What will the Minister do to protect and foster the live music industry in Adelaide?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I have viewed with some concern the licensing conditions and the postering provisions. What the Adelaide City Council has to do as a matter of some urgency is to work out how it wants to advance the interests of the city as an after hours centre for activity and also how it is going to come to terms with its policy for increasing the number of residential dwellings and residents overall in a city that does now and should have enduring lifestyle activities, particularly after 5 p.m. This Friday, the government, with federal government help, will be opening Music House in North Terrace.

The Hon. Sandra Kanck interjecting:

The Hon. DIANA LAIDLAW: That is certainly going to be a venue for live music. It is a licensed venue. I do not by any means suggest that that is sufficient in terms of meeting the needs of young people, but while we have—

The Hon. Sandra Kanck interjecting:

The Hon. DIANA LAIDLAW: I just note that while we have come to terms with what the council is seeking in terms of its policies for young people, residents and after hours activities, Music House will be a welcome addition to the live music scene in South Australia. I have made arrangements to take up the issues that the honourable member has raised with council officers.

GAMING MACHINES

In reply to **Hon. NICK XENOPHON** (30 November 2000).

The Hon. R.I. LUCAS: The replies are as follows:

1. Eight (8) Inspectors inspect venues on a routine basis and during the installation of new and second hand gaming machines. There is no specific time allocated for an inspection. These inspections generally cover both liquor licensing and gaming.

2. The date of each inspection and a machine detail table is entered on to a database. A copy of any report is kept in the premises file. Depending on the report letters are sent to the premises detailing outstanding work or concerns and these are followed up until completion.

3. 2050 licensed premises were visited in the last 12 months as part of routine inspections for both liquor licensing and gaming. In addition 1100 visits were specifically made to gaming venues during installation of new and second hand gaming machines. Those venues with a high 'turnover' of gaming machines were visited on more than one occasion.

4. In many instances minor problems are dealt with on the premises through on the spot consultation with the licensee. Letters are sent to the premises detailing any concerns and these are followed up until completion.

The focus of the Inspectorate is on education and assistance to the industry. Serious breaches of legislation are reported for further action.

One assurance was issued during the past 12 months.

SCHOOLING, POST-COMPULSORY

In reply to **Hon. M.J. ELLIOTT** (26 October 2000),

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

The release of the 'Early School Leaving in South Australian Secondary Schools' study occurred on 12 October 2000 at the Hindmarsh Education Development Centre, and was attended by approximately 100 people, which included representatives from the Department of Education, Training and Employment, the Senior Secondary Assessment Board of SA and the Flinders Institute for the Study of Teaching. (This included 60 Principals and educators in leadership positions in government secondary schools.)

The report's release was followed by a workshop in which departmental staff worked with the school based personnel to explore implications of the report for DETE schools, and further followed by a conference with all District Superintendents to further explore the report and plan departmental action.

In addition to this, a presentation was made by the department last November about the report at the Full Service Schools Conference which was jointly hosted by the Australian Education Union and the department.

Over the last two years a nationwide project funded by the Commonwealth Department of Education Training and Youth Affairs explored the issues surrounding early school leaving. The project targeted students who had already left school and those who were at risk of leaving early. Regional groups in South Australia trialed a number of locally based projects designed to meet the needs of local communities.

Such programs have had considerable success in retaining participants of post compulsory age. The more successful projects have included making links with community and other support groups; employing youth workers; curriculum development and school changes; and vocational learning supported by personal skills development. This has resulted in an 87 per cent retention rate of those who participated in such programs.

Furthermore, a website, http://www.onthemargins.sa.edu.au/ has been developed and is now on line. The site will share the good practices of the programs and contribute to a collaborative network that will support future developments.

A major finding of both the project and other research has been that a holistic approach to education supports students at risk of leaving school early. It is positive to see that some schools have planned for initiatives to continue in 2001. These schools have made links with local community, support groups and government departments and have developed and implemented mainstream curriculum and processes to support students at risk.

Seven schools will be funded in terms 1 and 2 of 2001 to document and share any particularly outstanding curriculum initiatives that have been developed. Further funding will be used to document and share strategies that schools used to achieve program sustainability.

In addition to this, work is continuing between the Senior Secondary Assessment Board of SA (SSABSA) and the three education sectors to ensure that the SACE is achievable by all. Training and information sessions, a number of students-at-risk projects, and the inclusion of tracking packages in SACE curricula have been undertaken by SSABSA over the last few years in response to issues identified around early school leaving.

For those students considered to be at risk of leaving school early our work with students has demonstrated the need for intensive literacy development, counselling and skill development programs

involving teachers, youth workers and specialist staff. This specialised development will continue.

The introduction of the new curriculum will facilitate curriculum change that will support students. Essential learnings will equip students with skills to move into the future, including literacy and numeracy and enterprise and vocational education skills as a major focus at all levels of learning.

The senior band of the new curriculum specifically identifies the needs of senior students and describes relevant teaching and learning environments.

Further training and development programs to equip teachers with knowledge and skills in delivering the new curriculum are being planned for 2001. Specific training aimed at senior secondary is a part of this planning.

The government has also provided $13.5 million over three years to support the vocational education in schools strategy.

This strategy supports 19 regional planning partnerships across South Australia comprising schools, training organisations, local businesses, industry bodies, regional development boards, local government and communities working together to improve the coordination and delivery of programs and services to young people at the local level.

Regional management Groups are developing three-year strategic plans that will include initiatives such as enterprise education, vocational learning, regional skills development and integrated support services for students who are isolated, disadvantaged or at risk of leaving school early. The strategic plans are focused on school-to-work arrangements as students make their transition into the workforce and community.

Training Centres and Enterprise Initiative Centres are regional services that will develop greater employer and community involvement in the provision of enterprise-related opportunities for young people and improved access to VET activities in targeted industry areas according to regional needs and skills demand.

Over the last 4 years the government's Vocational Education in Schools Strategy, as well as enterprise education have resulted in the implementation of an extended range of programs to meet the needs of students within our secondary system. The number of students involved in VET in Schools programs has risen dramatically, from 2 417 students in 1997 to a projected 16 000 students in 2000.

Part-time new apprenticeships for secondary students are progressing following the variation of more than 30 state industrial awards to reflect the conditions of the Federal national training wage, including part-time traineeship arrangements. More than 200 students have been contracted to date in 2000 in South Australia, adding to the 178 contracts signed in 1999.

The government is therefore working towards retaining students at school and ensuring school is working for students as well as providing an appropriate level of enterprise and vocational education and support to assist students in making the transition beyond school so they are prepared to become active, employable and valuable participants in broader society.

STIRLING EAST PRIMARY SCHOOL

In reply to **Hon. M.J. ELLIOTT** (7 November 2000).

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

1. Funding for Capital Works programs within the Department of Education, Training and Employment is publicly accessible through the State Budget process. There are also existing programs to provide remedial action to problems relating to occupational health and safety issues, which are available to all schools, for example, breakdown maintenance and programmable maintenance. Funds allocated through the Back to School scheme can also be allocated against such works. The Stirling East Primary School currently has $60 000 available through the Back to School scheme and therefore could address particular issues identified as urgent. Advice indicates that all issues pertaining to water entry have been promptly attended to via the breakdown maintenance process.

2. No departmental officer has provided advice to the principal as suggested.

3. I am aware of the feeling within the community and have in fact visited the site recently. The information relating to the non-success of the bid to secure a position on the major works program has been available since the announcement of the 2000-01 State Budget. The preparatory work to establish the 2001-02 major works program has commenced. A project to address the requirements of Stirling East Primary School is included as a priority for consideration. The Stirling East Primary School project request totals $3.176m and is based on the refurbishment and upgrading of existing SAMCON and DEMAC buildings linked with the provision of a new solid construction. Finalisation of the program is anticipated at the announcement of the 2001-02 State Budget.

4. The current circumstances have not arisen as the Member suggested. The decision has been made after taking into account community requests and endeavouring to address, through prudent cash management, the locations with the highest priority. The processes leading up to the establishment of the final feasibility plan are high on the side of school community involvement. The approval process is totally independent of Partnerships 21 and is part of the whole Capital Works Program across government. Whilst it would be preferable to fund all requests, whole of government and departmental priorities must be considered.'

GOVERNMENT INFORMATION

In reply to **Hon. M.J. ELLIOTT** (10 April 2000).

The Hon. R.I. LUCAS: The Premier has provided the following information:

The total cost for producing and posting the letter was $36, 375.05. The mail-out was paid for from the Premier's Other Payments allocation and conducted with the assistance of WorkCover. The mail-out was an important part of our efforts to encourage new investment in South Australia by highlighting our cost advantages.

PORT ADELAIDE PRIMARY SCHOOL

In reply to **Hon. M.J. ELLIOTT** (8 November 2000).

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

1. Primary school counsellors are an important part of a range of personnel in the Department of Education, Training and Employment (DETE) who assist in facilitating behavioural support programs.

The Discipline Policy provides guidance to teachers to deal with issues of behaviour in their classrooms. Successful programs occur when the principal and staff work with parents and students to develop the school's own approaches to behaviour issues.

It should be noted that in a term, less than 2 per cent of school students require the sanction of suspension and only two in a thousand students, require exclusion. It should also be noted that when a student is identified as at risk of exclusion or is excluded, the department offers schools assistance with the students through Learning Centres, Interagency Referral Managers and Behaviour Support Teams.

Primary school counsellors are placed on a needs basis in schools with the greatest concentration of disadvantage. In 1999 the number of FTE primary school counsellors was increased from 70 to 90.

2. In order that the resources available for primary school counselling services are equitably distributed across the State, an allocation mechanism has been developed that considers the concentration of disadvantage and the size of the school. As the honourable member has indicated in his question, Port Adelaide Primary School has had difficulty in maintaining a viable number of students at the school. Due to the school card enrolment declining to less than the required threshold number, the school is no longer eligible for the designated allocation of a primary school counsellor.

However, Port Adelaide Primary School is a Partnerships 21 site and therefore its global budget allows the flexibility to allocate resources to meet its own particular needs, including the provision of school counselling services, if it so wishes.

3. A Review Group, convened to consider the allocation of primary school counsellor resources developed a weighted index which takes account of poverty, Aboriginal background and the number of students with school card. This index is used to allocate positions.

The Review Group comprised representatives of DETE, Area, Primary and Junior Primary Principals Associations and the South Australian Primary Counsellor Association. The group supported the continuation of the existing practice of allocating primary school counsellor resources only to those schools with a school card enrolment of 100 or more.

4. Port Adelaide Primary School has and will continue to be supported with allocations that take into account its disadvantage status. It is important to note that last year the school was allocated an extra 1.7 FTE salaries in its Tier 2 allocation, over and above the

counsellor allocation, to address disadvantage. This was reflected in the school's global budget.

5. The decision to not allocate a school counsellor to Port Adelaide Primary School this year was made in consideration of the needs of the school compared with those of all primary schools.

One of the benefits of Partnerships 21 is the three-year global budget (calculated on a school base and student per-capita). Port Adelaide Primary School will receive at least the level of resources that it would have if it were not a Partnerships 21 school.

In 2000 Port Adelaide Primary School received an additional $7 869 to bring its global budget to this level and this year, its global budget will be in the order of $40 000 more than it would have received as a non-P21 school. Final funding however, will depend on actual enrolments.

As Partnerships 21 schools have the flexibility of allocating funds from their global budget to meet specific local needs, the governing council of Port Adelaide Primary School will be able to decide, with the advice of the principal, whether or not some or all of those resources go towards counselling services.

In answer to the honourable member's question, this is certainly typical of the resource flexibility afforded Partnerships 21 school communities and is a good example of local decision making meeting local needs.

INDIGENOUS EDUCATION

In reply to **Hon. T.G. ROBERTS** (6 December 2000).

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

The National Aboriginal and Torres Strait Islander Education Policy (AEP) was launched on 26 October 1989 by the then Minister for Employment, Education and Training, the Hon John Dawkins MP.

The AEP has four main purposes:

- to ensure Aboriginal involvement in educational decision-making
- to provide equality of access for Aboriginal people to education services
- to raise the rates of Aboriginal participation in education to those for all Australians and
- to achieve equitable and appropriate educational outcomes for Aboriginal people.

The States and Territories and the Commonwealth have agreed to implement the AEP through collaborative arrangements covering educational planning, financial resourcing and monitoring and reporting of progress towards attainment of the 21 goals of the national policy.

As a result, the South Australian education sector has addressed the AEP through the following actions:

The Department of Education, Training and Employment (DETE) in 1999, launched its 'Plan for Aboriginal Education in Early Childhood and Schooling 1999 to 2001'. The plan aims to do this by improving the educational outcomes for Aboriginal children and students throughout the State's early childhood and schooling sectors. Student progress is reported through the Indigenous Education Strategic Initiatives Programme (IESIP) monitoring and reporting framework, an accountability mechanism agreed upon by each education jurisdiction. The data from these reports indicates that we are making progress towards achieving equitable and appropriate outcomes for Aboriginal children and students. For example, using the Basic Skills Test (BST) scores, Anangu students in Year 3 literacy have improved by 4.7 points between 1997 and 2000. The gap to the state mean of 48.3 has been reduced by 5 points in this time. In Year 5 literacy the three year improvement is 9.3 points, and the gap to the state mean which is 54.3 has been reduced by 10.3 points.

DETE has a commitment to the following principles that underpin all action required to achieve the intent of the plan:

- Aboriginal families' and communities' role in the education of Aboriginal children and students is sought, recognised, valued and respected
- Aboriginal children and students feel safe in the learning environment
- Aboriginal children and students participate in a rigorous, relevant and challenging curriculum, resulting in the achievement of appropriate pathways on completion of schooling
- Aboriginal families and communities know that curriculum, resources, management practices and facilities support successful and improved outcomes for Aboriginal children and students.

Recent Commonwealth publications including 'What Works', a report on successful projects with Aboriginal children and students, and publications from MCEETYA such as 'A Model of Culturally Inclusive and Educationally Effective Schools' are being included in training programs for school and site staff and leadership awareness. A conference for Principals will also be conducted early this year within the Australian Principals Association 'Dare to Lead' project, which will explicitly address these issues.

Aboriginal teachers who have recently completed their teacher training at University are guaranteed an offer of employment as a teacher at the completion of the course. This has been an ongoing employment strategy by the DETE for several years. Universities have also increasingly included a cultural awareness component within pre-service training for all teachers.

Induction programs for teachers appointed to Aboriginal and Anangu schools are conducted each year with follow up conferences and in-school support provided by Aboriginal Education and Anangu Education staff.

As a result of the Industrial Agreement for Aboriginal Education Workers (AEWs) a component of this agreement relates to ongoing training and professional development, including career pathways for AEWs. The department has responded through the development and implementation of a certified training program that acknowledges prior learning of Aboriginal people and furthers their professional development. The TAFE training program is at Certificate 3 level and has recently expanded to Certificate 4. A significant number of AEWs within the rural and remote areas have successfully completed the Certificate 3 program.

Through its state funded appointments of Aboriginal Education Teachers (AETs) in schools with significant Aboriginal student enrolments, DETE has contributed to the ongoing professional development of teachers. Action research by AETs within schools began last year to increase learning outcomes for Aboriginal students.

The Partnerships 21 initiative has resulted in all sites with Aboriginal enrolments receiving, as part of their sites 'Global Budget' allocation, a per capita allocation for Aboriginal students. This will enable sites to address the improvement of literacy and numeracy levels for Aboriginal students, employ Aboriginal staff and increase the level of Aboriginal decision making within the school or site. An Aboriginal project officer to assist schools with the inclusion of Aboriginal voices within site's governance has been appointed by the P21 Taskforce. The Rural Student Index component of the Global Budget also benefits Aboriginal Students in rural and remote locations.

The department has demonstrated its commitment to respond to Aboriginal children and students including those in rural and remote areas by:

- The successful operation of statewide services including Aboriginal Education services, Speech Pathology, Guidance, Disability, Hearing, Behaviour Support, Early Childhood, Social Work, Attendance and Interagency services.
- The coordination of specific statewide services to respond to Anangu children and students involving Speech Pathology, Guidance, and Hearing services has been operating successfully.
- The allocation of Aboriginal Education Workers (AEWs) to be deployed using a staffing formula based upon Aboriginal student enrolments. These salaries are based in school sites and some in district education offices across the state to achieve the desired outcomes of the plan for Aboriginal education. Many of these salaries are provided in rural and remote sites.

Anangu Education Services operates a 'Wiltja program'. This program provides an ongoing residential and educational program within Adelaide for secondary Anangu students. The success of students completing SACE requirements in Anangu and remote Aboriginal Schools has also increased.

The Aboriginal Education Unit, in collaboration with the South Australian Aboriginal Education Training Advisory Committee, has on a number of occasions responded to the discrete needs of rural and remote Aboriginal students and school communities. Ongoing initiatives including Aboriginal student support and parent awareness (ASSPA) workshops, career pathways and consultation opportunities pertaining to articulating rural and remote issues in partnership with other agencies have been developed.

Aboriginal Education in partnership with the Multicultural Education Coordination Committee promoted numerous statewide workshops and administered grants to schools to promote the concept and understanding of Reconciliation.

Aboriginal Education services across the state administer Commonwealth funding targeted to employ Aboriginal people as language and cultural hourly paid instructors in schools and sites. Additional funds available for the teaching of Languages Other than English (LOTE) support nine Aboriginal languages being taught in 47 different sites across the state. Many mainstream schools including rural and remote sites have accessed this funding to enhance Aboriginal language programs and initiatives responding to Reconciliation education and the teaching of Aboriginal studies. The teaching of Aboriginal languages has been included in the LOTE plan, which was launched in November 2000 as a subject area within the curriculum.

Aboriginal & Islander Career Aspiration Program (AICAP) is a series of workshops conducted state-wide aimed at providing accurate information, support and strategies for Aboriginal students from year 5 to year 12 to enable them to achieve career and employment goals.

Aboriginal Education delivers a range of Professional Development inservice programs for educators, parents of Aboriginal children and Aboriginal communities including:

- Teaching Aboriginal Children and Students teacher inservice course
- Aboriginal Cultural Awareness
- Aboriginal Perspectives across the curriculum (soon to address South Australian Curriculum Standards and Accountability Framework).
- Aboriginal Perspectives in the Early Years
- Aboriginal and Cultural studies Reception to year 12
- Countering Racism training
- Contexualising Mathematics
- Supporting English Language Acquisition and Learning

In respect to the attendance of Aboriginal students our work is proving successful as both attendance and enrolment of Aboriginal children and students over the last five years has shown a gradual improvement. In fact the attendance of Aboriginal students in mainstream primary schools has now reached 85.7 per cent compared to 93.7 per cent for all students (note this figure excludes schools not using EDSAS). The work being achieved by the Aboriginal Education Unit in raising awareness of the issues with schools and centre staff about how to achieve measurable improved learning outcomes is being verified by Aboriginal results in the BST and improved numbers of Aboriginal students remaining at school and completing SACE.

Much has been done during the last 7 years to close the gap between the performance of Aboriginal students and the performance of non-Aboriginal Students. There is more that needs to be done, and will be done. With the assistance of the Commonwealth funding through the 'National Indigenous English Literacy and Numeracy Strategy' announced by Minister Kemp last year, this government is working towards closing the statistical gap between the performance of Aboriginal and other Australian students within the next five to six years.

INFORMATION ECONOMY

In reply to **Hon. P. HOLLOWAY** (11 October 2000).

The Hon. R.I. LUCAS: The Minister for Government Enterprises has provided the following information:

The questions asked have, as the basis, a report from the National Office for the Information Economy (NOIE) entitled 'The Current State of Play' and is dated July 2000.

There are a couple of things to note about that report:

1. It refers back to the situation as at June 1999.
2. The measure referred to, when traced to its original source, the Australian Bureau of Statistics, is actually a measure of the use of e-mail by business rather than the proportion of businesses online.

Since June 1999 the South Australian Government has put in place a range of government programs to help business in South Australia to prepare for the information economy.

The Information Economy Policy Office is actively monitoring the State's programs in relation to participation by business in the information economy.

As part of this activity, that office has access to more recent statistics dated up to June 2000 supplied by Sweeney Research. Reports based on these statistics are published jointly by Telstra and NOIE in the Yellow Pages Small Business Index Survey.

This data in fact indicates that over the period June 1999 to June 2000 the proportion of small business in South Australia connected to the Internet rose by just under 40 per cent compared to the national average rise of just 25 per cent.

The National Office for the Information Economy has also recently released a report titled 'E Commerce Across Australia'.

The report and analysis was undertaken by the Allen Consulting Group, a respected and independent economics consultancy, in association with Monash University.

this report contains a comparative assessment of the performance and progress of business in implementing e-commerce across Australia.

This report finds that South Australia is actually leading the nation in terms of the preparedness and propensity of business to utilise e-commerce and government initiatives to help to prepare the economy for e-commerce.

In this measure South Australia achieved a score of 105 and was followed by Victoria and ACT on 103. A score of 100 is average.

The report states that South Australia is among the leaders in terms of the economic outcomes expected from the greater global use of electronic commerce.

Rather than relying on a very selective statistic such as business use of e-mail, the Allen Consulting Group took into account a combination of factors in developing their assessment. Factors taken into account included business web sites, Internet connections, telecommunications access and transportation costs.

The Allen Consulting Group study recognises, as does the government, that there are a wide range of factors that need to be addressed in relation to business participation in the information economy.

The State Government has addressed these factors and is continuing to do so through its IE2002 strategy and other initiatives.

GAMING MACHINES

In reply to **Hon. NICK XENOPHON** (6 December 2000).

The Hon. R.I. LUCAS: In Victoria, gaming revenue (pre-GST) is shared between 3 groups, the State Government (33.3 per cent), machine owners (TABCorp and Tattersall's at 33.3 per cent) and the gaming venue (33.3 per cent). The report assumes that both the machine owners' share and the government taxation, that is two-thirds of poker machine revenue, is 'lost' to the regional economy. This is a peculiar assumption. To say that taxes are a loss to a region is to ignore the fact that it has hospitals, schools, police, sporting facilities and so on which benefit the wider community, all of which rely on State Government funding.

Whether or not there is a net adverse effect on a regional economy from expenditure on gaming machines is always difficult to determine, and would depend upon the comparative level of leakage from the region arising from alternative expenditure. I note that this report makes a very broad, simplifying and unproven assumption that gaming expenditure would alternatively be spent in line with average expenditure patterns of the household sector. This seems extremely unlikely.

As the report identifies, money spent on gaming machines in a provincial city contributes to the local economy. Gaming machine venues use money earned through gaming machines to meet the costs of operation including wages to local employees and payments to suppliers, including those from the local area, and inject money back into the local economy through their own spending. Profits may also be returned through investment in hotel and regional facilities.

Leakage is an inevitable part of an integrated local economy. In the Victorian case, direct leakage occurs from the one-third of revenue that is returned to the owner of the machines being either TABCorp or Tattersall's. It is not known, or considered in the report, whether either of these entities re-invests any funds into the local community. This is a significant leakage, but it is not uncommon. An alternative entertainment option operated by a national or multi-national company (for example, a cinema complex) would similarly derive profits which would be returned directly to its head office.

Unlike the duopoly ownership structure in Victoria, in South Australia each venue owns its own gaming machines and collects all of the residual profits after costs and taxation. This would act to reduce the level of leakage from a regional economy. Owners of these venues are often members of the local community and may choose to re-invest in the local economy.

In terms of the impact of gaming activity on employment in the local economy, account needs to be taken of the direct contribution that gaming machine activity has made to employment levels within the local hospitality sector relative to alternative opportunities to create additional employment. I note that the recently released

Victorian Casino and Gaming Authority (VCGA) Community Impact Study showed that approximately 50 per cent of those surveyed felt that the introduction of gaming machines in their region actually increased employment.

In summary, I am not convinced that the Victorian report released by the Centre for Sustainable Regional Communities fully explores the intricacies of an integrated regional economy or that its results are significantly robust to draw useful conclusions. On that basis I do not believe that a similar study in South Australia would be appropriate.

However, as you know the government is prepared to support appropriate soundly based research either at the State level or at the National level coordinated through the Ministerial Council on Gambling.

SA WATER

In reply to **Hon. T.G. CAMERON** (11 October 2000) and answered by letter dated 18 December 2000.

The Hon. R.I. LUCAS: The Minister for Government Enterprises has advised that:

The audit of the Human Resource payroll and information system of SA Water did indicate there is room for improvement in a small number of areas in the payroll function. These included performing the monthly reconciliations more promptly and performing a regular review of the level of access to the system. The present system names the people who have access but not their authority level.

These minor issues have been corrected.

It should be noted that the improvements relate to bedding down a new payroll system, not to any incompetence in SA Water. In the previous year, for example, SA Water payroll was given a completely clear report after a most rigorous audit.

It is anticipated that in future years a similarly clear audit will be achieved.

OSBORNE COGENERATION CONTRACT

In reply to **Hon. P. HOLLOWAY** (11 October 2000).

The Hon. R.I. LUCAS:

1. It is important to note that the Auditor-General's report in the section including Flinders Power accounts (Volume III, pages 889-901) the figure of $116.9m is included by the Auditor-General as 'provisions for contract losses.

The provision for future cogeneration contract losses on the Osborne Cogeneration contracts are only an estimate of possible future losses that might occur over the term of the contracts to 2019. Various assumptions are made in order to calculate this estimate. The assumptions include forecasts of future pool prices and upstream gas purchase prices. The difficulty in estimating the provisioning amount is further compounded because of the long time period involved.

As time passes, the assumptions need to be revised to reflect actual outcomes. It is therefore necessary to regularly review the provisioning amount. Accordingly, KPMG reviewed the provision in late July 2000 and revised the amount from $120.8m to $116.9 million.

I am advised that bidders for Flinders Power were advised of the revised provisioning amount before final bids were submitted. It is, therefore, totally incorrect to say that the $4.1m difference in the provisioning amount has been to the detriment of taxpayers.

2. I assume the question is how the sale price was impacted by the provisioning amount.

I expect that bidders for Flinders Power would have undertaken their own estimates of the provisioning amount and their estimates may have been quite different to those of the government. I also expect that the offers submitted by bidders for Flinders Power would have taken into account their own, and the government's estimate, of the provisioning amount.

The important issue here is that the price received for Flinders Power was a positive result compared to recent electricity sales in Australia, even after taking into account the provision for future cogeneration contract losses.

3. The decision to enter into the Power Purchase Agreement and the Gas Sales Agreement with Osborne Cogeneration Pty Ltd was taken by the Board of Directors of ETSA Corporation in 1996.

Osborne Cogeneration Pty Ltd is a joint venture between ATCO Power Australia Pty Ltd (a subsidiary of Commercial CU Power International) and Origin Energy Holdings Limited (previously Boral Energy Ltd).

I am advised that no documents have been discovered which provide information on any probity checks which might have been conducted.

SPEED CAMERAS

In reply to **Hon. A.J. REDFORD** (7 November 2000).

The Hon. R.I. LUCAS:

1. It is not possible to quantify the impact on health and other budgets as a result of the reduction in the number of accidents.

However Transport SA has advised that from 1998-99 to 1999-2000 there was a 3.2 per cent reduction in total crashes, with a 3.8 per cent reduction in total road fatalities.

From the information provided it is reasonable to assume that a reduction in the number of accidents will result in a corresponding reduction in the number of health treatments related to such accidents. The effect of this would be seen across the health system, ranging from GP visits for minor accidents, admissions to hospital emergency departments, to trauma admissions to tertiary hospitals via the State Rescue Helicopter Service.

Although definitive cost data can not be provided, the Department for Human Services has advised that the average cost of treating a patient admitted to hospital for car injuries is approximately $6000. It can therefore be seen that a reduction in the number of these admissions will result in significant cost savings for the state.

2. The question has been addressed in the previous response.

3. The reduction in the number of accidents and road fatalities is evidence that improved detection and the use of speed cameras has been successful in improving road safety for South Australians.

OVERSEAS REPRESENTATIVES BOARD

In reply to **Hon. CARMEL ZOLLO** (17 November 2000) and answered by letter dated 18 December 2000.

The Hon. R.I. LUCAS:

1. Chief Executive, Department of the Premier and Cabinet (or representative)

Chief Executive, Department of Primary Industries and Resources

Chief Executive, SA Tourism Commission

Chief Executive, Education Adelaide

Executive Director, International South Australia

2. Five (5) times

3. The Overseas Representation Board covers subject areas consistent with its role of being responsible for the strategic oversight of South Australia's overseas representation with the objectives of ensuring that the role and functions of the overseas offices, their business plans and performance are aligned with government objectives.

4. The agenda is provided by the chairman and agreed by the board at each meeting. Board members also have the opportunity to contribute agenda items.

5. The Department of Industry and Trade has advised that members do have access to advice other than through their chairman.

TIMBER INDUSTRY

In reply to **Hon. T.G. ROBERTS** (28 November 2000).

The Hon. R.I. LUCAS: The Minister for Government Enterprises has provided the following information:

1. The supply of timber to Mount Burr is governed by two agreements; The Mount Burr Sawlog Supply Agreement; and The Timber Supply Agreement.

The agreement expires on 30 June 2005.

The Mount Burr Sawlog Supply Agreement identifies a volume of 60000m^3 of sawlog per annum, which the Minister will provide for a period of ten years.

Neither agreement requires that the sawlog supplied must be processed at Mount Burr.

The agreements identify penalties to be incurred by the company for issues such as overdue accounts and failure to accept the nominated quantity of sawlog. Neither of these conditions have been breached.

By identifying its intention to close the sawmill at Mount Burr as a consequence of market conditions, Carter Holt Harvey has not breached any conditions in the Supply Agreement.

It is the minister's understanding that the sawlogs previously provided to Mount Burr will be processed in other sawmills owned by the company in the South East.

2. During the process that resulted in the sale of sawmills to Carter Holt Harvey and the provision of sawlog through various supply agreements, the government sought to obtain outcomes that would realise the true value of the assets and the sawlog to be provided. It was also recognised that Carter Holt Harvey would continue to process sawlog in the South East region and by doing so would continue to maintain local employment.

The contracts do not specify how the company would structure its business or where the sawmills would be located.

3. The government considers that it is inappropriate to intervene in this matter. Carter Holt Harvey has made a decision based on commercial imperatives but in doing so has been mindful of the welfare of its employees. It is understood that the employees currently located at Mount Burr will be offered positions elsewhere within the company.

POSTGRADUATE RESEARCH

In reply to **Hon. P. HOLLOWAY** (26 October 2000) and answered via letter dated 10 January 2001.

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

1. There are a number of schemes under which the Commonwealth Government, through the Department of Education, Training and Youth Affairs (DETYA) and the new Australian Research Council (ARC) will fund research and research training. The DETYA funds are to be performance-based while the ARC funding is to be competed for on a national basis.

The funding formulae for each of the DETYA schemes in particular does vary, with different weighting attached to different elements. While the funding formulae do make reference to research income from other sources, it does not place any emphasis on industry funding. In fact the new arrangements provide institutions with a strong incentive to seek research income from competitive grants rather than sources, such as industry.

The funding formula with the highest weighting allocated to research income is the Institutional Grants Scheme (IGS), which absorbs the funding previously allocated for the Research Quantum and the Small Grant Scheme. Total funding for the IGS is approximately $250 million. While the funding formula to be used for the IGS has a weighting of 60 per cent for research income, this is in fact lower than the 80 per cent weighting existent in the pre-existing Research Quantum.

It is expected that the South Australian universities will make submissions for ARC funding. There is nothing to suggest at this stage that South Australia will be less successful in attracting grant funding.

The full impact of the new arrangements will only be known once all the universities have submitted the necessary information and it has been fed into the various funding formulae.

2. The Joint Planning Committee established under a bilateral agreement between the State and the Commonwealth considers any issues or concerns raised by the universities.

Once the full impact of these arrangements becomes clear, any deleterious effect in the State's universities will be forcefully raised with the Commonwealth.

3. The South Australian Government would not view any cut in funding for postgraduate research in a favourable light, however, the program to encourage the return of South Australian professionals is a program independent of postgraduate funding.

GOODS AND SERVICES TAX

In reply to **Hon. T.G. ROBERTS** (30 November 2000).

The Hon. R.I. LUCAS:

1. The Timber industry is experiencing difficult market conditions particularly driven by a decline in new housing constructions.

Forestry SA's budget for 2000-01 was set in February 2000 and made an estimate of the forward activity to the end of June 2001.

Forestry SA revenue for the 2000-01 financial year is anticipated to be down on budget predictions by almost $1.5 million including the impact of the Mt Burr Mill closure recently announced by Carter Holt Harvey.

Revenue for the period July to October 2000 is better than budget. While financial year to date sawlog sales are lower than budget expectation reflecting the current decline in housing constructions, the demand for pulp log and chip remains high. Sales for these products are better than budget for the financial year to October 2000 more than offsetting the lower than expected sawlog sales.

Anticipated sawmill closures in October for maintenance programs were deferred until January 2001 when a longer closure is now expected. Forestry SA sawlog sales have benefited from this additional week of sales but it is expected that these additional sales will be offset by lower than budget sales in January 2001. Sales are then likely to remain under budget for the remainder of the current financial year.

2. The cash payment scheduled for 2000-01 is $15.1 million. This has been set following a review of the financial structure of Forestry SA and the adoption of an appropriate financial framework for determining contributions to the government, as part of the corporatisation of Forestry SA.

ELECTRICITY SUPPLY

In reply to **Hon. NICK XENOPHON** (17 November 2000) and answered by letter dated 18 December 2000.

The Hon. R.I. LUCAS: Further to the reply to the honourable member's question, the following information on wholesale electricity spot market prices is provided, current to the end of the trading week (19 November 2000) to which the question relates. Prices are calculated on a time-weighted basis.

Average spot prices for the month to 19 November 2000 were as follows: SA $89.61/MWh; Vic $85.07/MWh; NSW $31.81/MWh; Qld $37.62/MWh. These prices reflect a narrowing of the margin between average spot prices in SA and the Eastern States when compared with average prices observed in November 1999: SA $92.21/MWh; Vic $18.48/MWh; NSW $19.48/MWh; Qld $28.03/MWh.

Average spot prices for the month of October 2000 were as follows: SA $43.85/MWh; Vic $25.61/MWh; NSW $25.50/MWh; Qld $41.58/MWh. Similarly, these prices reflect a narrowing of the margin between average spot prices in SA and the Eastern States, in comparison with the average prices of the same month of the previous year: SA $55.68/MWh; Vic $17.90/MWh; NSW $18.75/MWh; Qld $22.40/MWh.

In comparison, year-to-date average spot prices for calendar 2000 are as follows: SA $59.17/MWh; Vic $40.17/MWh; NSW $37.20/MWh; Qld $52.20/MWh, indicative of the margin between average electricity spot prices over 2000.

It should be noted that, while these represent regional average wholesale spot prices, very few end customers directly pay these prices. Contestable customers are generally supplied under longer-term retail contracts, while the government has put in place regulated franchise and transitional grace period tariffs for customers not yet on market contracts.

GOVERNMENT MOTOR VEHICLE FLEET

In reply to **Hon. P. HOLLOWAY** (11 October 2000) and answered by letter dated 18 December 2000.

The Hon. R.I. LUCAS:

1. Oxley Corporate Finance was engaged to conduct the review of the lease arrangement in light of the changes to the Taxation system, to determine whether the transaction remains economic. The review has taken longer than originally anticipated due to the uncertainties associated with the implementation arrangements of some of the taxation changes. Also, the Commonwealth Bank has been inundated with requests from other lessees to comply with requests for information to enable similar reviews to be undertaken.

A draft report was received recently which indicates that the benefits derived from the transaction in the early years (ie before the taxation changes) were in line with original expectations. Declining residual values are eroding the benefits received. When the transaction was established residual values of 98.3 per cent were being achieved. By June 1999, 85.5 per cent residual values were being achieved due to market reaction within Australia to cheaper Korean imported vehicles, model changes and prevailing economic conditions. The margin achieved was 1.24 per cent against the original estimate of 1.42 per cent. These figures are preliminary and are subject to further verification.

2. The changes in the taxation arrangements, particularly section 59 [2A] that ceases the roll over relief on the depreciation balancing charge for the Commonwealth Bank, are expected to have an adverse impact on the benefits derived from the transaction. The draft report estimates a margin cost going forward. However, when viewed over the full fifteen-year term of the transaction, the facility is still

expected, on current assumptions, to deliver a margin benefit, albeit much less than originally expected.

3. Because the implementation details of some of the changes are yet to be finalised, it has not been possible to fully gauge their impact on the transaction. For example the changes to the Pay as You Go system are yet to be fully analysed. The draft report identifies a number of options for the government to consider. However, given the preliminary nature of the report it would be premature to discuss the government's preferred position. In addition, it will be necessary to have further discussion with the Commonwealth Bank in order to enable the government to derive an optimal solution for the leasing arrangement going forward.

4. As indicated earlier, the report is a preliminary draft at this stage. Oxley Corporate Finance Ltd has been requested to undertake further work to clarify certain aspects of the report. As Cabinet commissioned the report, the final report will be presented to Cabinet when it is finalised. As a Cabinet document it will not be released publicly.

SA WATER

In reply to **Hon. T.G. CAMERON** (11 October 2000) and answered via letter dated 20 January 2001.

The Hon. R.I. LUCAS: The question related to the provision of information to the Legislative Council based on a statement in the Auditor-General's report that SA Water was 'negotiating with the Department of Treasury and Finance with respect to future dividend policies.'

Prior to the 2000-01 Budget, Treasury and Finance and SA Water worked collaboratively to determine an appropriate financial framework for SA Water. A free cash flow model was used to conduct the analysis. Free cash flow is defined as Earnings before Interest, Tax, depreciation and Amortisation (EBITDA) less an agreed amount of capital investment to sustain the business at current operating levels. Having regard to commercial principles (credit rating and business sustainability) a consensus agreement was reached that the total contribution to government will be based on 55 per cent of available free cash.

The benchmark contribution levels have been set for a four-year planning horizon. They will be reviewed annually to take into account the financial performance of SA Water.

PROPRIETARY RACING INDUSTRY

In reply to **Hon. A.J. REDFORD** (14 November 2000) and answered by letter dated 17 December 2000.

The Hon. R.I. LUCAS: The Department of Industry and Trade has advised me that it has not been involved in the preparation of any economic modelling related to the proprietary racing initiative. All modelling of expected economic outcomes was commissioned by Teletrak.

The Department of Industry and Trade and the then Racing Industry Development Authority (RIDA) commissioned the South Australian Centre for Economic Studies (SACES) to review the modelling work commissioned by Teletrak. SACES in its report of September 1998 found broadly that the economic activity that could be expected was overstated.

In May 1999 Teletrak provided RIDA with an updated copy of its business plan. This was provided on the basis the document would not be copied or its contents divulged to any other person or entity. No economic evaluation of the document has been carried out.

OVERSEAS TRADE OFFICES

In reply to **Hon. P. HOLLOWAY** (15 November 2000) and answered by letter dated 18 December 2000.

The Hon. R.I. LUCAS: A breakdown of budgeted expenditure for 2000-01 is as follows:

Bandung—Indonesia	AUD 85 000
Beijing – PR China	510 000
Dubai – United Arab Emirates	400 000
Hong Kong	780 000
Jakarta – Indonesia	325 000
Jinan – PR China	130 000
Kuala Lumpur – Malaysia	170 000
Shanghai – PR China	520 000
Singapore	705 000
Tokyo – Japan	1 030 000

STATE DEBT

In reply to **Hon. M.J. ELLIOTT** (17 November 2000) and answered by letter dated 18 December 2000.

The Hon. R.I. LUCAS:

1. The net worth of SAFA as disclosed in its 30 June 2000 Annual Report is $227.4 million.

2. The net worth of SAFA is included in 3 different publications:

- SAFA's Annual Report
- The annual Budget Results publication (consolidated as part of the financial corporations sector in the uniform presentation tables)
- The annual AAS31 Consolidated Financial Statements (consolidated as part of the whole of government presentation).

CASTALLOY

In reply to **Hon P. HOLLOWAY** (16 November 2000) and answered by letter dated 18 December 2000.

The Hon. R.I. LUCAS: The Department of Industry and Trade has discussed the project in detail with Mr Col Peters, managing director of Catalloy. Following are the points made by Mr Peters in response to the concerns you raised:

- Castalloy would not have won the contract to supply Proton unless it agreed to eventually transfer the manufacture of the cylinder heads to a joint venture company in Malaysia.
- The tooling and specialist equipment manufacturers of Adelaide will benefit from the relocation of production because the key manufacturing equipment will be sourced here and shipped to the Malaysian JV company.
- Mr Peters is confident that the jobs that will be created in Adelaide will be sustained beyond the transfer date of production in 2004. He expects the company to continue its growth and not 'fall off the cliff just because the JV starts in Malaysia.'
- Growth opportunities are already beginning to roll in and can be directly attributed to the high profile Proton contract. Lotus, the well known UK-based automotive engineering company that is now owned by Proton and who was responsible for the Proton engine design, has invited Catalloy to participate in niche market engine opportunities in Europe. A Castalloy senior executive is currently in Europe talking to several potential customers referred by Lotus.

The government has not provided any financial assistance to Catalloy for the Proton cylinder head project, but it played a significant role through its extensive Asian network in introducing Catalloy to senior company and government officials.

ADELAIDE CASINO

In reply to **Hon. NICK XENOPHON** (15 November 2000) and answered by letter dated 18 February 2001.

The Hon. R.I. LUCAS:

1. The Gaming Supervisory Authority (GSA) did in fact comment on the matter. It said:

- The GSA had been unaware of the training manual to which the honourable member referred.
- The GSA neither had nor has any statutory function which would require it to consider, which would allow it to approve or disapprove of, a casino training manual. For that reason, the GSA had never called for such documents.
- If approval had been required for the Casino's training manuals, that would have been a function of the Office of the Liquor and Gaming Commissioner.

Quite properly, the GSA did not purport to speak for the former Casino Supervisory Authority, as such a comment would be speculative only. There is no common membership between the two bodies and neither had a function which would have been relevant to training manuals.

2. All of the files of the former Casino Supervisory Authority were placed in the custody of the GSA upon its establishment. Most of those files have been archived, and some of the older files have been destroyed in the normal course.

An examination of the archiving schedules has revealed nothing to suggest that a copy of the training manual to which the honourable member referred had ever been submitted to or considered by the former Casino Supervisory Authority.

3. There is no call for the former Casino Supervisory Authority to speak. To the extent that formal actions of this former instrumentality are relevant to present matters, they can be ascertained from the archived records.

EDUCATION UNION

In reply to **Hon. L.H. DAVIS** (29 November 2000).

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

In addition to the AEU Journal of 8 November 2000 cited by the honourable member, I am aware of other recent letters by AEU members that are critical of the present AEU Leadership.

I refer to the AEU Journal of 9 August 2000. Mr Chris Kelly of Oakbank Area School wrote:

> 'I and many of my colleagues are very close to ending our professional lifetime's membership if the AEU doesn't soon start to organise and achieve some improvement in salaries and conditions: the basic activities of any union.'

Also in the same edition, a Ms Jean Colquhoun wrote in regard to the union going to the arbitration that:

> '…one of the consequences is that vast sums of our membership money have been spent on hiring a top legal team, including a barrister from interstate. Nor did it mention that the results of this arbitration, when they finally come, are still likely to leave SA teachers among the lowest paid and with the greatest number of teaching contact hours in this country. But for now we are being asked to persist in supporting our union's decision and to show 'patience'.'

In the AEU journal of 29 November 2000 Ms Helen O'Connor from Salisbury Downs Primary School wrote:

> 'As an AEU executive member and a classroom teacher, I have become increasingly alarmed at the rate of member resignations from our union.'

In a second letter the same AEU member wrote in regard to the arbitration decision:

> '…I could not honestly bring myself to congratulate anyone at all for this disastrous decision and outcome.'

She concludes:

> 'Far from congratulating the select group of elected AEU leadership, which made this decision, I believe that members will continue to hold them accountable, until the decision to makers are prepared to admit their mistake and move on.'

In the same edition Mr Geoff Lock from Aberfoyle Hub Schools wrote:

> 'It is time that those people elected by the membership work for the membership or they may find themselves no longer on the Executive after the next AEU/SA election 2001.'

These and other letters written during the course of the failed enterprise bargaining and subsequent arbitration indicate that there is growing criticism of the AEU and that the current rate of member resignations is alarming to the AEU executive.

Based on the annual financial reports of the AEU as reprinted in the AEU/SAIT Journal, their membership in recent years is as follows:

31 October 94	14 533
31 October 95	13 910
31 October 96	14 099
31 December 97	13 581
31 December 98	13 528
31 December 99	13 063

This represents a decline of 10.1 per cent over the 5 year and 2 month period described, or a net reduction of 1470 members. The figures for 2000 are not yet available.

As Minister for Education and Children's Services, I make frequent trips to Secondary and Primary Schools across the State. I must say that almost without exception, I am told by numbers of teachers that they have become disenchanted with their union and are disappointed with the negative and hapless focus on opposing for its own sake.

PARTNERSHIPS 21

In reply to **Hon. M.J. ELLIOTT** (20 October 1999) and answered by letter dated 18 December 2000.

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

The Services Agreement formalises the acceptance of the Department for Education, Training and Employment and the school or preschool of their mutual obligations in delivering high quality education.

The Services Agreement is signed for three years. On signing, the site is allocated its three year indicative global budget, including the one year actual budget allocations. The Services Agreement is signed in connection with the Partnerships Plan, which identifies the site's strategic objectives and the essential elements of its educational program.

Amendments to agreements can be made on agreement by all parties should the site wish to reconsider its planning or find that unexpected circumstances make it difficult to meet the specified obligations. Sites need to seek advice from the district superintendent in the first instance and then consult with departmental officers to obtain the Chief Executive's approval for any recommended amendments.

Neither the state office nor the Partnerships 21 site can withdraw their services during the three years of the agreement. At the end of the three years, the site will have the opportunity to renew its agreement for another three years. If it is not renewed, an agreement to participate in P21 does not exist.

In regard to savings made during the life of the Services Agreement, sites will retain these savings and carry them over into the next year. Partnerships 21 Global Budget allocations are based on the aggregate of current department policy and resource allocations and will not be reduced to take into account savings made by the local site.

AGRICULTURE INDUSTRY

In reply to **Hon. R.K. SNEATH** (17 November 2000).

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

1. No

2. Over the last year the Agriculture and Horticulture Training Council as the industry ITAB, has reviewed its structure and developed a new constitution which provides for a different Board structure. The structure allows for five primary producer representatives and three from service industries to be appointed based on assessment of expressions of interest. The Agriculture and Horticulture Training Council of South Australia Incorporated developed its constitution carefully and in consultation with the AWU Council member.

It was not the government which made the decision, but the Council itself.

Under the new arrangements there is nothing to prevent a union member submitting an expression of interest for membership of the board.

COURT PROCEEDINGS

In reply to **Hon. IAN GILFILLAN** (16 November 1999).

The Hon. K.T. GRIFFIN: I have been advised that:

1. No monetary amount was involved in the criminal proceedings which were withdrawn by the complainant. In relation to the civil proceedings it was agreed between the parties that the terms of settlement were to remain confidential.

2. As indicated in the answer to question 1 the parties agreed that the terms of settlement were to be confidential.

3. The justification for keeping the terms of settlement confidential is that to do otherwise would be a breach of the agreement.

4. The government does not pay for the defence and/or settlement costs of every employee who is defending a criminal charge or a civil claim.

5. In respect of criminal charges against a government employee in his or her capacity as an employee the government will only consider reimbursement of the employee's legal costs if the employee is acquitted or the prosecution has withdrawn the charge or the court has found no case to answer.

In relation to civil actions against a government employee in his or her capacity as an employee, whether or not the defence will be funded is considered on a case by case basis and depends upon the respective merits of the claim and the defence. A number of statutes provide that where an employee is honestly acting in the course of his employment duties but nonetheless acts in a manner which may incur civil liability, the State will bear any consequent civil liability. If, on the facts of a particular case, an employee falls within the protection of such a statute the State would usually fund the defence of both the employee and the State. Where it is considered that an employee is not likely on the facts to fall within a statutory protection and it is considered that he or she may well be liable then funding would be denied. Reimbursement of party-party legal costs will be made if an employee is found by the court not to be liable.

6. Decisions are made under guidelines which are different from those used by the Legal Services Commission. For example means

of an employee are not taken into account when considering whether or not to fund a defence.

7. Records are not kept in a manner such that the amount spent each year defending employees facing criminal charges is able to be ascertained.

8. The records are not such that the amount spent each year defending or settling civil cases against employees can be ascertained.

BARCOO OUTLET

In reply to **Hon. M.J. ELLIOTT** (16 November 2000).

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

1. On 8 September 2000, as requested, a copy of the Barcoo Outlet and Patawalonga Discharge Hydrodynamic Modelling Report was sent to the Environment, Resources and Development Committee.

(The hydrodynamic modelling demonstrates that quicker dilution and dispersion of stormwater can be achieved into deeper water 200 metres offshore. Regardless of weather conditions at the time, the more rapid dilution and dispersion further away from beaches cannot be achieved by onshore release of stormwater.)

2. There is no reason to expect that there will be any cost overruns in relation to the Barcoo Outlet. The works are being undertaken under a design and construct contract that places greater responsibility on the contractor and minimises the risk of cost overruns to the government.

The contractor is therefore responsible for its cost overruns resulting from its actions. The Government would be responsible for cost overruns if, for example, if it caused a delay.

3. A major design objective is to ensure that the flood protection afforded by the present Patawalonga and Glenelg barrage gates system is not compromised.

Once every 2 to 10 years some stormwater from the Sturt River and Brownhill Creek may enter the Patawalonga if high tides coincide with heavy rains. In these circumstances, the design provides for the gates in weir number 2 to open allowing the flows to enter the Patawalonga. Flows from the Patawalonga Creek and Airport Drain will also enter the Patawalonga at these times.

FISHERIES RESEARCH ADVISORY BOARD

In reply to **Hon. IAN GILFILLAN** (15 November 2000).

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

Each state and territory of Australia has a fisheries research advisory board (FRAB) or equivalent, having the same basic terms of reference—to provide advice to the Fisheries Research and Development Corporation (FRDC) on research priorities and proposals for funding of research and development (R&D). This requires some consistency in the operations of individual FRABs as R&D needs often overlap between states and funding allocations are made in a national perspective.

FRDC has recently reviewed its operations and developed a new R&D Strategic Plan with the aim of better meeting the needs of industry and the community. A separate review of FRABs has also been recently completed and recommendations made on enhancing the FRAB process.

Within this context South Australia needs to ensure that its FRAB process is effective in terms of meeting the expectations of industry and ensuring the greatest success in securing FRDC funds for R&D.

In response to the specific questions asked:

1. The delay in appointing the full complement of the board resulted from the need to review the South Australian FRAB (SAFRAB) in order to consider a structure that complements FRDC's operations, taking into account the recent FRAB review, and ensuring a membership that has appropriate core capabilities and experience to address the wide ranging issues facing fisheries, aquaculture and related R&D.

2. The recommendations for replacement members were made at about the same time it became apparent that the role of SAFRAB needed to be reviewed to ensure national operating obligations were met. As such a decision was made to defer appointing replacement board members until the issue was resolved.

3. The decision not to proceed with the appointments was based on the need to determine the optimum structure and role for SAFRAB.

4. SAFRAB was established by and is sponsored by the South Australian Government. Under these circumstances it is appropriate that the board's membership be subject to ministerial appointment. Furthermore, SAFRAB does not report to the federal government, but it provides advice to FRDC on R&D funding applications and national R&D issues as required.

RURAL COUNSELLING PROGRAM

In reply to **Hon. CARMEL ZOLLO** (9 November 2000).

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

Question 1:

Is the minister aware of the progress of this assessment?

In December 2000, the Commonwealth Minister for Agriculture, Fisheries & Forestry the Hon Warren Truss announced an extension of funding for rural financial counselling services for a further 12 months to 30 June, 2002.

Over the next 12 months all stakeholders will be encouraged to participate in a public consultation process on the future shape of the program. The Minister has called for submissions from interested parties to be provided by 20 February, 2001.

Question 2:

Has the minister contacted the Federal Minister for Regional Services (Hon. Ian Macdonald) to ensure the continuation of funding for the program in South Australia?

Officers of my department have worked closely with the Commonwealth on this issue. This has included representation on the Commonwealth Steering Committee managing the independent review process, undertaken by the Bureau of Rural Sciences (BRS).

Question 3:

Will the minister give a commitment to support this program and the efforts of the association to maintain its funding?

In recognition of the valuable community service I have approved a continuation of State government funding support for a further 12 months to 30 June, 2001.

GAMBLING, PROBLEM

In reply to **Hon. NICK XENOPHON** (7 November 2000).

The Hon. K.T. GRIFFIN: The Minister for Human Services has provided the following information:

One-off funding of $70 000 under the Gamblers Rehabilitation Fund has been approved by the Minister for Human Services to conduct research in the area of gambling and the criminal justice system. A working party has been established with the aim to implement this project in 2001.

RURAL TRANSACTION CENTRES

In reply to **Hon. CARMEL ZOLLO** (7 November 2000).

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

The Rural Transaction Centres Program was established to provide basic transaction services to communities which either lost these services or never had access to them in the first instance. The primary objective of this community driven initiative is to enhance or complement existing or planned commercial/government transaction services in rural towns. Important to this objective is the desirability to aggregate services in a single centre in order to make the Centre self sustaining after an establishment period.

The following South Australian Regional communities have registered an interest with the Rural Transaction Centres (RTC) Program.

- District Council of Kapunda and Light
- District Council of Naracoorte and Lucindale
- District Council of Mount Remarkable
- District Council of Elliston
- Wattle Range Council
- Flinders Ranges Council
- Northern Areas Council
- Penneshaw Progress Association
- Goreta Aboriginal Corporation
- Roberstown War Memorial Community Centre Inc
- Wudinna and District Telecentre

· Auburn Community Development Committee

Port Broughton and Port MacDonnel have both been successful in receiving funding to establish Rural Transaction Centres.

This information is freely available from the Department of Transport and Regional Services (DOTRS) website, www.dotrs.gov.au.

It is understood that RTC Field Officers will soon be appointed to encourage and assist more communities to avail themselves of the program.

All Rural Transaction Centre applications are assessed against the eligibility criteria which include;

· Towns with a population less than 3 000
· The extent of community support for an RTC
· The extent to which applicant and others may contribute
· The extent of support from the other tiers of government and relationship with initiatives
· The long-term viability of the centre after Federal Government assistance ceases.
· The environmental and heritage impact of the project.

The Minister for Regional Development has already opened a dialogue with his Federal counterpart on the issue of Rural Transaction Centres as part of the State Government's desire to improve the level of coordination and collaboration amongst the three tiers of Government.

On 3 November 2000, Commonwealth, State and Territory Regional Development Ministers and the Australian Local Government Association met in Canberra to progress plans for improving coordination and collaboration for the benefit of regional Australia.

The three tiers of Government agreed to a Framework for Cooperation and to implement recommendations for improved collaboration. One of the areas identified was in shop front service delivery.

The State Government released on 17 August 2000, a major initiative designed to prepare South Australia for the Information Economy. Entitled 'Information Economy 2002: Delivering the Future (IE2002) the initiative seeks to establish a deeper understanding and adoption of the Global Information Economy among all South Australians. IE 2002 involves 21 individual initiatives. One major initiative is Service SA which is proposed to create 'one stop shop' channels between the community and Government for all government services.

The State Government and the commonwealth have agreed to set up formal cooperative arrangements for strategic development and delivery of shopfront services to regional communities through Service SA and Rural Transaction Centres.

SULLIVAN, Mr S.

In reply to **Hon. P. HOLLOWAY** (24 October 2000).

The Hon. K.T. GRIFFIN: I have been advised by the Crown Solicitor of the following advice:

1. He was instructed to inquire into certain allegations made in respect of Mr Sean Sullivan, former Chief Executive of SA Water.

2. He was instructed by the Minister for Government Enterprises.

3. The inquiry has been completed and while some of the allegations were found to be without foundation and others were unable to be substantiated, the latter could not positively be found to be untrue.

EXPIATION NOTICES

In reply to **Hon. IAN GILFILLAN** (3 May 2000).

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

It has always been the practice of the Expiation Notice Branch to waive the $30.00 reminder fee in circumstances where it is established that the alleged offender did not receive the original notice. This information is normally communicated by way of Statutory Declaration.

As from 1 October 2000, the Expiation of Offences Act was amended to require the issuing authority to withdraw and re-issue the notice in certain circumstances where the original notice was not received. As a matter of practice this information is required to be submitted on a Statutory Declaration for consideration.

In any event, where the original notice has not been received, the Expiation Notice Branch ensures that the alleged offender is not disadvantaged, by either waiving the reminder fee or withdrawing and re-issuing the original notice.

The incidence of original notices being removed from parked vehicles is not high and does not occur within any localised area. Posting the original notice to the registered owner instead of fastening it to the parked vehicle is not recommended. Posting the notices would prevent the alleged offender from making critical observations such as the position of the vehicle and location/state of parking signs at the time of detection and before the vehicle position is altered. Any prejudice resulting from the notice being removed can be remedied by a submission to the Manager, Expiation Notice Branch.

ELECTORAL INTEGRITY

In reply to **Hon. A.J. REDFORD** (29 November 2000).

The Hon. K.T. GRIFFIN: I have been advised by the Electoral Commissioner of the following information:

South Australia, like all other Australian States and Territories, has a formal joint roll arrangement with the Australian Electoral Commission (AEC).

The State Electoral Act specifically provides for the arrangement which, in effect, appoints AEC Divisional Returning Officers as State District Roll Registrars. From an eligible elector's perspective, this means that only one enrolment form needs to be completed for them to have the ability to vote at State, Federal and Local Government electoral events.

Whilst both State and Commonwealth legislation prescribes that it is an elector's responsibility to maintain his or her enrolment, electoral authorities have undertaken work to assist with the roll's accuracy and integrity.

Traditionally this has been in the form of habitation reviews conducted every two years. Developments over the last five years, however, have seen a move to more continuous roll update techniques. This involves two major strategies.

The first involves electoral authorities procuring change of address information from agencies such as Australia Post, CentreLink and the Motor Registry and writing to electors who do not appear to have updated their electoral roll address and including with that correspondence enrolment cards for completion.

The second involves scrutinising the national electoral roll database and detecting households where more than a prescribed number of persons are enrolled or where the number of surnames exceeds a designated limit and despatching appropriate correspondence to those households. The address register of the electoral roll is well maintained and contains only actual addresses. Where it becomes known that an address has become vacant appropriate correspondence is despatched to the householders of the vacant address. Personal contact with electors through telephone contact or personal visit, still form part of the continuous roll update strategy but has become much more targeted.

Continuous roll update methods aim to provide a more accurate roll on an ongoing basis whilst at the same time addressing practical issues such as households becoming far more secure and front door access more difficult to obtain.

Electoral authorities in South Australia have always held the view that the State and Federal electoral rolls (which, for the exception of a few thousand electors, are identical) have high integrity and, outside of a limited number of isolated cases, that there has been no evidence of electoral fraud in this State.

Electoral authorities, however, are not complacent about the possibility of fraud and outside of the continuous roll update strategy, conduct a number of checks. In the case of the 1997 State elections for example, the State Electoral Office checked on all people who died after the close of roll but before polling day to determine whether any person had voted on behalf of the deceased person. There was no evidence to suggest any fraud in this area. Further, checks were done on individuals who were known to be overseas and there was no evidence of those people recording a vote at a polling booth.

The Electoral Commissioner has corresponded with relevant authorities in Queensland and after considering the responses of those authorities which replied during mid December 2000, the Commissioner is satisfied that there has been no evidence or information which suggests any electoral roll impropriety in South Australia.

Should any member have any information regarding alleged electoral fraud within South Australia, the Electoral Commissioner

has indicated his keenness to receive it so that the matters can be thoroughly investigated.

SCOOTERS

In reply to **Hon. CARMEL ZOLLO** (5 December 2000).

The Hon. K.T. GRIFFIN: The Minister for Transport and Urban Planning has provided the following information:

For the purposes of road rules, under the Road Traffic Act 1961 and Australian road rules, a scooter, motorised or not is a 'bicycle', unless the scooter has an auxiliary motor capable of generating a power output over 200 watts. Bicycles are not permitted to be ridden on the footpath if the rider is 12 or more years old (unless the rider has a medical certificate stating it is necessary by reason of physical disability or medical grounds). If the rider of the scooter is under 12 years old, the device is classified as a wheeled toy, and may be ridden on the footpath.

The riders of all bicycles and wheeled toys are required to wear a safety helmet.

In terms of registration and licensing requirements, the Motor Vehicles Act and its regulations apply. Under this legislation, a two-wheeled motorised scooter is classed as a motor cycle. Accordingly, the vehicle must be registered and the driver must hold a driver's licence. Provided the rider is the holder of any class of licence and the scooter has a mass not exceeding 65 kg, an engine capacity not exceeding 50 mls, is fitted with automatic transmission and is not capable of exceeding 50 km/h, the rider will not require a specific motor cycle class licence.

If the scooter is fitted with an engine with a maximum power output greater than 200 watts, the scooter must comply with the vehicle standards in order to be registered. This would mean complying with certain standards for indicators, lights, tyres, mirrors, etc. It may be that this type of scooter could not be modified to conform with the standards, in which case, it could not be registered for use on roads (as defined in the Motor Vehicles Act).

There are concerns about the safety of scooters when used on roads. Transport SA is participating with all other jurisdictions to develop nationally consistent requirements for motorised scooters regarding access to the road network, registration requirements and driver licensing requirements.

The different treatment of the devices under the Road Traffic Act and the Motor Vehicles Act will be dealt with this year by amendments to the Australian road rules and the Road Traffic Act which will remove 'scooter' from the definition of bicycle, and specify that 'wheeled recreational device' includes a scooter, but does not include a device with a motor.

In the meantime, the Registrar of Motor Vehicles will consider the issue of a six month temporary unregistered vehicle permit to the owner of a motorised scooter with an engine capacity of less than 200 watts who applies for registration. Any permit issued would be valid for six months only and would be subject to the following conditions and statutory requirements:

- rider must be the holder of a current driver's licence (not being a learner's permit);
- rider must wear safety helmet;
- vehicle must be fitted with warning device;
- vehicle not to be driven at night or during times of low visibility;
- permit must be carried at all times when vehicle on a road; and
- rider must comply with all other applicable laws applying to divers/riders of vehicles on roads.

TRANSPORT, EXPIATION NOTICES

In reply to **Hon. CAROLYN PICKLES** (24 October 2000) and answered by letter on 26 February 2001.

The Hon. DIANA LAIDLAW: Firstly, both the Passenger Transport Board (PTB) and I have written to the honourable member's constituents in relation to the expiation notice issued to their son.

With regard to the honourable member's questions in relation to the total number of fines issued for fare evasion and the amount of revenue collected, the following information is provided—

- The total number of fines issued for fare evasion between 2 July and 24 October 2000 is 3583, and for failure to present concession cards is 4231.
- As a result of the fines issued $96 899.00 has been collected by the PTB for these offences.

TRANSPORT, PUBLIC

In reply to **Hon. CAROLYN PICKLES** (30 November 2000) and answered by letter on 11 January 2001.

The Hon. DIANA LAIDLAW:

1. As part of normal contract management meetings bus contractors have discussed fuel costs with the Passenger Transport Board (PTB). The contract payments vary over time based on indexes of price movements for input costs such as diesel fuel. Metropolitan bus operators have not made formal submissions to the PTB for a fare increase. All revenue from ticket sales is retained by the PTB.

2. The price of fuel is quite variable. Public transport fares have not increased since the very modest average 2 per cent increase in July 2000. It is unlikely there will be any increase until the annual review as part of the 2001-02 budget process.

HOLDFAST SHORES

In reply to **Hon. M.J. ELLIOTT** (4 July, 11 October and 14 November 2000) and answered by letter on 20 December 2000.

The Hon. DIANA LAIDLAW:

1. I am advised that this question will be answered by the Minister for Government Enterprises.

2. The budgeted cost for sand management and seagrass management at Holdfast Shores and Adelaide Shores for the 2000-01 financial year is $2.2m.

This includes a one-off cost of $600 000 for sand transfer from Glenelg to West Beach as deemed necessary by the Coast Protection Board.

Sand and seagrass management cost estimates are based on the best available information at this time. Seasonal factors outside the Government's control may affect the budgeted figure.

3. Based on the expenditure requirements for the full years in which Transport SA has maintained the harbors and, on the assumption that these can be considered 'typical' years, likely average budget costs per annum would be $1.5m.

4. There are no grounds for any suggestion of a conflict of interest because all statutory approval processes – involving either the Governor or the Development Assessment Commission—have occurred at arms length from the landowner (the Minister for Government Enterprises) and the Department of Administrative and Information Services which is responsible for the commercial negotiations with the Holdfast Shores Consortium on behalf of the Minister for Government Enterprises. Accordingly, in this instance the project proponents (as in all developments involving the Crown) have always been, and will continue to be, separated from the regulatory planning and environmental impact assessment processes.

RURAL RIVERS

In reply to **Hon. M.J. ELLIOTT** (23 May 2000) and answered by letter on 26 February 2001.

The Hon. DIANA LAIDLAW: The Minister for Environment and Heritage has provided the following information.

Inman River—Victor Harbor Wastewater Treatment Plant (WWTP)

- SA Water, as the operators of the Victor Harbor plant, are licensed by the Environment Protection Authority.
- The Minister for Environment and Heritage is not responsible for the upgrading of wastewater treatment plants. However, the Minister for Environment and Heritage can advise that a revised EIP is being discussed between SA Water and the EPA.
- Delays were experienced due to the extensive range of options pursued for the upgrade of the plant. The option endorsed by the EPA is for the provision of an Immersed Membrane Bio-Reactor (IMB), which, compared with conventional technology, allows a smaller plant with greater processing capacity, elimination of odours and improved quality of effluent.
- Additional delays have been experienced due to the extensive community consultation undertaken to enable the residents to comment on the final location of the plant.
- The proposal by SA Water to have the plant commissioned by late 2002 is to be considered by the Authority, and discussion is to be held in regard to the possibility of fast tracking the project to allow an earlier completion date to be achieved.

North Para River—Barossa STEDS

- The Barossa Council holds an environmental authorisation (licence) to operate the Nuriootpa STEDS. A condition of this licence requires an Environment Improvement Program (EIP) by

the Council; the EIP proposes a new treatment plant for the STEDS.

- The EIP requires that the discharge into the North Para River be reduced substantially by the end of 2001.
- The Council is working towards a finalised design for the new treatment plant.
- It is Council's clear intent to eliminate the disposal of treated effluent from the Nuriootpa STEDS into the North Para River as soon as possible.

In reply to **Hon. M.J. ELLIOTT** (23 May 2000).

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

1 & 3. The government remains committed to improving the condition of the Inman River, insofar as the wastewater treatment plant discharge is concerned. It is recognised that discharge of treated wastewater from the existing plant contributes to algal growth in the river during the summer. However, the Minister for Government Enterprises would emphasise that untreated sewage is not discharged into the Inman River.

The discharge of treated wastewater into the Inman River, in accordance with the EPA licence for the plant, is disinfected to levels which exceed the microbiological public health requirement for primary contact. This means that the treated wastewater discharged into the river is more than suitable for activities such as boating, which is secondary contact.

The need to improve the quality of treated wastewater discharge to the Inman River is being addressed. Following the Government's announcement in 1999 of its intention to build a new wastewater treatment plant, SA Water has worked to define the concept design of a scheme which can be achieved.

It has been necessary to take into account the increasing rate of population growth in Victor Harbor, which has become more evident since 1998, and the impact which that growth has on proposals for an upgraded plant.

In order to provide the Victor Harbor community with high quality wastewater treatment and reuse facilities which will be vastly improved in comparison with the existing treatment plant, SA Water and its consultants have reviewed the project concept for the upgrade of the wastewater treatment plant at Victor Harbor.

From an initial wide range of possible options, three are now being considered in more detail, including new international technology. A decision will be made to ensure long term environmental protection of the Inman River and the local environment.

In recognising the frustration of the local community at the apparent delay in the project, Victor Harbor residents should be assured that, as in the case of the recent Port Adelaide Wastewater Treatment Plant, the Minister for Government Enterprises believes it is better for SA Water to take the necessary time to ensure that the delivered project produces the best result for the environment and the local community.

SA Water is constantly investigating new and better ways to treat water and wastewater. This has led SA Water to investigate an exciting new technology which may be able to be applied in the Victor Harbor area. Such technology would represent a significant environmental improvement over the proposal that was announced in 1999.

If such a plant turns out to be feasible, the environmental benefit for Victor Harbor is enormous: a 65 per cent reduction in the level of Nitrogen loads and a reduction in Phosphorus discharge of 98 per cent as compared to the solution proposed in 1999.

Process technology will be employed to deliver the best possible value for money outcome for the Victor Harbor community.

The government asked SA Water to undertake a community consultation program to assist SA Water finalising the engineering and location options for the plant. The consultation program carried out by consultants QED for SA Water was completed in December 2000 and the consultants report is expected to be finalised in March 2001.

2. Expenditure budgeted for last financial year has not been lost to the project. Funds have been carried forward into this and next financial year to enable the project to be commissioned in Spring/Summer of 2002.

ELITE SPORT

In reply to **Hon. M.J. ELLIOTT** (4 October 2000) and answered by letter on 22 January 2001.

The Hon. DIANA LAIDLAW: The Minister for Recreation, Sport and Racing has provided the following information:

1. Media reports indicate that the Prime Minister has suggested that public funding to elite sports would be boosted in next year's Federal budget. At this stage the comments appear to be a statement of intent as the next Federal budget has not been set.

Notwithstanding the Prime Minister's comments, any State Government's response will be made as a part of normal budget consideration.

2. The amount of public funding allocated to improve major sporting stadia has reflected the public/community demands for more suitable venues to watch high quality competitions in various sports.

MOTOR VEHICLES WINDOW TINTING

In reply to **Hon. T.G. CAMERON** (12 October) and answered by letter on 20 December 2000.

The Hon. DIANA LAIDLAW:

1. In 1999, Transport SA mailed out information bulletins detailing tinting requirements to all known window tinting companies. In light of the concerns raised by the honourable member, a further mail out will be made reminding these companies of the standards as required under the Road Traffic Act.

2. Typically, vehicles attend Transport SA for Identity inspections as interstate registered vehicles. Transport SA estimate that approximately 15-20 per cent of interstate vehicles arriving for identity inspections are fitted with illegal tints. In the period July 1999—June 2000, Transport SA conducted 36 748 identity inspections.

When it is detected that the tint is illegal, in the interests of customer service, the driver is afforded the opportunity to remove the tint prior to proceeding with the inspection. The vast majority of drivers remove the tint before continuing. However, some choose to have it removed professionally and then re-inspected and a very limited number decide not to register the car in South Australia.

3. The general cause of vehicles attending identity inspections with illegal window tinting is the different standards for window tinting between South Australia and all other States. The premise on which the South Australian legislation is based is currently being reviewed.

Car dealers are aware of the requirements and, very few of the vehicles presented by dealerships are fitted with illegal tints. Most vehicles that are presented with illegal tints are private citizens with vehicles that have been registered interstate, where the tint is probably legal.

HENSLEY INDUSTRIES

In reply to **Hon. T.G. CAMERON** (7 December 2000) and answered by letter on 22 January 2001.

The Hon. DIANA LAIDLAW: The Minister for Environment and Heritage has provided the following information:

1. The Environment Protection Order given to Hensley Industries has two requirements—

1. to keep all doors closed during metal pouring and cooling processes to prevent the escape of fugitive emissions, implementation forthwith; and
2. by 1 December 2001, to change, modify or install equipment to capture, contain and treat emissions and odours from the premises, to a specified standard.

The company has been given until 1 December 2001 so that a comprehensive design can be undertaken and appropriate funds allocated.

The Order has a requirement that will have immediate effect in reducing emissions while having a longer term effect in consolidating that improvement. At the same time, and as is required by the Environment Protection Act 1993, the Environment Protection Authority has given proper weight to both long and short term economic, environmental, social and equity considerations in structuring the Order in this manner.

2. Hensley Industries has an obligation under both the *Environment Protection Act 1993* and the *Occupational Health, Safety And Welfare Act 1986*. The company can protect the welfare of its employees by use of existing ventilation, and if necessary enhancing this ventilation. In the longer term, the installation of equipment to capture and treat emissions will benefit both residents and employees.

The Order was issued only after several months of discussions with the company during which the EPA advised Hensley Industries of its concerns regarding fugitive emissions from doors.

3. No one can give categorical assurances that there will be no long term health effects as a result of living in a city where emissions from a variety of sources have a significant impact on the environment. The Minister for Environment and Heritage can say, however, that despite several investigations by the Department for Human Services, including testing of rain water and assessment of the results of stack testing carried out at the foundry, no evidence of a potential for adverse health effects from emissions from the foundry has been found.

Nevertheless, the Government will continue to assess potential health risks including reviewing results of the hot spot monitoring currently being carried out in the residential area adjacent Hensley Industries.

BUSES, AIRCONDITIONING

In reply to **Hon. T.G. CAMERON** (28 November 2000) and answered by letter on 5 January 2001.

The Hon. DIANA LAIDLAW: The Mile End and Port Adelaide depots are operated by Torrens Transit as part of its East-West contract area. This contract area also includes depots at Camden Park and Modbury. Vehicles are allocated to each of these four depots in accordance with operational schedules that are designed to maximise the efficient use of the available fleet. The Mile End depot also houses the City Free fleet. Mile End is also the only depot available to Torrens Transit which is equipped to re-fuel the newer compressed natural gas vehicles.

For these reasons the Mile End depot fleet contains proportionally more of the air-conditioned vehicles. However, working schedules are such that services are sourced evenly from each of the depots. As Sunday services are lower in number than on other days only a proportion of the fleet from each depot is used.

On Sunday, 26 November 2000, all of the services operated from the Mile End depot used air-conditioned vehicles, but there were a number of air-conditioned buses which were not used on that day.

Torrens Transit has advised that the Port Adelaide depot has 22 air-conditioned vehicles—18 are 'middies' and four are accessible. On 26 November 2000, the four accessible air-conditioned vehicles were used. However, patronage patterns on Sundays are such that the 'middies' would have been too small to meet all the service requirements that each vehicle would encounter. Therefore, larger non air-conditioned vehicles were used.

The Passenger Transport Board has also advised that all of its contractors are reviewing the allocation of buses during the summer months. This will ensure that the majority of air-conditioned buses are used, taking into account specific peak hour and heavily patronised services.

In addition, the Government has a program of bus replacement for the metropolitan public transport fleet which will improve passenger transport services. 103 new compressed natural gas buses have been ordered. 41 are now in service and the rest are being delivered at the rate of one per week. All of the new vehicles are expected to be in service by December 2001. These new air-conditioned buses will provide a more comfortable journey and they will be easier to board with their low floors and access ramps.

Currently, the fleet includes 160 fully refrigerated air-conditioned buses and 246 driver compartment-only air-conditioned buses. Another 236 are equipped with evaporative air-conditioning but these units have been switched off due to concerns with *Legionella*. The remaining older buses have no air-conditioning.

It is Government policy for new bus fleet purchases to have fully refrigerated air-conditioning in all new buses.

ROXBY DOWNS RAIL LINK

In reply to **Hon. T.G. CAMERON** (15 November) and answered by letter on 20 December 2000.

The Hon. DIANA LAIDLAW: I understand that the building of a rail link between Roxby Downs and Pimba would not facilitate further mining development at Olympic Dam, at least in the foreseeable future.

In reply to **Hon. SANDRA KANCK** (15 November) and answered by letter on 20 December 2000.

The Hon. DIANA LAIDLAW: I am advised that the traffic issues and additional risk posed by the volume of heavy traffic associated with operations at Olympic Dam were fully canvassed in the Olympic Dam Expansion Project Environmental Impact Statement published in May 1997. It was assessed that the frequency and severity of incidents arising from the Olympic Dam Operations would be the same as those for heavy-vehicle transport in general. The road conditions between Olympic Dam and Adelaide are uniformly good and designed to handle heavy-vehicle traffic.

1. Since the commencement of the Olympic Dam Project, Western Mining Corporation (WMC) has continued to review the economic and technical aspects of constructing a railway line from Pimba to Olympic Dam to link with existing rail infrastructure.

The current production capacity of Olympic Dam is a nominal 200 000 tonnes per annum of copper and associated products. I am advised that construction of this railway is not an economic option at this stage – and that WMC will continue to assess the rail option in planning for further increases in production capacity at Olympic Dam. Such an assessment will take into account the very competitive markets into which Olympic Dam sells its products.

2. Transport SA has facilitated a series of meetings between WMC and Australia Southern Railroad (ASR) to examine the possibility of moving some of the current road freight in and out of Roxby Downs by rail. (Not all freight in and out of Roxby Downs is suitable for rail.) The options examined include building a new rail spur line from Pimba to Roxby Downs or setting up a mini intermodal rail terminal at Pimba. Transport SA, WMC and ASR and any other interested rail operators will continue to have ongoing discussions regarding the possibility of transferring freight from road to rail.

3. An in-depth feasibility study is not warranted at this stage. However such a study will be considered if and when there is a positive shift in potentially competitive rail freight rates.

QUEEN ELIZABETH HOSPITAL

In reply to **Hon. SANDRA KANCK** (7 November) and answered by letter on 20 December 2000.

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

1. The Department of Human Services does not consider there is any conflict of interest in Professor Kearney being on leave from his position of CEO of the Royal Adelaide Hospital during his appointment to his current role in DHS.

Professor Kearney has been seconded from one section of the Human Services portfolio to another, which is a very common practice within the Department. Professor Kearney is a well-respected leader nationally and locally. His extensive understanding of the system and experience within hospitals has enabled the Department to achieve significant coordination amongst the major metropolitan hospitals in a time of budgetary constraints.

2. This statement is incorrect. When the beds were opened at TQEH they were staffed at a level to ensure a safe standard of nursing practice, based on current nursing home hours per patient day. This is a minimum of 2.5 nurses for morning and afternoon shifts and 2 nurses during the night. The level was to be flexible, depending on patient acuity and demand.

These beds were allocated specifically to nursing home type patients as the Department had been advised by TQEH that if these patients could be cared for in an alternative environment, beds would become available for admission of acute patients at TQEH.

3. The Chief Executive met with Dr Dunn and the Directors of the Emergency Departments on Friday, 13 October. Following receipt of a letter from Dr Dunn, the Department was advised that Dr Dunn acknowledged that his comments in relation to the opening of the beds were premature. These comments were passed on to Professor Kearney who met with Dr Dunn on Monday, 30 October.

4. 85 additional beds have been allocated across five public hospitals.

These beds provide additional capacity within the hospital system to relieve the pressures in the Emergency Departments at these hospitals caused through difficulties in accessing beds within the hospital. This is seen as a key strategy in reducing the need for ambulance diversions.

Hospitals have been asked to review their bed management practices to enable nursing home patients who require a reduced level of nursing care to be managed together. This will then free up beds for acutely ill people.

Hospital CEOs have been informed that commitment by hospital clinical staff to ensure preference to Emergency Department admis-

sions must continue. Full cooperation by medical staff is necessary for this strategy to be effective.

EXPIATION NOTICES

In reply to **Hon. SANDRA KANCK** (13 July 2000) and answered by letter on 28 February 2001.

The Hon. DIANA LAIDLAW: Further to the honourable member's supplementary Question Without Notice asked on 13 July 2000 regarding the issue of expiation notices for fare related offences, I refer to the following Media Release that I issued on 28 October 2000 advising that the Passenger Transport Board had introduced a change of procedure designed to review various fare related incidents.

TICKET CHECKS ON RAIL SYSTEM STREAMLINED

Minister for Transport and Urban Planning, Diana Laidlaw, says an evaluation of compulsory ticket checks at Adelaide Railway Station, introduced on 2 July 2000, reveals passengers and the TransAdelaide workforce overwhelmingly support the program.

'The public has told us that they don't like freeloaders and the practice of ticket checks and the issue of expiation notices is working,' Ms Laidlaw says.

The sale of single tickets from Adelaide Railway Station increased from more than 22 000 in June to more than 35 000 in July and more than 32 000 in August—identifying that more people are now aware of the ticket checks and the need to buy tickets for trips.

There has also been a noticeable reduction in petty vandalism on the rail system since the ticket checks were introduced.

However, the review also confirmed that first time train passengers in particular, have been caught when they had no intention to defraud the system and had genuinely made a mistake by—

- using concession tickets but not carrying a valid concession card, or
- having dollar notes and not coins to purchase tickets on the trains.

Ms Laidlaw says it has always been a requirement, as it was in every other State, that passengers travelling on a concession ticket must carry their concession card.

However, from today, when passengers are issued with an expiation notice for not carrying their concession card, or not having the coins to purchase a ticket, they will also be provided with a new verification form.

- They will be able to take this form to the Adelaide Railway Station with their valid concession card, or purchase a single trip ticket—following which the form will be stamped confirming these actions.
- Within 28 days of receiving the expiation notice, the stamped form should be forwarded as proof of their action to the Passenger Transport Board for appeal.

"By providing passengers with the chance to pay their fare, or show their concession card, the PTB will be able to better differentiate between repeat offenders and passengers making a genuine mistake—and ensure a 'fare ride' for all.

'However, repeat offenders will not be tolerated,' Ms Laidlaw says."

In reply to **Hon. J.F. STEFANI** (13 July 2000) and answered by letter on 28 February 2001.

The Hon. DIANA LAIDLAW: Further to the honourable member's supplementary Question Without Notice asked on 13 July 2000 regarding the issue of expiation notices for fare related offences, I refer to the following Media Release that I issued on 28 October 2000 advising that the Passenger Transport Board had introduced a change of procedure designed to review various fare related incidents.

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MENTAL HEALTH

In reply to **Hon. SANDRA KANCK** (11 October) and answered by letter on 14 December 2000.

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

1. The initial figure of 105 absconders was derived from a manual collation of figures from service managers, thought to represent the most accurate figure available at that time. A revised figure (190 persons) has been derived from a newly installed Glenside Campus database and checked against a manual search of case-notes and incident reports.

The department recognises there are differing definitions, collation methods and IT systems for collating data. The term "absconding" should only be used to describe detained patients who are absent without leave. However, the Department recognises the importance of counting all patients who are absent without the knowledge and consent of their treating team.

The Implementation Plan for Mental Health services has identified a series of strategies to improve all aspects of data collection and analysis.

2. Future planning for acute mental health bed provision is guided by the document "A New Millennium-A New Beginning, Mental Health Implementation Plan 2000-2005", released in June 2000. This was developed from the Mental Health Clinical Services Planning Study conducted by MA International.

In the medium term, the current Glenside based acute bed services will be enhanced with the capacity to open additional closed beds on a short term basis at times of peak demand.

In the long term, the provision of acute mental health beds will be in line with Strategy 7 of the Implementation Plan, mainstreaming acute mental health beds as core services of general hospitals.

3. Timeframes for the relocation of acute psychiatric beds to general hospitals will be determined following appropriate and comprehensive consultation. Such consultation will inform the planning for number, type and location of acute and intensive psychiatric care beds.

The overall timeframe for full implementation remains at five years as defined in the Implementation Plan.

TRANSPORT, EXPIATION NOTICES

In reply to **Hon. P. HOLLOWAY** (8 November 2000) and answered by letter on 26 February 2001.

The Hon. DIANA LAIDLAW: Further to the answer I provided to the honourable member's Question Without Notice asked on 8 November 2000 regarding expiation notices issued for fare related offences, I advise that the total number of fines issued for fare evasion offences between 2 July and 24 October 2000 was 3583—and for failure to present concession cards, 4231. The revenue collected relating to these offences was $96 899.00, with the component relating to concession card offences being $38 560.00.

The Passenger Transport Board (PTB) has advised that when an identification or concession card related offence is detected the reporting officer will provide the alleged offender with a verification form. The offender is given the opportunity to present their identification or concession card and have the verification form endorsed. The form is then forwarded to the PTB, and if there are no relevant prior offences the offender is issued with a warning and the matter is not proceeded with.

People who are alleged to have infringed the regulations by failing to carry a student identification card or transport concession card, and whose matters have not yet been finalised, are being given the opportunity to provide a copy of their card. On review, each matter is determined on its merits. If the offenders are able to meet the requirements of the PTB, which are the same as those for new offenders, the matter will not be proceeded with through the Courts provided the person has no record of a similar prior offence.

Where the records indicate that there have been past similar offences, the PTB believes the offender has had sufficient opportunity to become familiar with the requirements. Extenuating circumstances will have to be demonstrated before the matter may be withdrawn.

TRANSADELAIDE EMPLOYEES

In reply to **Hon. CARMEL ZOLLO** (11 October 2000) and answered by letter on 2 January 2001.

The Hon. DIANA LAIDLAW: There was a cost of $200 000 for contractors to assist TransAdelaide in preparing TVSP calculations and associated work.

The $2.3 million referred to by the honourable member was for a range of fleet restoration projects—these would normally have been carried out as part of the on-going bus maintenance program and cannot be considered as disengagement costs.

ADELAIDE AIRPORT CAR PARK

In reply to **Hon. CARMEL ZOLLO** (8 November 2000) and answered by letter on 3 January 2001.

The Hon. DIANA LAIDLAW: I provide the following information in response to the honourable member's question asked of the Treasurer representing the Minister for Tourism on 8 November 2000 regarding the Adelaide Airport car park ticketing system.

For the honourable member's interest, the Adelaide Airport lies outside the jurisdiction of the State Government. The land is owned by the Commonwealth and leased to Adelaide Airport Ltd. Accordingly, information was sought from airport management.

With regard to the honourable member's questions, Adelaide Airport Ltd has provided the following information—

1. Action has been, and is being taken, to improve the automatic car park system at the Domestic Terminal Car Park. These improvements include—

- modification of pay stations to allow easy access for people with disabilities;
- installation of three additional pay stations to reduce queuing time and queue lengths;
- provision of an additional shelter and modification of the existing shelters to ensure patrons are protected from the weather; and
- modifications to the pay station user signage as a result of the experience gained through public use.

It should be noted that the shelters provided are temporary and will be abandoned once the new terminal is constructed and operational. Accordingly, the nature of the shelters is somewhat basic. It was not possible to locate the pay stations in the Domestic Terminal as these premises are not under the control of Adelaide Airport Ltd.

2. There are no plans to install a similar system in the International Car Park as this type of system would be uneconomic in this case. This is due to the smaller vehicle numbers and the limited life of the car park, which will be affected by the new terminal development.

Adelaide Airport Ltd is continually monitoring the situation and will make improvements as required.

FOOD LABELLING

In reply to **Hon. CARMEL ZOLLO** (14 November 2000) and answered by letter on 5 January 2001.

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

1. The Minister for Human Services is pleased to advise that at the meeting of the Australia New Zealand Food Standards (Ministerial) Council (ANZFSC) on 24 November he made strong representations on the need to include the quantities of sugar and saturated fats on food labels. This view received strong support.

As a consequence, the Australia New Zealand Food Standards Code will be amended to make it mandatory for food labels to carry this important information.

There are difficulties in making consistent measurements of the Glycaemic Index and there are many foods for which published figures for the Glycaemic Index are not available. While the Glycaemic Index may be considered in the future for inclusion in food labels, such a proposal is not supported at present.

2. At that same meeting of ANZFSC the Minister for Human Services also argued for the retention of a basic compositional standard for ice cream, cream, yoghurt, chocolate, fruit juice drinks, peanut butter and jam, in addition to those foods such as meat pies for which compositional standards are already proposed. The Minister for Human Services is pleased to advise that there was general support for this proposition, and the Australia New Zealand Food Standards Code will be appropriately drafted.

GAMBLING TELEPHONE COUNSELLING SERVICE

In reply to **Hon. NICK XENOPHON** (16 November 2000) and answered by letter on 16 January 2001.

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

1. The Report of the Evaluation of the Gambling Helpline was publicly released in December 1999. The report included the analysis data, monthly reports and client satisfaction survey results referred to in response to the honourable member's question in March 1999. The evaluation report was completed by independent evaluator Helen Radoslovich and Associates, and included a comprehensive evaluation of all aspects of the operation of the Gambling Helpline.

2. Since 1 July 2000, the Gambling Helpline service has been operated by new providers, High Performance Healthcare, based in Sydney, which also provides similar services in New South Wales and Tasmania.

The service is structured so that all calls are responded to within 30 seconds by a counsellor or an answering machine. Calls that are not answered directly by a counsellor within 30 seconds are diverted to an answering machine which offers the caller the choice of leaving a message or waiting for a counsellor. If necessary, this option continues to be offered to the caller every 30 seconds.

These specifications are industry wide standards for gambling helplines.

As part of its ongoing evaluation, the Department of Human Services requires the Helpline to report monthly on various aspects of its operation. The report shows that during its first four months (July to October 2000)

- the total number of calls to the Helpline was 1182, ie monthly average of 296;
- 8 high risk (suicide) calls were received, this is an average of 2 calls per month;
- 28 callers chose the voicemail option, this is an average of 7 calls per month; and
- the average waiting time for a counsellor was 29 seconds.

Clearly this means that the vast majority of calls are answered promptly by a counsellor.

As the average waiting time to speak to a counsellor was 29 seconds, it is extremely unfortunate that the particular caller the honourable member mentioned chose to hang up when he did, without leaving a message.

GAMBLING, PROBLEM

In reply to **Hon. NICK XENOPHON** (9 November) and answered by letter on 20 December 2000.

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

1. As part of the evaluation of the campaign, O'Brien McGrath Advertising is required to commission the services of an independent research organisation to conduct a community awareness population survey in March 2001.

2. The Department of Human Services (DHS) is closely monitoring the change in client demand for services as a result of the campaign. Calls received by the Helpline service are monitored

monthly by the Department and any changes in call trends will be used to gauge the impact of the campaign.

The Minister for Human Services has been informed that the calls received by the Helpline in the two weeks following the media launch doubled in comparison to a similar time period in the previous month. Increases in referrals from the Helpline to the BreakEven agencies will also be closely monitored. Trends on numbers of new clients registered and inquiries made to BreakEven services will be analysed from data submitted to the Department by these services. The Minister for Human Services will be provided with advice from the Gamblers' Rehabilitation Fund (GRF) Committee of any increase in inquiries and subsequent increase in demand for services.

3. The Minister for Human Services will be informed through the GRF Committee of any increases in demand for problem gambling services as a result of the community education campaign and the capacity of the BreakEven service system to meet the demand.

A 19 per cent increase in funding to the service sector this financial year will assist agencies to plan for the anticipated increases in inquiries about the services offered and possible subsequent increase in demand for these services.

4. There is a high level of cooperation between the DHS and the BreakEven service sector in sharing information for the purpose of harm reduction. BreakEven service providers are active participants on the research and community education reference groups driving the three year research agenda and community education campaign. The Department is also working with the service sector through a number of other reference groups including a quality assurance and data collection reference group.

The data reference group has recently considered a range of issues involved in making non-identifiable client data available in publications that could be widely available. The most important issues discussed by this reference group are client confidentiality and client confidence.

Assurance that data will be used for appropriately conducted research is vital to secure the consent of clients contributing information to the data base. Responsible and accurate analysis of this data is essential to maximise the benefit for harm reduction purposes. Included in the three year research agenda will be an evaluation of the effectiveness of rehabilitation intervention models that will involve analysis of the client data collected by the BreakEven services.

The department will be submitting a report to the GRF Committee regarding options for access to, and use of, information from the BreakEven data base before forwarding advice on this matter to the Minister for Human Services early next year.

ABORIGINES, HEALTH

In reply to **Hon. T.G. ROBERTS** (14 November 2000) and answered by letter on 11 January 2001.

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

1. Yes there is a renal and diabetes campaign in place. Current work by the South Australian Aboriginal Health Partnership provides support and resources to Aboriginal health workers and the Aboriginal community regarding renal and diabetes issues. A recently completed statewide report, *Living with Diabetes*, auspiced through the South Australian Aboriginal Health Partnership, provides a State Strategy and Action Plan for addressing diabetes in all Aboriginal communities in South Australia.

An Aboriginal Diabetes Educators Regional Network is one of the State strategies already being developed and established through the State.

The development of a series of Clinical Pathways and protocols for Aboriginal patients attending the renal unit of The Queen Elizabeth Hospital is presently being developed.

2. The Flinders Medical Centre is currently running a program using the DCA 2000 Analyzers (testing clients' blood glucose level and proteinuria/renal disease) which is being rolled out in all Aboriginal Community Controlled Health Services in South Australia. A specific renal screening program is about to be completed in Coober Pedy which was undertaken jointly by the Women's and Children's Hospital and Flinders Medical Centre. Subject to ongoing funding, it is possible that this program will move to other Aboriginal communities. This year, the Umoona-Tjuta/Coober Pedy Health Service will see the Aboriginal Health Workers continue to run this program with ongoing support. It will be extended into the Metropolitan Adelaide Community via Nunkuwarrin Yunti this year.

3. Initial links have been made by the Department of Human Services with Territory Health Services, Central Australian Remote Health Training Unit and the Council for Remote Area Nurses Association. The Partnership's Diabetes Team has also begun work with Aboriginal Health Workers in the Nganampa Health Council in the Anangu Pitjantjatjara Lands around educational support, training and resources in dealing with issues of diabetes.

4. This year, through the South Australian Aboriginal Health Partnership, a State Aboriginal Substance Misuse Strategy for South Australia will be developed to begin to address this issue.

The Department of Human Services is also involved in the development of a substance misuse strategy for Coober Pedy being coordinated through the Attorney-General's Department.

In reply to **Hon. T.G. ROBERTS** (15 November 2000) and answered by letter on 5 January 2001.

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

1. The diabetes testing program was not cancelled on the day in question. In fact, the offer of an immunisation program was in addition to the diabetes testing and other clinic services offered every day from 9am to 1pm. Statistics for that day indicate that among other services provided, there were four blood sugar testings done and five people received an immunisation. Each morning an Aboriginal Health Worker, GP and enrolled nurse offer a clinical service from the Les Buckskin Hostel at Point Pearce.

2. A general medical clinic (with a GP) is provided every morning at Point Pearce as well as three monthly diabetes testing/screening for the community. This will continue when the facility is upgraded this year.

ROADS, RIVERLAND AND SOUTH-EAST

In reply to **Hon. R.K. SNEATH** (16 November) and answered by letter on 22 December 2000.

The Hon. DIANA LAIDLAW:

1. An Overview Study of the Riddoch Highway (Keith–Naracoorte–Mt Gambier Road) was undertaken in August 2000 to determine the requirements for overtaking lanes. This study has identified the need for three overtaking lanes, viz, one overtaking lane between Mt Gambier and the airport, and two overtaking lanes between the airport and Tarpeena (forms part of a short duplication).

2. Transport SA is currently undertaking a study of the National Highway portion of the Sturt Highway to determine the requirements for overtaking lanes. It is expected that the final report relating to the number of lanes required will be completed in early 2001.

3. The continual change in speed limits between Barmera and Berri is a function of the interaction of the curved road geometry, the close proximity of the adjoining development and other access issues. The straightening of the road alone, without addressing the adjoining development issues, will not alleviate the continual change in speed limits. The majority of the adjoining land use is vineyards and rural living blocks, and any straightening of the road will require land acquisition.

Transport SA has recently completed shoulder sealing, which has increased the seal width of the road and alleviated some of the corners to improve road alignment and safety.

Transport SA is also currently undertaking a National Highway Overview where it will identify the role and function and strategic requirements of all the National Highway corridors within South Australia with a view to determining the performance objectives of the corridors, including various intersections.

The commencement of a detailed investigation of the Monash Bypass intersections will be subject to funding approval from the Commonwealth Government.

PORT PIRIE

In reply to **Hon. R.R. ROBERTS** (15 November 2000) and answered by letter on 26 February 2001.

The Hon. DIANA LAIDLAW:

1. Residents are protected and consulted by the provisions of the Development Act.

In this case, and because of its complexity and other factors, the SAMAG proposal is being assessed as a Major Development under the provisions of Section 46 of the *Development Act*. In fact, it was determined by the Major Developments Panel—an independent statutory body constituted under the Act—that this proposal should be the subject of the highest level of assessment, which is an

Environmental Impact Statement or EIS. This requires an extensive, in depth review of a variety of issues that take all factors into account. The Major Developments Panel has already conducted a public scoping process for the EIS. This involves public exhibition of an Issues Paper followed by the publication of Guidelines for the EIS that incorporated public and Government Agency submissions to the Issues Paper. Concerns expressed by Weeroona Island residents and property owners were incorporated in these Guidelines.

SAMAG Ltd has lodged an EIS and this is now on public exhibition. Public and Government submissions will subsequently be addressed by SAMAG in a Response Document, and will be taken into account in my assessment of this development proposal and my subsequent recommendations to the Governor. Anyone who reads the EIS would have to agree that it treats the issues identified in the Guidelines seriously and in some considerable detail.

With regard to the rights of Weeroona Island property owners, or anyone else who feels they may be affected by this proposal, under the Development Act, have the right to make submissions to the Issues Paper and have these submissions taken into account by the Major Developments Panel in setting the level of assessment and the Guidelines. Subsequently, these people also have the right to make submissions to the EIS and to have these submissions addressed by SAMAG and considered in my assessment of the proposal. Whilst this Act or any other does not provide legislative protection for such things as anyone's amenity, lifestyle, or property values, the rights of the individual under the Major Developments provisions to make submissions to an Issues Paper and an EIS are not trivial. In fact, the opportunity afforded the community to put forward its attitude and concerns in this manner is also important because it enables ways to be identified to minimise adverse impacts of the proposal, should it go ahead.

2. It is correct, as the honourable member pointed out in his question, that the area of the declaration map shown as section S1069 contains the tailings dams of the now defunct uranium processing plant at Port Pirie. I am informed that these dams are currently being stabilised and rehabilitated by covering them with slag from the Pirie smelter, followed by a layer of soil on which vegetation is being established. At the time of the declaration, SAMAG was considering disposing insoluble mineral residues from the processing of their magnesite ore as part of this rehabilitation project. The SAMAG residues, consisting as they do of earthy material, happen to be very suitable for this purpose. So that this option could be considered within the scope of the Major Development, this area of the declaration included the part referred to by the honourable member.

SAMAG has since decided that a more satisfactory alternative would be to dispose of these residues of naturally occurring minerals on the site of the proposed plant, and this is the basis of the current proposal as described in the EIS. It should be pointed out that these residues or tailings consist of natural and commonly occurring minerals such as talc and silica. They are *not* radioactive.

Had SAMAG decided to dispose of these tailings in section S1069, it is not true that they could have done so without an environmental assessment. In fact, it was the case in the late eighties that a proposal to process rare earths on this site did require an EIS.

DRIVING LICENCES

In reply to **Hon. R.R. ROBERTS** (8 November 2000) and answered by letter on 16 January 2001.

The Hon. DIANA LAIDLAW: I am advised that while older drivers are required to submit a medical and eyesight certificate each year from age 70, they have the same choices as other drivers in relation to the term of their driver's licence.

Prior to 1989 older drivers only had the option to obtain a driver's licence for a period of one year, with the expiry of the licence tied to the due date for medical and eyesight review. However, some older drivers saw this as discriminatory and expressed strong views that they should have the same option as other licence holders. As a result, the medical and eyesight review, which is still conducted on an annual basis, was separated from the driver's licence and older drivers were provided with the option to choose any period in whole years up to the current ten year maximum.

The fees payable for the issue and renewal of a driver's licence comprise a licence fee and an administration fee. The administration fee is designed to recover the cost of processing the transaction and the manufacture of the driver's licence.

While I appreciate that not every licence holder may choose the ten year option, or have the financial capacity to do so, it is considered that the payment of a cost recovery administration fee is justified, as the cost of processing and manufacturing a driver's licence is the same, irrespective of the period chosen.

I am advised that an exemption from having a photograph taken would not result in any savings in administrative costs, as the taking of the photograph is only a small part of the process. I am also advised that the cost for the manufacture of a driver's licence would be the same, whether or not it contained a photograph of the licence holder.

I should point out that photographic images of licence holders are not stored and are therefore not available for re-use. Under the terms of the contract with the licence manufacturer, all photographic images must be destroyed after 60 days. This approach is designed to protect the privacy of the licence holder and takes account of the privacy concerns expressed by Parliament when photographic licences were introduced in 1989.

SPENCER GULF SHARK

In reply to **Hon. R.R. ROBERTS** (30 November) and answered by letter on 22 December 2000.

The Hon. DIANA LAIDLAW: As the honourable member would be aware, the South Australian Museum was asked to make a cast of the shark, however, the then Director, Dr Chris Anderson, advised that it was not possible for the Museum to undertake the project due to the work commitments of the Taxidermist, Mr Joe Bain.

Dr Anderson then suggested that Mr Bain would be able to carry out the work in his own time, and that if the Council wished to proceed with such an arrangement it would have to deal directly with Mr Bain out of work hours. Consequently, members of the Council were given Mr Bain's home telephone number and mobile number, as well as e-mail address for future contact regarding this work.

No agreement has been entered into by the Museum regarding the preparation of the shark other than the registration of the jaws and releasing them on long term loan to the Port Pirie Council. I also understand that this matter is in relation to a private contract that exists between the Port Pirie Council and Mr Bain. The shark specimen is not 'spirited' at the Museum, but rather is housed at the Taxidermist's home studio where the work is being undertaken.

Mr Bain has confirmed that he has received no monies in payment to date for this work, as payment was agreed to occur on completion of the work. He also confirms that no one from the Port Pirie Council has left a message on his Museum number (which is attached to an answering machine) at any time in the two weeks preceding the issue being raised publicly and in Parliament.

The Director of the Museum has advised that he is not aware of any recent visit by a delegation from the Council to the Museum—and the last visit to the Museum was in January 2000.

The National Science building, where Mr Bain works, is open between 9 a.m.—5 p.m. Monday to Friday—and access during 1 – 2 p.m. is made via a telephone in the foyer area.

YOUTH COURT (JUDICIAL TENURE) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a bill for an act to amend the Youth Court 1993. Read a first time.

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

That this bill be now read a second time.

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

Leave granted.

This Bill seeks to amend section 9 of the *Youth Court Act 1993* in order to extend the tenure of members of the principal judiciary of that Court to a maximum aggregate term of 10 years.

The Youth Court was established by the *Youth Court Act 1993* in accordance with recommendations made by the Select Committee of Parliament on Juvenile Justice in 1992 and 1993.

Under section 9 of the *Youth Court Act*, judges of the Youth Court are District Court judges who have been designated by proclamation as judges of the Youth Court. Magistrates of the Youth

Court are members of the Magistrates Court who have been designated by proclamation as Magistrates of the Youth Court.

Section 9 distinguishes between those magistrates or District Court judges who are occupied predominantly in the Youth Court (called members of the Youth Court's 'principal judiciary') and those who are available, by virtue of their designation, to perform the duties of Youth Court magistrates or judges if required but who are not occupied predominantly in the Youth Court (called members of the Youth Court's 'ancillary judiciary').

The distinction is made in order to place a limit on the period of office of members of the principal judiciary of the Youth Court. No limit is placed on the office of members of the ancillary judiciary, as their service in the Youth Court is by definition occasional and temporary.

Section 9 provides that members of the principal judiciary may hold office for an aggregate of 5 years in total. Only if a judge or magistrate is one of the first members of the Court may that term be extended, by proclamation, to an aggregate of 10 years.

This limit on the period of appointment of Youth Court magistrates and judges is based on a provision in the draft Youth Court Bill recommended by the Select Committee on Juvenile Justice. The reason given for the limit on tenure by the Minister introducing the Bill, the Hon M J Evans, was that rotation of judges had been a unanimous recommendation of the Select Committee, to ensure turnover in judges of the Youth Court, and to give them exposure to a wide range of experiences, including experience in adult courts.

While this may have been the reason for the provision, I note that the Committee published no explanation for it. Indeed it made no reference to the issue of judicial tenure in any of its three reports.

There are presently two District Court Judges who are members of the principal judiciary of the Youth Court—Senior Judge Simpson and Judge Jennings—neither of whom are first members of that Court.

The *Youth Court Act* does not permit either of the present judges of the Youth Court to serve more than an aggregate of 5 years in that jurisdiction. When their respective five year terms expire, the present judges will cease to be members of the Youth Court's principal judiciary and revert to their positions as members of the District Court, with resource implications for that court and to the detriment, in terms of loss of specialist judicial expertise, of the Youth Court.

Generally speaking, one should seek to engage judges and magistrates who are suited to the Youth Court. It is not just a matter of trying to find a judge or magistrate from existing officers to take on the Youth Court job. (They cannot, incidentally, be compelled to transfer to the Youth Court and, if that were to be the position, one would have to doubt the value of a judge or magistrate in the Youth Court jurisdiction who had to be compelled to sit there.) Clearly, if the Government is required to appoint a new judge or a new magistrate to the Youth Court every 5 years, there will soon be a surplus of judges in the District Court and magistrates in the Magistrates Courts, all entitled to remain as judges and magistrates until age 70 years and 65 years respectively. This would represent a substantial cost to future Governments in South Australia. So, while it may be desirable to have a regular 'turnover' of judges and magistrates in the Youth Court, and that is not something which is conceded, there develops a severe logistical problem in the medium to long term if one adheres to the principle of appointment of all judges until age 70 years and all magistrates until age 65 years. There must, therefore, be a compromise of the objective of regular 'turnover' of Youth Court judicial officers.

If appointments to the Youth Court principal judiciary are to be for a fixed term, that term should be sufficient to allow the development, as well as the exercise over a worthwhile period, of a specialist Youth Court judicial expertise. The Government's view is that a judicial term of 5 years cannot achieve this. In the absence of reliable data on the efficacy of other periods of office, we have recommended the substitution of a 10 year term.

I introduce this Bill as a matter of urgency to facilitate the extension of the term of appointment of Judge Barry Jennings, whose term of office as a member of the Youth Court's principal judiciary is due to expire in April 2001, having then served the current maximum of 5 years.

Judge Jennings is a valued member of the Youth Court judiciary, whose contribution to juvenile justice in this State is outstanding. Unless the *Youth Court Act* is amended to allow more than a maximum 5 year term, he will not be able to continue his work in the Youth Court but must return to the District Court bench and a new Youth Court judge must be appointed. His specialist talents in the Youth Court jurisdiction will be lost.

The Bill seeks to provide an immediate, and possibly temporary, remedy to this problem by extending the maximum term of office for members of the principal judiciary of the Youth Court from 5 years to 10 years. This will affect not only Judge Jennings but all present and future appointments to the principal judiciary of the Youth Court.

However it is the Government's intention to proceed, independently of this amendment, with a review of fixed terms in the Youth Court. The review will address how best to achieve judicial independence in the Youth Court, assessing the need, if any, for some flexibility in judicial appointments to this high volume specialist court. It will also address the position of existing magistrates and judges in the Youth Court should the limit on tenure be removed.

Clearly, such a review cannot be undertaken, nor legislation resulting from it introduced, before April 2001, when Judge Jennings' term expires. As time is of the essence, this amendment is confined to extending the existing maximum fixed term of appointment for members of the principal judiciary, leaving the broader issues to be dealt with following an overall review of judicial tenure in the Youth Court.

I commend this bill to honourable members.

Explanation of clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 9—The Court's judiciary

This clause amends section 9 of the Act by substituting a new subsection (9) that has the effect of increasing the term for which a person can be a member of the Youth Court's principal judiciary from 5 years to 10 years (including a series of terms that aggregates 10 years).

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

EQUAL OPPORTUNITY (MISCELLANEOUS) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a bill for an act to amend the Equal Opportunity Act 1984. 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 1994, the Government commissioned Mr Brian Martin QC (as he then was) to report on the operation of the Equal Opportunity Act 1984. He reported in October 1994, making a number of recommendations. The Government then convened a Reference Group to undertake a process of consultation with the community and with industry, on the implementation of these recommendations. This bill is the end result of that process and proposes some significant changes to the Act. In particular, it would expand the grounds of discrimination addressed by the Act in several respects, and would alter the complaint process and the role of the Commissioner for Equal Opportunity.

I will refer first to the expansion of the grounds of discrimination.

The bill would add 'mental illness' to the present definition of 'impairment', with the result that it will be unlawful to discriminate against a person on the ground of mental illness, in the fields covered by the Act—employment, accommodation, provision of goods and services, etc. At present, the definition of 'impairment' is limited to physical and intellectual impairment. Already, legislation in most other Australian States and at the Commonwealth level includes mental illness as a disability or impairment for the purposes of equal opportunity laws. The bill adopts the definition of 'mental illness' in the Mental Health Act.

Of course, discrimination occurs where a person treats another, who has a particular attribute, less favourably than in identical or similar circumstances, he or she would treat a person who did not have the attribute. The bill does not seek to impede the appropriate control of dangerous or illegal behaviour, even though it may spring from a mental illness. Rather, it requires that persons with a mental illness be treated similarly to persons without that illness. So, for example, if one would always require a person who was engaging

in dangerous or illegal behaviour to leave one's premises, or would call the police to remove the person, then it will not be discrimination to do so in the case of a person whose inappropriate behaviour is attributable to an illness.

The bill would also make clear that 'physical impairment' includes the state of being infected with the HIV virus. At present, infection not resulting in illness or disability is not covered by the Act. This will make it unlawful to discriminate against a person on the ground that he or she has tested positive for the virus, whether or not an illness has resulted. However, to address community concern about the spread of HIV, the bill also provides that reasonable measures to stop the spread of infection are not discriminatory.

The bill also extends the Act to cover discrimination on the ground of past or presumed characteristics, even though the person does not possess the characteristic at the time of the discriminatory act. This would cover, for example, the situation in which a person wrongly presumes that another is of a particular race or sexuality, etc, and treats him or her less favourably on this ground. This is done by the specific inclusion of references to past characteristics and a general provision that it is no defence to show that a discriminatory act was based on a mistaken assumption.

The bill also expands the coverage of the Act to independent contractors. Historically, the Act has only covered employees, agents, and contract workers who are employees of a principal. However, Martin QC recommended that it should also cover independent contractors, because they are often engaged in what he called 'employment like situations'. Examples of these might be agency nurses, contract cleaners, and family day care providers. In general, in a business context, there is no justification for declining to engage someone, or offering them less favourable terms, because of their gender, race, or age, for example.

However, as is the case generally under the Act, an exception is made for engagement in a private home, or otherwise than in conjunction with one's business. At present, it is not discrimination to take these factors into account in deciding whether or on what terms to employ a person to provide services within one's household, for example, in employing a nanny for one's children. The same will be true in engaging independent contractors in the home and in non-business circumstances.

The bill would also extend the protection of the Act to relatives of a person who possesses a characteristic. At present, while a person may complain of discrimination based on their own age, impairment, etc, they may not complain if they are unfavourably treated because a relative has that characteristic. (The exception is in the case of race discrimination, where the race of a relative or associate is a prohibited ground of discrimination.) The bill includes in each of the recognised grounds of discrimination a provision prohibiting discrimination against a person on the ground that his or her relative has the relevant characteristic.

The bill also adds reference to discrimination on the ground of 'potential pregnancy' ie the possibility that a woman may become pregnant in the future. Quite possibly, this ground is already covered in the general provisions against sex discrimination, but it was considered useful to ensure that it was specifically included.

The bill also creates some new grounds of discrimination.

Proposed new Part 5B would add new provisions prohibiting direct discrimination on the ground of responsibility to care for one's child, spouse, parent, grandparent, or grandchild. The scope of this definition has been set by analogy with s. 77 of the Industrial and Employee Relations Act 1994. The bill would also specifically prohibit discrimination on the ground of the identity of a person's spouse or former spouse. This should generally be irrelevant to one's access to employment or to goods or services. However, an exception is made where, because of the identity of the person's spouse, there is a threat to confidentiality, security or the safety of any person.

It would also prohibit discrimination in the provision of goods, services or accommodation, on the ground of association with a child. This specifically includes the responsibility to feed a child, including breast-feeding, so that this measure should put an end to discrimination against nursing mothers in the provision of services.

The bill would also expand the scope of the sexual harassment provisions in section 87, as recommended by Martin, to cover harassment of staff in various service industries, and contractors and consultants in a workplace. Hence, the bill goes beyond the Act's present references to employers, employees, fellow employees, and contractors, to speak generally of the situation where one person 'works with' another. This is the case whenever two persons perform services or carry out duties in relation to the same organisation. The bill also specifically extends to cover persons offering or supplying services, who may be harassed by customers, as well as applicants for professional qualifications, and members of incorporated associations.

However, as Martin QC concluded, the rationale for the prohibition on sexual harassment is that it amounts to the improper use of a power relationship to harass or coerce the weaker party. The Act therefore has always limited the scope of the prohibition to these situations, rather than attempting to prohibit harassment in a social context where there is no misuse of a power relationship. It follows that the Act does not seek to deal with harassment which occurs between parties who would otherwise be caught by the Act, where the harasser is not aware of the relevant connection between them. For this reason, the bill would add a stipulation that it is a defence to a complaint of sexual harassment to show that the respondent did not know, and could not reasonably be expected to have known, that the complainant fell into one of these categories.

Changes are also made to the definition of sexual harassment. The requirement for a remark to be repeated is removed, so that a single instance can constitute harassment. The type of behaviour caught is widened to include not only a remark, but a statement in writing and also the presentation of pictorial or other matter, which has sexual connotations and is directed at the person. The requirement that it should be reasonable in all the circumstances that the person feel offended is retained. Following concerns expressed in consultation, the bill specifically points out that in assessing what is reasonable, regard must be had to the context in which the conduct (such as a remark) has occurred.

Further, there is a significant change to the law relating to the liability of the employer for sexual harassment committed by an employee. At present, an employer is required to take such steps as may be reasonably practicable to see that such harassment is prevented, but the employer has a defence to an action for damages if he or she did not instruct, authorise or connive at the act. The employer is therefore not liable in damages for the independent acts of staff members, even if the employer knew of the risk or could have taken preventive steps.

The bill removes the present far-reaching exemption of the employer, and provides that, in general, an employer is vicariously liable for unlawful acts by agents or employees while carrying out the duties of their employment or agency. It retains the provision that it is unlawful for an employer to fail to take such steps as may be reasonably practicable, to prevent an employee from subjecting a fellow worker to sexual harassment. However, it provides a more limited defence for the employer where vicarious liability is alleged. The employer must show that he or she took reasonable steps to prevent the unlawful act. Specifically, the bill provides that this is established if the employer had in force an appropriate policy for the prevention of sexual harassment and had taken reasonable steps to implement the policy. These steps include steps to make staff aware of the policy, and prompt investigation and action in response to any report of sexual harassment.

Again, in response to concerns expressed in the consultation process, the bill also provides that in assessing the reasonableness of any action in the course of conducting a business, regard must be had to the size and scope of the business, the costs involved in taking the particular action, and the need to maintain the viability of the business.

The bill adds a new section 91A to make clear that a person is not vicariously liable for an act of an independent contractor, unless he or she instructed, authorised or connived at the relevant act. However, if the act would have been unlawful if done by an employer, it will be unlawful on the part of the contractor. This reflects the fact that an employer does not have the same control over an independent contractor as over an employee, so that the contractor should be responsible in law for his or her own actions.

The defence given by s. 91(3) is amended also. At present, the employer must show that he or she exercised all reasonable diligence to prevent the employee from acting in contravention of the Act. The bill would substitute a requirement that 'reasonable steps' were taken, reflecting the fact that it may be unrealistically difficult to establish the exercise of 'all' reasonable diligence. Again, however, the bill sets out clearly a course of action which would establish the defence—that of having and enforcing an appropriate policy.

The bill also widens the current provisions dealing with access to premises by disabled persons. At present, s.84 gives a general exemption to owners and occupiers of premises which are inaccessible to disabled persons, where they are inaccessible because they

have been built in a way which precludes disabled access. There is no present obligation under the State Act to see that those premises, or the relevant parts of them, are accessible. Martin QC recommended that this be changed, and that there should be a general obligation to give access, similarly to that created by the Commonwealth Disability Discrimination Act, regardless of how the building may have been constructed, subject to a defence of hardship.

Accordingly, the bill adds a new s. 87B, which requires owners and occupiers to see that their premises, and any facilities or amenities offered to the public on those premises, are in fact safely accessible to disabled persons. However, this will not apply where it would impose unjustifiable hardship. The section provides the matters to be considered when evaluating whether unjustifiable hardship is made out. These are: the cost of the necessary alterations, the financial circumstances of the owner/occupier, and the nature of the benefit which would be conferred, or the detriment which would result, for the disabled persons concerned. In addition, the Court must consider any relevant action plan lodged with the Human Rights and Equal Opportunity Commission under the Commonwealth Disability Discrimination Act.

It should be noted that it is not proposed to bring this new section into operation until *four* years after the commencement of this proposed legislation, in order to allow time for owners and occupiers to prepare for compliance. It may well be, of course, that many owners and occupiers are already under these obligations as a result of the Commonwealth Disability Discrimination Act.

The provisions of the Act dealing with concessionary fares are also amended, to reduce the possibility of abuse. The present s. 85K permits age discrimination in fees or fares or in the price of admission tickets, if the discrimination is reasonable. This was intended to permit student and pensioner concessions, for example. However, Mr Martin noted that the section could permit improper discriminatory practices, such as higher charges to elderly patrons on the basis that they had the benefit of other concessions. This was never the intention. Accordingly, the bill stipulates that what is permitted is the charging of a reduced fee or fare, or no fee or fare, for the benefit of a particular age group, where the concession is based on genuine and reasonable grounds.

In keeping with Government policy against the proliferation of specialist tribunals, the bill would also abolish the Equal Opportunity Tribunal in its present form and instead confer this jurisdiction on the Administrative and Disciplinary Division of the District Court. However, this change would be formal rather than substantive. From the point of view of the parties, little will change. The strict rules of evidence will still not apply and the Court will be obliged to do justice according to the substantial merits of the case without regard to technicalities and legal forms. The Court would sit with assessors chosen very much as the lay members of the Tribunal are now chosen. Costs would not generally be awarded, except where the Court considers this to be necessary in the interests of justice.

In addition to these changes to the substantive provisions of the Act, the bill also makes a number of changes to the procedure by which complaints are dealt with. First, there are some significant changes to the role and powers of the Commissioner, in a number of respects.

One of these concerns the dual role of the Commissioner as the investigator and conciliator of complaints. Martin QC noted that these were somewhat in tension. He recommended that the Act make clearer that the investigation role was intended to be limited to gathering the minimum information necessary to determine whether a complaint should be accepted or rejected, and to undertake conciliation. Accordingly, the bill amends s.94 to stipulate that these are the purposes of investigation.

As to the ability to require production of documents, at present, the Commissioner can require the production of documents by the respondent, but not by any other person (such as the complainant, or a third party who holds relevant records). Martin recommended that the same power should be available to the Commissioner in respect of the complainant. Accordingly, the bill would enable the Commissioner to require any person to produce relevant materials in their possession. However, it also provides that no person is obliged to produce materials which would tend to incriminate, or that are protected by legal professional privilege. Further, it is made clear that there is no automatic right in any party to have access to documents held by the Commissioner. Rather, the Commissioner may disclose them where this is appropriate and necessary for the resolution of the complaint.

Special provision is made in respect of counselling records in cases of sexual harassment. The Commissioner is not entitled to require that these be produced, nor to disclose them to the respondent, unless the complainant consents.

Martin QC also noted that at present, while the Commissioner can require the respondent to attend a conciliation conference, he or she cannot make the same requirement of a complainant. He recommended that this should be addressed. Accordingly, the bill provides that a complainant can be required to attend a conciliation conference. However, recognising that personal confrontation may sometimes be difficult for the parties, it also makes clear that the Commissioner may conciliate without bringing the parties into direct contact.

The Commissioner also has statutory power to decline a complaint in certain limited circumstances. The limits on this power can lead to some practical problems, such as the Commissioner being unable to decline a complaint where the complainant cannot be contacted. Martin QC recommended that the powers of the Commissioner to decline to act on a complaint should be enlarged. Accordingly, the bill expands the Commissioner's present declination powers. It makes clear that a complaint may be declined if the complainant cannot be contacted or has shown a lack of interest in pursuing the matter.

Martin also recommended that it should be possible to review the Commissioner's decision to decline a complaint on the papers, without the necessity for a hearing. At present, an appeal lies to the Tribunal and a hearing is required. Accordingly, the bill creates a power to deal with a complaint referred to the Court under s.95(8)*(c)* on the papers. Of course, a hearing could still be convened, in the court's discretion.

One significant change proposed in the bill is the abolition of the Commissioner's present role as the representative of the complainant before the Tribunal. Mr Martin QC considered that it was inappropriate for the Commissioner to act as conciliator between the parties, thereby gaining information from both sides, and then subsequently to act as advocate for one of the parties against the other. He said that this created a conflict of interest. Instead, he recommended that the Commissioner's representative role be removed, and the bill does this. However, it is still considered desirable that representation be provided in deserving cases by some other means at arm's length from the Commissioner, and to this end, the Government is negotiating with the Legal Services Commission to provide a comparable avenue of representation for complainants in these matters.

The Commissioner will still be able to appear before the Court in appropriate cases, either as intervener or as amicus curiae. Proposed new s. 95A would permit the Court to grant leave to any legitimately interested person to intervene in proceedings. The bill would also amend s. 95 to provide that the Court may request the Commissioner to assist the Court in the conduct of any proceedings. This is subject to the consent of the Minister.

The bill also deals with the question of extension of time. While the existing time limit of 6 months is retained, the bill will allow the Court to extend time in its discretion. It must be satisfied that there is good reason why the complaint was not brought within time, and that in all the circumstances it is just and equitable to extend time.

Sections 12 and 101 of the Act have never been proclaimed. These deal with the role of the Commissioner in giving advice and assistance to parties, and provide for a general defence where a party has acted in accordance with the Commissioner's advice. Martin QC recommended their repeal, on the basis that again they present the Commissioner with a conflict of interest. The bill would repeal those sections.

Sections 41-44, which deal with sex discrimination in superannuation, are proposed to be proclaimed.

The bill also deals with the issue of racial victimisation. At the time of debating the Racial Vilification Bill in 1996, controversy arose in the Parliament as to whether some conciliation process should be provided through the Commissioner for Equal Opportunity. In the result, it was agreed that the bill pass without such procedure, on condition that a delegation of power be sought from the Commonwealth to permit the Commissioner to deal with these matters. That delegation was not forthcoming, with the result that the Act must now be amended to provide for conciliation. This undertaking was given in a Ministerial statement in the last session. Accordingly, new s.101 will provide such a procedure. The Commissioner will be able to conciliate a racial victimisation dispute. If the matter cannot be conciliated, the remedy under the Wrongs Act is open. It should be noted that the bill does not provide for the Commissioner to conciliate the criminal offence of racial vilification. It was considered inappropriate to conciliate allegations of a criminal nature.

It will be noticed that the bill does not provide for representative actions, a matter discussed by Martin QC. The reason for this is that the District Court Rules now provide for such actions, so there is no need for specific provision in this bill.

The bill seeks to expand the protections offered by the Act against discrimination, and to ensure that the role of the Commissioner is workable in practice. I am conscious that some members of the community may wish the bill to go further, while others are concerned that it goes too far. Both views have been expressed in the preliminary consultation process, during the development of the bill. The Government believes that the bill is a sensible compromise, which will overcome defects in the present Act and add to the protections of human rights in the South Australian community, without introducing measures which are impracticable or unduly burdensome. I commend the bill to honourable members.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 1 is formal.

Clause 2: Commencement

Clause 2 provides that the measure comes into operation on a day to be fixed by proclamation with the exception of the proposed new section 87B which is to come into operation on the fourth anniversary of the commencement of the measure.

Clause 3: Amendment of long title

Clause 3 amends the long title of the Act to add the new grounds on which it is proposed that it be unlawful to discriminate.

Clause 4: Amendment of s. 5—Interpretation

Clause 4 inserts various definitions that are required for the measure. The measure proposes adding potential pregnancy, mental illness, caring responsibilities and identity of a spouse as new grounds on which it will be unlawful to discriminate. It is therefore necessary to define these terms. This clause defines caring responsibilities as meaning responsibilities for providing the ongoing care for a spouse, parent, grandparent, child or grandchild. It also expands the definition of impairment to include mental illness and defines mental illness as being any illness or disorder of the mind. It defines potential pregnancy as meaning that the woman is likely, or is perceived as being likely, to become pregnant.

Clause 4 also moves two of the interpretative provisions from section 6 into section 5 in order to draw more attention to the current subsection 6(3) (which has now become section 6) and inserts another interpretative provision into the Act to provide that an act that would be discriminatory under this Act is discriminatory even if it is committed on the basis of a mistaken assumption.

Clause 5: Substitution of s. 6

This clause proposes to make the current subsection 6(3) a section on its own in order to draw greater attention to it. An example has been included. The clause also inserts two new section. Section 6A provides that the Act does not apply to the disposal of any interest by way of a testamentary disposition or gift. Previously, this was dealt with under the various grounds. Proposed new section 6B provides that where an assessment of reasonableness is being made in relation to the taking of any particular action by another person in the course of conducting a business, the person or body making the assessment must have regard to the size and scope of the business of that other person, the costs involved in taking the particular action and the need to maintain the financial viability of the business.

Clause 6: Substitution of heading

One of the purposes of this measure is to vest the jurisdiction of the Equal Opportunity Tribunal in the Administrative and Disciplinary Division of the District Court. Clause 6 substitutes the heading to Part 2 of the Act to remove the reference to the Tribunal.

Clause 7: Repeal of heading

Clause 7 is a consequential amendment—*see clause 6*.

Clause 8: Amendment of s. 11—Functions of the Commissioner

Clause 8 adds the proposed new grounds of unlawful discrimination to the functions of the Commissioner.

Clause 9: Repeal of s. 12

Clause 9 repeals a section of the principal Act that has not been brought into operation.

Clause 10: Amendment of s. 14—Annual report by Commissioner

Clause 10 is a consequential amendment due to the repeal of s.12.

Clause 11: Repeal of Divisions 2 and 3 of Part 2

Clause 11 repeals Divisions 2 and 3 of Part 2, resulting in the removal of the Equal Opportunity Tribunal. This measure proposes to vest the Tribunal's jurisdiction in the Administrative and Disciplinary Division of the District Court.

Clause 12: Substitution of heading

Clause 12 is consequential on the inclusion of potential pregnancy as a ground of unlawful discrimination.

Clause 13: Amendment of s. 29—Definition of 'discriminate'

Section 29 of the principal Act provides the criteria for establishing discrimination on the grounds of sex, sexuality, marital status and pregnancy. Clause 13 proposes to include potential pregnancy as another ground of unlawful discrimination.

Clause 13 also proposes broadening the type of conduct that amounts to discrimination on the grounds covered by section 29 to include the situation where a person treats another unfavourably because of the sex, sexuality, marital status, pregnancy or potential pregnancy of a relative of the other person.

The clause also makes it unlawful to discriminate against a person on the basis of the person's past sex, past sexuality or past marital status.

Clause 14: Amendment of s. 31—Discrimination against agents and independent contractors

Section 31 of the principal Act provides that it is unlawful for a principal for whom work is done by agents remunerated by commission to discriminate against those agents on the ground of sex, sexuality, marital status, pregnancy or potential pregnancy. Clause 14 proposes to extend the section to make it unlawful for a principal to discriminate on the same grounds against independent contractors engaged under a contract for services.

Clause 15: Amendment of s. 34—Exemptions

Section 34 provides that certain conduct that would amount to unlawful discrimination on the ground of sex, sexuality, marital status, pregnancy or potential pregnancy in the area of employment is exempted from the provisions of the principal Act. This clause proposes a new exemption as a result of the proposed inclusion of independent contractors to provide that the Division does not apply in relation to the performance of services by an independent contractor within a private household or for purposes that are not related to the conduct of the principal's business.

Clause 16: Amendment of s. 35—Discrimination by associations on ground of sex, marital status, pregnancy or potential pregnancy

Clause 16 is a consequential amendment due to the proposed inclusion of potential pregnancy as a ground of discrimination.

Clause 17: Amendment of s. 38—Discrimination by person disposing of an interest in land

Clause 17 strikes out subsection (2) because the situation is now covered by proposed new section 6A—*see clause 5*.

Clause 18: Amendment of s. 44—Exemptions from this Division

Clause 18 is a consequential amendment as a result of vesting the jurisdiction of the Equal Opportunity Tribunal in the District Court.

Clause 19: Amendment of s. 51—Criteria for establishing discrimination on the ground of race

Section 51 of the principal Act provides the criteria for establishing discrimination on the ground of race. Clause 19 proposes broadening the type of conduct that amounts to discrimination on this ground to include the situation where a person treats another unfavourably because of the race of a relative of the other person.

Clause 20: Amendment of s. 53—Discrimination against agents and independent contractors

Section 53 of the principal Act provides that it is unlawful for a principal for whom work is done by agents remunerated by commission to discriminate against those agents on the ground of race. Clause 20 proposes to extend the section to make it unlawful for a principal to discriminate on the ground of race against independent contractors engaged under a contract for services.

Clause 21: Amendment of s. 56—Exemptions

Section 56 of the principal Act provides that certain conduct that would amount to unlawful discrimination on the ground of race in the area of employment is exempted from the provisions of the principal Act. This clause proposes a new exemption as a result of the proposed inclusion of independent contractors to provide that the Division does not apply in relation to the performance of services by an independent contractor within a private household or for purposes that are not related to the conduct of the principal's business.

Clause 22: Amendment of s. 60—Discrimination by person disposing of an interest in land

Clause 22 strikes out subsection (2) because the situation is now covered by proposed new section 6A—*see clause 5*.

Clause 23: Amendment of s. 63—Superannuation schemes and provident funds

Clause 23 is a consequential amendment as a result of vesting the

jurisdiction of the Equal Opportunity Tribunal in the District Court.

Clause 24: Amendment of s. 66—Criteria for establishing discrimination on the ground of impairment

Section 66 of the principal Act provides the criteria for establishing discrimination on the ground of impairment. This clause proposes broadening the type of conduct that amounts to discrimination on this ground to include the situation where a person treats another unfavourably because of the impairment of a relative of the other person.

Clause 25: Amendment of s. 68—Discrimination against agents and independent contractors

Section 68 of the principal Act provides that it is unlawful for a principal for whom work is done by agents remunerated by commission to discriminate against those agents on the ground of impairment. This clause proposes to extend the section to make it unlawful for a principal to discriminate on the ground of impairment against independent contractors engaged under a contract for services.

Clause 26: Amendment of s. 71—Exemptions

Section 71 provides that certain conduct that would amount to unlawful discrimination on the ground of impairment in the area of employment is exempted from the provisions of the principal Act. This clause proposes a new exemption as a result of the proposed inclusion of independent contractors to provide that the Division does not apply in relation to the performance of services by an independent contractor within a private household or for purposes that are not related to the conduct of the principal's business.

Clause 27: Amendment of s. 75—Discrimination by person disposing of an interest in land

Clause 27 strikes out subsection (2) because the situation is now covered by the proposed new section 6A—*see clause 5*.

Clause 28: Amendment of s. 78—Superannuation schemes and provident funds

Clause 28 is a consequential amendment as a result of vesting the jurisdiction of the Equal Opportunity Tribunal in the District Court.

Clause 29: Insertion of s. 79A

This clause proposes to insert a new exemption into the Act in the ground of impairment to provide that the Act does not render unlawful discriminatory behaviour where that discriminatory behaviour is directed towards ensuring that the HIV virus is not spread and the discriminatory behaviour is reasonable in all the circumstances.

Clause 30: Insertion of s. 83

This clause proposes to insert a new exemption into the Act in the ground of impairment as a consequence of including mental illness in the definition of impairment. The proposed new section provides that nothing in the Act derogates from the operation of a law that relates to mental incapacity to enter into contracts or hold property.

Clause 31: Amendment of s. 85A—Criteria for establishing discrimination on the ground of age

Section 85A of the principal Act provides the criteria for establishing discrimination on the ground of age. This clause proposes broadening the type of conduct that amounts to discrimination on this ground to include the situation where a person treats another unfavourably because of the age of a relative of the other person.

Clause 32: Amendment of s. 85C—Discrimination against agents and independent contractors

Section 85C of the principal Act provides that it is unlawful for a principal for whom work is done by agents remunerated by commission to discriminate against those agents on the ground of age. This clause proposes to extend the section to make it unlawful for a principal to discriminate on the ground of age against independent contractors engaged under a contract for services.

Clause 33: Amendment of s. 85F—Exemptions

Section 85F provides that certain conduct that would amount to unlawful discrimination on the ground of impairment in the area of employment is exempted from the provisions of the principal Act. This clause proposes a new exemption as a result of the proposed inclusion of independent contractors to provide that the Division does not apply in relation to the performance of services by an independent contractor within a private household or for purposes that are not related to the conduct of the principal's business.

Clause 34: Amendment of s. 85K—Discrimination in provision of goods and services

Section 85K of the principal Act provides that it is unlawful to discriminate on the ground of age in the provision of goods and services. Subsection (2) provides that it is unlawful to refuse to supply goods or perform services to another on the ground that the other person is accompanied by a child. This clause proposes repealing this subsection as it more appropriately belongs in the proposed new unlawful act of discrimination on the ground of association with a child—*see clause 39*. Section 85k currently provides that it is not unlawful to discriminate on the ground of age in relation to the charging of a fee or a fare. The proposed new provision provides that the section does not apply to the charging of a reduced fee, fare or price, or no fee, fare or price, for the benefit of a particular age group where the concession is based on genuine and reasonable grounds.

Clause 35: Amendment of s. 85L—Discrimination in relation to accommodation

Section 85L of the principal Act provides that it is unlawful to discriminate on the ground of age in relation to the provision of accommodation. Subsection (2) provides that it is unlawful to refuse an application for accommodation on the ground that the person intends to share that accommodation with a child. This clause proposes repealing subsection (2) as it more appropriately belongs in the proposed new unlawful act of discrimination on the ground of association with a child—*see clause 39*.

Clause 36—Repeal of s. 85O

Clause 36 is a consequential amendment as the situation is now covered by proposed new section 6A—*see clause 5*.

Clause 37: Insertion of Part 5B

Clause 37 proposes inserting a new Part into the Act to prohibit discrimination on the ground of caring responsibilities or the identity of a spouse. For the purposes of this Part, caring responsibilities is defined as meaning responsibilities for providing ongoing care for a spouse, parent, grandparent, child or grandchild. Discrimination on these grounds is prohibited in the same areas as the other grounds of discrimination covered by the Act.

The proposed new section 85T provides that a person discriminates on the ground of caring responsibilities if he or she treats another person unfavourably because of the other's caring responsibilities or because of the caring responsibilities of a relative of the other person. A person discriminates on the ground of the identity of a spouse if he or she treats another person unfavourably because of the identity of the other's spouse, or former spouse.

Proposed new sections 85U, 85V, 85W, 85X and 85Y are concerned with discrimination that occurs in employment. These sections are in substantially the same terms as the other sections of the Act that deal with discrimination occurring in employment on the other grounds covered by the Act.

Proposed new sections 85Z, 85ZA and 85ZB are concerned with the situation where the discrimination occurs by associations, qualifying bodies or educational authorities. These sections are in substantially the same terms as the other sections of the Act that deal with discrimination in these areas.

Proposed new sections 85ZC, 85ZD and 85ZE are concerned with the situation where the discrimination is in relation to land, goods, services and accommodation. These sections are in substantially the same terms as the other sections of the Act that deal with discrimination in these areas.

Proposed new section 85ZF provides an exemption in relation to the ground of identity of a spouse. The exemption provides that discrimination on this ground does not occur if, having regard to all the circumstances of the particular case, the discriminatory conduct is reasonably necessary to preserve confidentiality or security or the safety of persons.

Clause 38: Amendment of s. 87—Sexual harassment

Section 87 of the principal Act makes it unlawful for a person to subject another to sexual harassment in particular situations. This measure proposes broadening the relationships within a workplace that are caught by the provisions to include any person who works with another. For the purposes of the section, it is proposed that a person works with another if both carry out duties or perform functions, in whatever capacity and whether for payment or not, in or in relation to the same business or organisation.

This clause also proposes broadening the situations where sexual harassment will be unlawful to include that it is unlawful—

for a person to whom goods, services or accommodation are being offered, supplied, performed or provided by another person to subject that other person to sexual harassment

for a member of a body with power to confer a professional qualification to subject an applicant for the conferral of such a qualification to sexual harassment

for a member of the governing body of an association to subject a member of the association, or a person applying to become a member of the association, to sexual harassment.

The clause also proposes that there be a defence to a complaint of sexual harassment if the respondent proves that the respondent did not know that the complainant was a person whom it was unlawful for the respondent to subject to sexual harassment.

Section 87 currently provides that in certain situations it is unlawful for a person to fail to take such steps as may be reasonably practical to prevent the occurrence of sexual harassment. This clause proposes that damages will not be awarded in respect of such a failure if it is established that the respondent had in force at the relevant time an appropriate policy for the prevention of sexual harassment and had taken reasonable steps to implement the policy.

Finally, this clause broadens the conduct that amounts to sexual harassment to include the presentation of pictorial material or any other item that has sexual connotations and that is directed to or at the other and removes the requirement for a remark to be made on more than one occasion.

Clause 39: Insertion of ss. 87A and 87B

This clause proposes the insertion of two new sections into the Act. Proposed new section 87A provides that it is unlawful for a person who offers or provides goods, or services to which this Act applies, to refuse or fail to supply the goods or to perform the services, or to supply the goods or perform the services on less favourable terms or conditions, to another on the ground that the other person is accompanied by a child or is breast feeding a child. It also provides that it is unlawful for a person to refuse an application for accommodation or defer such an application on the ground that the applicant intends to share that accommodation with a child.

Proposed new section 87B provides that it is unlawful for the owner or occupier of premises that the public is entitled to enter or use (whether for payment or not) to fail to provide for persons who have a physical impairment a safe and proper means of access to the premises and a safe and proper means of access to and use or enjoyment of all facilities and amenities available to the public on those premises.

The clause further proposes that if compliance with such a requirement would cause an owner or occupier unjustifiable hardship, the owner or occupier is, to that extent, exempt from complying. In determining what constitutes unjustifiable hardship, all relevant circumstances are to be taken into account.

Clause 40: Substitution of s. 91

Clause 40 proposes replacing the current section 91 that deals with vicarious liability with two sections—section 91 providing for the liability of employers and principals and section 91A providing for the liability of independent contractors. Proposed new section 91 provides that a person is vicariously liable for a discriminatory act of an agent or employee committed while carrying out the duties of their agency or employment, and vicariously liable (jointly and severally with the agent or employee) for any unlawful act of an agent or employee under this Part committed while carrying out the duties of their agency or employment. A defence to vicarious liability is established if the person took reasonable steps to ensure that the agent or employee would not act in contravention of this Act.

The proposed new section 91A deals with the liability of independent contractors. It provides that if an independent contractor, while performing services for another person under a contract for services, acts in a manner that would, if done by the other person, be in contravention of this Act, the independent contractor is liable under this Act for that contravention. It also provides that the other person will be liable if that person instructed, authorised or connived at that act.

Clause 41: Amendment of s. 92—The Court may grant exemptions

This clause is consequential on the vesting of the jurisdiction of the Equal Opportunity Tribunal in the District Court.

Clause 42: Repeal of heading

This clause is consequential on the vesting of the jurisdiction of the Equal Opportunity Tribunal in the District Court.

Clause 43: Amendment of s. 93—The making of complaints

The principal Act does not provide for an extension of time to lodge a complaint. Clause 43 proposes that the Court may extend the time if it is satisfied that there is good reason why the complaint was not made within the stipulated time period and that in all the circumstances it is just and equitable to do so.

Clause 44: Amendment of s. 93A—Institution of inquiries

This clause is consequential on the vesting of the jurisdiction of the Equal Opportunity Tribunal in the District Court.

Clause 45: Amendment of s. 94—Investigations

Section 94 of the principal Act provides that on a complaint being lodged or a matter being referred, the Commissioner may conduct an investigation. This clause proposes a new subsection to provide that such an investigation is to be conducted for the purpose of enabling the Commissioner to determine whether the complaint or matter is one on which action should be taken by the Commissioner.

The clause also proposes that the Commissioner be able to require the production of relevant documents from any person rather than only the person whom it is alleged has acted in contravention of the Act, but that the Commissioner cannot, without the consent of the complainant, require production of records of counselling or therapy sessions arising out of alleged harassment in a sexual harassment complaint.

The clause provides that the Commissioner may only make available to a party to the proceedings such of the documents as are necessary for resolution of the complaint or matter.

Clause 46: Amendment of s. 95—Manner in which Commissioner may deal with alleged contraventions

Clause 46 proposes increasing the grounds on which a complaint may be declined by the Commissioner to include the situation where the complaint has ceased to be one that should be proceeded with because the whereabouts of the complainant are unknown, the complainant is unable to be contacted or the complainant has evidenced a lack of interest in prosecuting the complaint, or for any other sufficient reason.

The clause also proposes providing for the Commissioner to conciliate matters jointly where more than one complaint has been received against the same respondent alleging the same or similar issues of law or fact.

Section 95 provides that the Commissioner can require the attendance of a person alleged to have contravened the Act for the purpose of conciliation. Clause 46 proposes that the Commissioner be able to require the attendance of the complainant and if the complainant fails to attend, that the Commissioner be able to decline the complaint. Further, the clause provides that where a complaint is resolved by conciliation the settlement agreement must be recorded in writing, may be registered in the District Court and the agreement, if so registered, is enforceable as an order of that Court.

Clause 46 also proposes that where a complaint is referred to the Court after the Commissioner has declined it, the Court may, having received written submissions from the Commissioner and the complainant, dismiss the complaint without proceeding to a hearing of the matter.

Section 95 currently provides that the Commissioner must, if requested to do so by the complainant, assist the complainant in the presentation of the complainant's case to the Tribunal. This clause proposes removing that requirement, instead providing that the Commissioner may, at the request of the Court and with the approval of the Minister, assist the Court in the conduct of proceedings.

Clause 47: Insertion of ss. 95A and 95B

These sections are inserted as a consequence of the jurisdiction of the Equal Opportunity Tribunal being conferred on the Administrative and Disciplinary Division of the District Court. The proposed new section 95A provides that the Court is given, where necessary, similar powers to those previously exercised by the Tribunal. The proposed new section 95B provides that in any proceedings under this Act, the Court will sit with assessors.

Clause 48: Amendment of s. 96—Power of Court to make certain orders

This clause is consequential on the vesting of the jurisdiction of the Equal Opportunity Tribunal in the District Court.

Clause 49: Substitution of Division 2 of Part 8

The repeal of this Division is consequential on the vesting of the jurisdiction of the Equal Opportunity Tribunal in the District Court. The proposed new section 97 provides that the right of appeal against decisions of the Court made under this Act (*see* section 43 of the *District Court Act 1991*) applies subject to the modification that an appeal lies as of right against a decision on a question of fact (as well as on a question of law).

Clause 50: Amendment of s. 100—Proceedings under the Industrial and Employee Relations Act

This clause is consequential on the inclusion in the principal Act of the proposed new grounds of unlawful discrimination.

Clause 51: Substitution of s. 101

Clause 51 repeals a section of the principal Act that has never been brought into operation and substitutes a section that provides for the Commissioner to conciliate a complaint of racial victimisation that is actionable under the *Wrongs Act 1936*. The proposed new section provides that such a complaint must be made to the Commissioner in accordance with this Act and that it is to be investigated and conciliated in the same manner as any other complaint under this Act

with the exception that if the Commissioner is of the opinion that the complaint cannot be resolved by conciliation or declines to recognise the complaint as one on which action should be taken, the Commissioner must dismiss the complaint and notify the parties accordingly.

Clause 52: Repeal of ss. 104 and 105

The repeal of section 104 is a drafting amendment.

The repeal of section 105 is consequential on the vesting of the jurisdiction of the Equal Opportunity Tribunal in the District Court.

Clause 53: Insertion of schedule

This clause provides for the insertion of a schedule in relation to the appointment and selection of assessors for the Court. This is required as a result of proposed new section 95B.

Clause 54: Statute law revision amendments

Clause 54 inserts a statute law revision schedule. The schedule contains the usual statute law revision amendments including converting divisional fines to monetary terms.

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

FISHERIES (SOUTHERN ZONE ROCK LOBSTER FISHERY RATIONALISATION) ACT REPEAL BILL

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

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

That this bill be now read a second time.

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

Leave granted.

This Bill repeals the *Fisheries (Southern Zone Rock Lobster Fishery Rationalization) Act 1987*. That Act provided for the rationalisation of the number of rock lobster licences in the Southern Zone Rock Lobster Fishery, the establishment of a primarily industry-based Rationalization Authority to administer the rationalisation, the payment of compensation to those licensees who voluntarily left the industry and the repayment of compensation money by remaining licensees.

In June 1989, three months before the expiry of the rationalization scheme, a total of 41 licence holders, holding 2 455 rock lobster pots, had been removed from the Fishery through the buy-back scheme. The scheme was concluded at this time.

The remaining licence holders continued to fund the scheme through licence fees until repayments were completed in March 1995.

The *Fisheries (Southern Zone Rock Lobster Fishery Rationalization) Act 1987* has achieved its objectives and the Southern Zone Rock Lobster Fishery is now a sustainable fishery with 183 licences and a total allowable commercial catch of 1 720 tonnes.

In line with the Government's regulatory review program it is proposed that the Act be repealed.

I commend this Bill to honourable members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

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

Clause 3: Repeal

This clauses repeals the *Fisheries (Southern Zone Rock Lobster Fishery Rationalization) Act 1987*.

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

DENTAL PRACTICE BILL

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

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

It is my pleasure to introduce this bill which has the primary aim of providing the mechanism through which the public may be assured of high standard, effective and ethical dental practice. The bill reforms and updates the registration system for dental practitioners, it introduces registration for new categories of practitioner and generally positions the profession to meet the challenges of the future.

Honourable members may recall that the last time the Act was substantially revised was in 1984. Since that time, heightened community expectations of health professionals, the increasing introduction of highly sophisticated technology and therapeutic agents, changing practices, and higher educational standards, have created a new environment in which health care is delivered.

The dental profession, to its credit, has responded positively to the changing environment. The quality and standard of dentistry practised in Australia is amongst the highest in the world.

Australians have made substantial gains in oral health, particularly in the reduced dental caries experience of children.

However, despite those gains, oral diseases and disorders remain prevalent and a substantial burden on the Australian population. Oral health and general health are linked—factors which threaten general health also threaten oral health, and poor oral health has been associated with a range of other diseases.

There is significant potential for public health gain through prevention and treatment services—but new strategies must be adopted to achieve better outcomes for oral health. Oral health must be elevated to the national agenda and take its place in the broader framework of health policy, planning and programs.

The Australian Health Ministers' Conference has commissioned work on national oral health planning and financing, which is proceeding, and when completed should provide a blueprint for significant oral health improvement and public health gains well into the future.

Success in achieving better oral health requires a well educated, up-to-date dental workforce, and clear knowledge and skill competencies and accreditation processes. Changing community needs and the environment in which all dental occupational groups practise require flexibility and innovation in education and in services. The legislation which sets down the parameters within which the profession practises also needs to keep pace with modern developments.

The bill before the Parliament today is the culmination of a process of review and consultation, including a review carried out in accordance with the Competition Principles Agreement. Using the foundation of the existing *Dentists Act 1984*, which it will replace, the bill is a major rewrite which recognises and registers dental practitioners in South Australia, two categories of whom have not been registered in the past.

Underpinning the legislation is a theme of protection of the health and safety of the public. Specific reference is made in the long title to it being an Act to "protect the health and safety of the public". In exercising its functions, the Board is required to do so "with the object of protecting the health and safety of the public". The theme of protection of the public is carried through generally in the bill and specifically in several provisions such as the medical fitness to practise provisions.

The main features of the bill are as follows:

Dentists and dental hygienists

The situation of existing registered dental practitioners is preserved with minor enhancements and accordingly there will be few changes for dentists and dental hygienists. However, the provisions preventing qualified dentists who have specialised in a particular field from practising general dentistry have been removed. There will be a register on which all dentists will be registered, enabling them to practise all forms of general dentistry. In addition, registration as a specialist will enable them to practise in their particular specialist area or areas, in the case of those who have qualified in more than one specialist field.

Dental students

Provision is also made for dental students to be registered. The primary reason for requiring student registration is that students have access to patients during their courses and it is imperative to ensure that infection control measures and standards are observed. Dental treatment, by its very nature, is invasive, with practitioners (both students and qualified practitioners) working with human tissue and blood. Registration will bring students within the scope of the Board

and the Act, and therefore within the testing and notification requirements in relation to prescribed communicable infections. As with qualified practitioners, the Board will be able to take action to ensure that patients' health or safety are not endangered. It is the Board's intention to exempt students from the need to pay a registration fee and from the provisions requiring the holding of professional indemnity insurance. Transitional provisions are included to provide for students who, prior to the commencement of the legislation were enrolled in a course that provides qualifications for registration as a dental practitioner, to become registered as dental students.

Dental therapists

Dental therapists have been the major providers of dental care for school children in South Australia for thirty years through the School Dental Service (SADS). Currently they are restricted by the Dentists Act to working exclusively with SADS, under the control of a dentist, and only on children. They are not registered under the Act.

The bill removes the restriction to employment in the public sector, thus permitting them to work in the private sector but the restriction to work only on children will remain, as this is the area for which they are trained. It is proposed that Regulations will spell out that they must work under the control of a dentist and what work they may perform.

Given the proposed removal of the restriction to employment in the public sector, registration for dental therapists is provided for the first time, thus bringing them within the scope of the general requirements of the Act and subject to the jurisdiction of the Dental Board and Dental Professional Conduct Tribunal.

Accordingly a dental therapist will be added to the membership of both the Board and Tribunal and will be required to be included in a hearing when a case involving a dental therapist is being considered.

A transitional clause is included to provide for initial registration of dental therapists who have, at some time during the period of 3 years preceding the commencement of the clause, been employed as a dental therapist by SADS.

Clinical dental technicians

The bill provides an extended role for appropriately trained clinical dental technicians to be able to make and fit partial dentures directly to the public. Clinical dental technicians wishing to fit partial dentures will first have to demonstrate competency to the Dental Board and, having done so, they will become registered as "advanced dental prosthetists". There will be a power of review vested in the Minister in relation to refusal by the Board to approve a course of education or training.

Those clinical dental technicians who do not wish, or are unable, to become advanced dental prosthetists will be able to continue to work in the area of full dentures. It is proposed to discard the title "clinical dental technician" in favour of "dental prosthetist", a change which has been long sought by the practitioners to bring them into line with terminology used in other States.

The Clinical Dental Technicians Registration Committee becomes unnecessary but membership will be provided on both the Dental Board and the Dental Professional Conduct Tribunal for an advanced dental prosthetist or a dental prosthetist and they will have to be included in a hearing when such a practitioner is being considered.

Dental technicians

Provision is included for the registration of dental technicians for the first time. Over the years, dental technicians have undergone the transition from an apprenticeship system, in many cases with skills largely being passed from family member to family member, to an academic education which produces dental technicians who understand the properties of the very sophisticated dental materials now available for the construction of dental prostheses and have the skills required to manufacture the prostheses that patients wear in their mouths. They will continue to undertake laboratory work, to prescription, in the manufacture of dental prostheses.

Membership will be provided on both the Dental Board and Dental Professional Conduct Tribunal for a dental technician and they will have to be included in a hearing when such a practitioner is being considered.

A transitional clause is included to provide for initial registration of dental technicians who have, at some time during the period of 3 years preceding the commencement of the clause, carried on a business of, or been employed, making dental prostheses.

Board and Tribunal membership

The Board currently consists of eight members, six of whom are dentists, one legal practitioner and one consumer. There is a separate five member Clinical Dental Technicians Registration Committee, three of whose members are members of the Dental Board and two of whom are clinical dental technicians nominated by the Minister.

The proposed new Board is to be increased to thirteen members, with membership including a dental hygienist, a dental therapist, a dental technician and an advanced dental prosthetist or dental prosthetist. Importantly, the "consumer" voice is increased. The separate Clinical Dental Technicians Registration Committee will cease to exist.

The Minister will nominate one of the dentists as Presiding Member and another member as Deputy Presiding Member.

In the case of the Tribunal, four additional members will be included (a dental therapist, dental technician and two additional consumers) and the clinical dental technician position becomes either an advanced dental prosthetist or a dental prosthetist, with hearings against particular practitioners to include the relevant member, as is the current requirement.

Ownership and business restrictions

Provision is included for the registration of a company as a dentist, advanced dental prosthetist, dental prosthetist or dental technician. (Similar provision is not made for dental hygienists and dental therapists, as their patients are patients of the dentist who delegates certain duties to the dental hygienist or dental therapist.)

The restrictions of the current Act will be maintained—e.g., the sole object of the company must be to provide dental treatment of a kind authorised by the Act for that particular practitioner, directors and beneficiaries of the company must be registered practitioners of the particular kind and may include a prescribed relative if there are only two directors. There will be a power of exemption by proclamation (which may be conditional) vested in the Governor.

The provision of dental treatment for fee or reward will be restricted to people authorised by this Act (or under any other Act) to provide the particular form of treatment.

There is provision for dental treatment to be provided by an unqualified person through the instrumentality of a qualified person in prescribed circumstances and also a Governor's power of exemption. These provisions will be used to cater for situations on a case by case basis, such as Health Funds providing dental services via registered practitioners as part of their service to members, organisations providing dental services for their employees and families, and the South Australian Dental Service—all of these entities are "unqualified persons" within the meaning of the legislation but all provide their services via "qualified" persons.

It will be an offence for a person in an organisation which provides dental treatment through the instrumentality of a dental practitioner to give directions to a dental practitioner which result in the practitioner acting unlawfully, improperly, negligently or unfairly.

Board functions

The Board is to develop codes of conduct and professional standards and publish them in the Gazette, send a copy to registered practitioners and have them available for the public.

The Board is given new powers in important areas

Power to enter premises

Specific powers are included to enable inspectors to enter premises to investigate potential illegal practice, potential causes for disciplinary action and instances where a practitioner is suspected of being medically unfit to provide dental treatment.

Infection control

Most dental procedures involve sharp instruments penetrating soft tissues of the mouth and blood is frequently present in the mouth. Dental treatment therefore has the potential to be a source of transmission of blood borne diseases. While the dental profession has been pro-active in relation to infection control with a voluntary accreditation process, the Government believes it is necessary to equip the Board with powers to ensure that patients are not put at risk.

Specific provisions are therefore included as follows:

- in making a determination under the Act as to a person's medical fitness to provide dental treatment, regard must be had as to whether the person is able to provide dental treatment personally to a patient without endangering the patient's health or safety and regard may be had as to whether the person has a prescribed communicable infection (which is defined as HIV or any other viral or bacterial infection prescribed by the regulations—the advice of the Department of Human Services' Expert Panel on Infected Healthcare Workers will be sought in framing the regulations);

- one of the criteria for registration and reinstatement will be that a person is medically fit to provide dental treatment. The Board may require a medical report or other evidence as to medical fitness;
- the Board intends, when seeking payment of the annual practice fee by a registered practitioner, to require the practitioner to declare that they have undertaken a blood test in the previous six months and discussed any implications with their medical practitioner;
- medical practitioners will be required to report to the Board if they are treating a dental practitioner with a prescribed communicable infection;
- the Board will be empowered to immediately suspend (or impose conditions on) the registration of a dental practitioner for infection control or other medical unfitness reasons to protect the health and safety of the public, pending a hearing;
- the Board will be empowered require a practitioner to submit to an examination by a medical or other health professional (including the taking of a blood test);
- a dental practitioner, on becoming aware that they have a prescribed communicable infection, with be required to forthwith provide written notice to the Board.

Minor offences

There have been a number of minor offences of less than professional conduct which merit a greater penalty than a reprimand and which the Board has been required to refer to the Dental Professional Conduct Tribunal. Provision is included in the bill to enable the Board to reprimand, impose a fine not exceeding $1000, impose conditions or suspend registration for up to one month.

Matters of serious unprofessional conduct will still be referred to the Tribunal which can impose penalties, including de-registration.

Insurance

Provision is included to prohibit a dental practitioner from providing dental treatment unless insured to an extent and in a manner approved by the Board. There will be a power to exempt (which may be on conditions) vested in the Board.

In summary, the bill establishes a firm foundation for high standard, effective and ethical practice.

I commend the bill to the House.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement by proclamation.

Clause 3: Interpretation

This clause contains definitions and other interpretative provisions for the purposes of the measure. The definition of 'dental practitioner' contemplates seven classes of practitioner and the definition of 'appropriate register' contemplates a separate register for each class, plus a register of dental students. Other notable definitions include that of 'dental treatment' and 'unprofessional conduct'.

Clause 4: Medical fitness to provide dental treatment

This clause provides for a determination of a person's medical fitness to provide dental treatment to include consideration of whether the person can provide the treatment personally to a patient without endangering the patient's health or safety, and for that purpose, allows regard to be given to the question of whether the person has HIV or some other viral or bacterial infection prescribed by the regulations.

PART 2

DENTAL BOARD OF SOUTH AUSTRALIA

DIVISION 1—CONTINUATION OF BOARD

Clause 5: Continuation of the Board

This clause continues the Dental Board of South Australia in existence as a body corporate with perpetual succession, a common seal, the capacity to litigate in its corporate name and all the powers of a natural person capable of being exercised by a body corporate.

DIVISION 2—THE BOARD'S MEMBERSHIP

Clause 6: Composition of the Board

This clause provides for the Board to consist of 13 members appointed by the Governor, empowers the Governor to appoint deputy members and requires at least 4 members of the Board nominated by the Minister to be women and at least 4 to be men.

Clause 7: Terms and conditions of membership

This clause provides for members of the Board to be appointed for a term not exceeding 3 years and to be eligible for re-appointment on expiry of a term of appointment. It also sets out the circumstances in which a member's office becomes vacant and in which the Governor is empowered to remove a member from office.

Clause 8: Presiding member and deputy

This clause provides for the Board to have a presiding member and a deputy presiding member appointed by the Governor after consultation with the Board.

Clause 9: Vacancies or defects in appointment of members

This clause prevents an act or proceeding of the Board being invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

Clause 10: Remuneration

This clause entitles a member of the Board to remuneration, allowances and expenses determined by the Governor.

DIVISION 3—REGISTRAR AND STAFF OF THE BOARD

Clause 11: Registrar of the Board

This clause provides for the appointment of a Registrar by the Board on terms and conditions determined by the Board.

Clause 12: Other staff of the Board

This clause provides for the Board to have such other staff as it thinks necessary for the proper performance of its functions.

DIVISION 4—GENERAL FUNCTIONS AND POWERS

Clause 13: Functions of the Board

This clause sets out the functions of the Board and requires the Board to exercise its functions with the object of protecting the public by achieving and maintaining the highest professional standards both of competence and conduct in the provision of dental treatment in South Australia.

Clause 14: Committees

This clause empowers the Board to establish committees to advise the Board and assist it to carry out its functions.

Clause 15: Delegations

This clause empowers the Board to delegate any of its functions or powers under the measure (other than Part 5) to a member of the Board, the Registrar, an employee of the Board or a committee established by the Board.

DIVISION 5—THE BOARD'S PROCEDURES

Clause 16: The Board's procedures

This clause deals with matters relating to the Board's procedures such as the quorum at meetings, the chairing of meetings, voting rights, the holding of conferences by telephone and other electronic means and the keeping of minutes.

Clause 17: Disclosure of interest

This clause requires members of the Board to disclose direct or indirect pecuniary or personal interests in matters under consideration and prohibits participation in any deliberations or decision of the Board on those matters. A maximum penalty of $5 000 is fixed for contravention or non-compliance.

Clause 18: Powers of the Board in relation to witnesses, etc.

This clause sets out the powers of the Board to summons witnesses and require the production of documents and other evidence in proceedings before the Board.

Clause 19: Principles governing hearings

This clause provides that the Board is not bound by the rules of evidence and requires it to act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms.

Clause 20: Representation at proceedings before the Board

This clause entitles a party to proceedings before the Board to be represented at the hearing of those proceedings.

Clause 21: Costs

This clause empowers the Board to award costs against a party to proceedings before the Board.

DIVISION 6—ACCOUNTS, AUDIT AND ANNUAL REPORT

Clause 22: Accounts and audit

This clause requires the Board to keep proper accounting records in relation to its financial affairs, to have annual statements of account prepared in respect of each financial year and to have the accounts audited annually by an auditor approved by the Auditor-General and appointed by the Board.

Clause 23: Annual report

This clause requires the Board to prepare an annual report for the Minister and requires the Minister to table the report in Parliament.

PART 3

THE DENTAL PROFESSIONAL CONDUCT TRIBUNAL

Clause 24: Continuation of the Tribunal

This clause continues the Dental Professional Conduct Tribunal in existence.

Clause 25: Composition of the Tribunal

This clause provides for the Tribunal to consist of 11 members appointed by the Governor and empowers the Governor to appoint deputy members.

Clause 26: Terms and conditions of membership

This clause provides for members of the Tribunal to be appointed for a term not exceeding 3 years and to be eligible for re-appointment on expiry of a term of appointment. It also sets out the circumstances in which a member's office becomes vacant and in which the Governor is empowered to remove a member from office.

Clause 27: Vacancies or defects in appointment of members

This clause prevents an act or proceeding of the Tribunal from being invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

Clause 28: Remuneration

This clause entitles a member of the Tribunal to remuneration, allowances and expenses determined by the Governor.

Clause 29: Constitution of the Tribunal for the purpose of proceedings

This clause sets out how the Tribunal is to be constituted for the purpose of hearing and determining proceedings.

PART 4

REGISTRATION

DIVISION 1—THE REGISTERS

Clause 30: The registers

This clause requires the Registrar to keep a separate register for each class of registered person and sets the information required to be included in each register. It also requires the registers to be kept available for inspection by the public and a copy of each register to be published in the Gazette each year. The Registrar may remove from a register the name of a person who dies or ceases for any reason to be entitled to be registered. The clause requires registered persons to notify a change of address within three months. A maximum penalty of $250 is fixed for non-compliance.

Clause 31: Authority conferred by registration on a register

This clause sets out the kinds of dental treatment that registration on each particular register authorises a registered person to provide.

DIVISION 2—REGISTRATION

Clause 32: Registration of natural persons as dental practitioners

This clause provides for the full and limited registration of natural persons as dental practitioners.

Clause 33: Registration of companies

This clause provides for the registration of companies as dentists, advanced dental prosthetists, dental prosthetists or dental technicians.

Clause 34: Registration of dental students

This clause requires persons to register as dental students before undertaking a course of study providing qualifications for registration as a dental practitioner and provides for full or limited registration.

Clause 35: Application for registration

This clause deals with applications for registration. It empowers the Board to require applicants to submit medical reports or other evidence of medical fitness to provide dental treatment or to obtain additional qualifications or experience before determining an application.

Clause 36: Removal from register

This clause requires the Registrar to remove a person's name from a register on application by the person or on suspension of the person's registration under this measure.

Clause 37: Reinstatement on register

This clause makes provision for reinstatement of a person's name on a register. It empowers the Board to require applicants for reinstatement to submit medical reports or other evidence of medical fitness to provide dental treatment or to obtain additional qualifications or experience before determining an application.

Clause 38: Fees

This clause deals with the payment of registration, reinstatement and annual practice fees.

DIVISION 3—SPECIAL OBLIGATIONS OF COMPANY PRACTITIONERS

Clause 39: Returns by companies

This clause requires a company registered as a dental practitioner to lodge an annual return and fixes a maximum penalty of $2 500 for non-compliance.

Clause 40: Notice of appointment of directors, etc.

This clause requires a company registered under the measure to give notice of a person becoming or ceasing to be a director or member of the company and fixes a maximum penalty of $2 500 for non-compliance.

Clause 41: Alterations to memorandum or articles of association of registered company

This clause prohibits a company registered under the measure from altering its memorandum or articles of association without the prior approval of the Board and fixes a maximum penalty of $1 250 for contravention.

DIVISION 4—RESTRICTIONS RELATING TO DENTAL PRACTICE

Clause 42: Illegal holding out as dental practitioner

This clause makes it an offence for a person to hold themself out as a registered person of a particular class or permit another person to do so unless registered on the appropriate register. It also makes it an offence for a person to hold out another as a registered person of a particular class unless the other person is registered on the appropriate register. In both cases a maximum penalty of $10 000 or imprisonment for six months is fixed.

Clause 43: Illegal holding out concerning restrictions or conditions

This clause makes it an offence for a person whose registration is restricted, limited or conditional to hold themself out, or permit another person to hold them out, as having registration that is unrestricted or not subject to a limitation or condition. It also makes it an offence for a person to hold out another whose registration is restricted, limited or conditional as having registration that is unrestricted or not subject to a limitation or condition. In both cases a maximum penalty of $10 000 or imprisonment for six months is fixed.

Clause 44: Use of certain titles or descriptions prohibited

This clause creates a number of offences prohibiting persons who are not appropriately registered from using certain words or their derivatives to describe themselves or services that they provide, or in the course of advertising or promoting services that they provide. In each case a maximum penalty of $10 000 is fixed.

Clause 45: Restriction on provision of dental treatment by unqualified persons

This clause makes it an offence for a person to provide dental treatment for fee or reward unless the person is a qualified person (authorised to provide that treatment by or under this measure or another law) and the treatment is provided personally by the person or some other person who is a qualified person. A maximum penalty of $10 000 or imprisonment of six months is fixed but the offence does not apply to dental treatment provided by a qualified person through the instrumentality of another qualified person or provided by an unqualified person through the instrumentality of a qualified person in prescribed circumstances. In addition, the Governor is empowered, by proclamation, to grant an exemption if of the opinion that good reason exists for doing so in the particular circumstances of a case.

Clause 46: Board's approval required where dental practitioner has not practised for five years

This clause prohibits a dental practitioner or dental student who has not provided dental treatment of a kind authorised by their registration for 5 years or more from providing such treatment without the prior approval of the Board and fixes a maximum penalty of $10 000. The Board is empowered to require an applicant for approval to obtain qualifications and experience and to impose conditions on the person's registration.

Clause 47: Companies not to practice in partnership

This clause prohibits a company registered under the measure from practising as a dental practitioner in partnership with any other person unless it has been authorised to do so by the Board and fixes a maximum penalty of $1 250.

Clause 48: Employment of registered persons by company

This clause prohibits a company registered as a dental practitioner of a particular class from employing a number of dental practitioners of that class that exceeds twice the number of directors in the company and fixes a maximum penalty of $1 250.

PART 5

INVESTIGATIONS AND PROCEEDINGS

DIVISION 1—PRELIMINARY

Clause 49: Interpretation

This clause provides that in this Part the term 'registered person' includes a person who was at some time registered under the measure.

Clause 50: Cause for disciplinary action

This clause sets out the criteria for the existence of proper cause for disciplinary action against a registered person.

DIVISION 2—INVESTIGATIONS

Clause 51: Powers of inspectors

This clause sets out the powers of an inspector to investigate certain matters.

Clause 52: Offence to hinder, etc., inspector

This clause makes it an offence for a person to hinder an inspector, use certain language to an inspector, refuse or fail to comply with a requirement of an inspector, refuse or fail to answer questions to the best of the person's knowledge, information or belief, or falsely represent that the person is an inspector. A maximum penalty of $5 000 is fixed.

Clause 53: Offences by inspectors

This clause makes it an offence for an inspector to address offensive language to another person or, without lawful authority, to hinder or obstruct, use force or threaten the use of force in relation to another person. A maximum penalty of $5 000 is fixed.

DIVISION 3—PROCEEDINGS BEFORE THE BOARD

Clause 54: Obligation to report medical unfitness of dental practitioner or dental student

This clause requires a medical practitioner treating a dental practitioner or dental student to submit a report to the Board if the medical practitioner diagnoses that the dental practitioner or dental student has a prescribed communicable infection. It also requires health professional treating a dental practitioner or dental student to submit a report to the Board if of the opinion that the practitioner or student may be medically unfit to provide dental treatment. In each case a maximum penalty of $2 500 is fixed for non-compliance. The Board must cause a report to be investigated.

Clause 55: Medical fitness of dental practitioner or dental student

This clause empowers the Board to suspend the registration of a dental practitioner or dental student or impose conditions on registration restricting the right to provide dental treatment if, on application by certain persons or after an investigation under clause 54, and after due inquiry, the Board is satisfied that the practitioner or student is medically unfit to provide dental treatment and that it is desirable in the public interest to take such action.

Clause 56: Inquiries by Board as to matters constituting grounds for disciplinary action

This clause requires the Board to inquire into a complaint relating to matters alleged to constitute grounds for disciplinary action against a registered person unless the Board considers the complaint to be frivolous or vexatious or lays a complaint before the Tribunal relating to such matters. If, after conducting an inquiry, the Board is satisfied that there is proper cause for taking disciplinary action, the Board can reprimand the person, order the person to pay a fine of up to $1 000, impose conditions on their right to provide dental treatment for fee or reward or suspend their registration for a period not exceeding one month. If a person fails to pay a fine imposed by the Board, the Board can remove their name from the appropriate register.

Clause 57: Variation or revocation of conditions imposed by Board

This clause empowers the Board to vary or revoke a condition of a person's registration on the person's application.

Clause 58: Suspension of registration of non-residents

This clause empowers the Board, on application by the Registrar, to suspend until further order the registration of a dental practitioner who has not resided in Australia for the period of 12 months immediately preceding the application.

Clause 59: Provisions as to proceedings under this Part

This clause deals with the conduct of proceedings by the Board under this Part.

DIVISION 4—PROCEEDINGS BEFORE THE TRIBUNAL

Clause 60: Inquiries by Tribunal as to matters constituting grounds for disciplinary action

This clause requires the Tribunal to inquire into a complaint relating to matters alleged to constitute grounds for disciplinary action against a registered person unless the Tribunal considers the complaint to be frivolous or vexatious. If, after conducting an inquiry, the Tribunal is satisfied that there is proper cause for taking disciplinary action, the Tribunal can reprimand the person, order them to pay a fine of up to $5 000, impose conditions on their right to provide dental treatment for fee or reward, suspend their registration for a period not exceeding one year or cancel their registration. If a person fails to pay a fine imposed by the Tribunal, the Board can remove their name from the appropriate register.

Clause 61: Provisions as to proceedings under this Division

This clause deals with the conduct of proceedings by the Tribunal under this Part.

Clause 62: Powers of Tribunal

This clause sets out the powers of the Tribunal for the purposes of inquiries.

Clause 63: Costs

This clause empowers the Tribunal to award costs against a party to proceedings before the Tribunal.

Clause 64: Power of Tribunal to make rules

This clause empowers the Tribunal to make rules regulating its practice and procedure or making any other provision as may be necessary or expedient to carry into effect the provisions of this Division relating to the Tribunal.

PART 6

APPEALS

Clause 65: Right of appeal to Supreme Court

This clause provides a right of appeal to the Supreme Court against certain acts and decisions of the Board or Tribunal.

Clause 66: Operation of order may be suspended

This clause empowers the Court to suspend the operation of an order made by the Board or Tribunal where an appeal is instituted or intended to be instituted.

Clause 67: Variation of conditions imposed by Court

This clause empowers the Court to vary or revoke conditions of registration imposed by the Court.

PART 7

MISCELLANEOUS

Clause 68: Interpretation

This clause defines terms used in this Part of the measure.

Clause 69: Improper directions to dental practitioners and dental students

This clause makes it an offence for a person who provides dental treatment through the instrumentality of a dental practitioner or dental student to give directions resulting in the practitioner or student acting unlawfully, improper, negligently or unfairly in relation to the provision of dental treatment. It also makes it an offence for a person occupying a position of authority in a trust or corporate entity that provides dental treatment through the instrumentality of a practitioner or student to give such directions. In each case a maximum penalty of $10 000 is fixed.

Clause 70: Offence to contravene conditions of registration

This clause makes it an offence for a person to contravene or fail to comply with the conditions of their registration under the measure and fixes a maximum penalty of $10 000 or imprisonment for six months.

Clause 71: Procurement of registration by fraud

This clause makes it an offence for a person to fraudulently or dishonestly procure registration or reinstatement of registration (whether for himself or herself or another person) and fixes a maximum penalty of $10 000.

Clause 72: False or misleading statement

This clause makes it an offence for a person to make a false or misleading statement in a material particular (whether by reason of inclusion or omission of any particular) in information provided under the measure and fixes a maximum penalty of $10 000.

Clause 73: Dental practitioner or dental student must report his or her infection to Board

This clause requires a dental practitioner or dental student who is aware that he or she has a prescribed communicable infection to forthwith give written notice of that fact of the Board and fixes a maximum penalty of $5 000 for non-compliance.

Clause 74: Dental practitioners to be indemnified against loss

This clause prohibits a dental practitioner from providing dental treatment for fee or reward unless insured in a manner and to an extent approved by the Board against civil liabilities that might be incurred by the practitioner in the course of providing any such treatment. The clause fixes a maximum penalty of $5 000 and empowers the Board to exempt persons or classes of persons from the requirement to insure.

Clause 75: Information relating to claim against registered person to be provided

This clause requires a registered person to provide the Board with prescribed information about any claim made against the registered person or another person for alleged negligence committed by the registered person in the course of providing dental treatment. The clause fixes a maximum penalty of $5 000 for non-compliance.

Clause 76: Self-incrimination and legal professional privilege
This clause provides that a person cannot refuse or fail to answer a question or produce documents as required under the measure on the ground that to do so might tend to incriminate the person or make the person liable to a penalty, or on the ground of legal professional privilege. If a person objects on either of the first two grounds, the fact of production of the document or the information furnished is not admissible against the person except in proceedings in respect of making a false or misleading statement or perjury. If a person objects on the ground of legal professional privilege, the answer or document is not admissible in civil or criminal proceedings against the person who would, but for this clause, have the benefit of that privilege.

Clause 77: Punishment of conduct that constitutes an offence
This clause provides that if conduct constitutes both an offence against the measure and grounds for disciplinary action under the measure, the taking of disciplinary action is not a bar to conviction and punishment for the offence, and conviction and punishment for the offence is not a bar to disciplinary action.

Clause 78: Vicarious liability for offences
This clause provides that if a trust or corporate entity is guilty of an offence against the measure, each person occupying a position of authority in the entity is guilty of an offence and liable to the same penalty as is prescribed for the principal offence unless it is proved that the person could not, by the exercise of reasonable care, have prevented the commission of the offence by the entity.

Clause 79: Joint and several liability of companies
This clause provides that a civil liability incurred by a company registered as a dental practitioner is enforceable jointly and severally against the company and the persons who were directors of the company at the time the liability was incurred.

Clause 80: Board may require medical examination or report
This clause empowers the Board to require a dental practitioner or dental student or person applying for registration or reinstatement of registration as such to submit to an examination by a health professional or provide a medical report from a health professional, including an examination or report that will require the person to undergo a medically invasive procedure. If the person fails to comply the Board can suspend the person's registration until further order.

Clause 81: Ministerial review of decisions relating to courses
This clause gives a provider of a course of education or training the right to apply to the Minister for a review of a decision of the Board to refuse to approve the course for the purposes of the Act or to revoke the approval of a course.

Clause 82: Protection from personal liability
This clause protects members of the Board and Tribunal, the Registrar and other staff of the Board and inspectors from personal liability in good faith in the performance or purported performance of functions or duties under the measure. A civil liability will instead lie against the Crown.

Clause 83: Service
This clause sets out the methods by which notices and other documents may be served for the purposes of the measure.

Clause 84: Evidentiary provision
This clause provides evidentiary aids for the purposes of proceedings for offences against the measure and disciplinary proceedings under Part 5.

Clause 85: Regulations
This clause empowers the Governor to make regulations for the purposes of the measure.

SCHEDULE

Repeal and transitional provisions

This Schedule repeals the *Dentists Act 1984* and makes transitional provisions relating to the constitution of the Board and Tribunal and registration of dental practitioners and dental students.

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

SANDALWOOD ACT REPEAL BILL

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

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

History

The *Sandalwood Act 1930* is 'An Act to fix the maximum amount of sandalwood which may be taken from the land within the State, and for purposes incidental thereto.' The second reading speech of 12 August 1930 stated that 'the purpose of the Bill is to invest the Government with power to control the output of sandalwood from this State.' As a largely financial motivation, it therefore represented Government intervention in the form of industry protection on the supply side of the market for sandalwood.

Sandalwood is defined in the *Sandalwood Act 1930* as 'the wood of any tree of the genus *santalum* or the genus *fusanus* and any other species of aromatic wood which is or may be used as a substitute for sandalwood.' The species of sandalwood growing in South Australia is *Santalum spicatum*. Harvesting of sandalwood was an important industry from before the turn of the century and up to the 1930s. However, virtually no legal cutting of sandalwood has occurred since the 1930s. There is a small but growing sandalwood woodlotting industry in South Australia, however, remnant natural populations across their former range continue to require protection.

General Considerations

The review of legislation under the National Competition Policy Agreement has confirmed that the *Sandalwood Act 1930* should be repealed, given that the provisions of the *Native Vegetation Act 1991* and *National Parks and Wildlife Act 1972* provide adequate protection for naturally occurring sandalwood within South Australia. The licensing system, established for the taking of naturally occurring sandalwood under the *Sandalwood Act 1930*, is therefore redundant.

This Bill has been drafted to repeal the *Sandalwood Act 1930*. The passage of this Bill will remove an obsolete Act from the statute books as protection for sandalwood is adequately covered by subsequent legislation.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title
This clause is formal.

Clause 2: Repeal
This clause repeals the *Sandalwood Act 1930*.

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

STATUTES AMENDMENT (AVOIDANCE OF DUPLICATION OF ENVIRONMENTAL PROCEDURES) BILL

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

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

That this bill be now read a second time.

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

Leave granted.

The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* came into operation on 16 July 2000 and requires a proponent to obtain approval from the Commonwealth Minister for any development or other activity 'which has, will have, or will be likely to have', a 'significant impact' on a matter of national environmental significance.

The Statutes Amendment (Avoidance of Duplication of Environmental Procedures) Bill 2000 introduces a number of minor changes to several South Australian Statutes. These changes are intended to minimise the duplication of procedures and increase certainty for proponents seeking approval under both the new Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* and the following South Australian Acts:

- *Development Act 1993,*
- *Environment Protection Act 1993,*
- *Mining Act 1971,*
- *Native Vegetation Act 1991,*
- *Petroleum Act 2000,* and
- *Water Resources Act 1997.*

The Bill proposes to insert a new provision in each of the Statutes in order to allow assessment activities undertaken to satisfy the Commonwealth under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) to be recognised by State and Local Government authorities for their purposes under State legislation.

The above listed Acts require amendment as they contain prescriptive provisions governing the granting of authorisations that regulate environmental aspects of activities which may be duplicated in the Commonwealth process.

This Bill does not preclude the possible future accreditation of relevant State assessment process by the Commonwealth through a bilateral agreement under the EPBC Act.

Consequently, this Bill is required to implement a system of assessments that minimises duplication and increases certainty, at least cost and risk to the State Government, and without compromising the adequacy of current State assessment processes.

There are five main areas of change that the Bill implements in respect of each piece of State legislation.

Firstly, the amendments will enable a State decision under the State Act to accept relevant procedural documents prepared for the purposes of the EPBC Act as procedural documents for the State Act. To be accepted, the document will need to meet the requirements of the State Act as to its substance.

Secondly, the amendments will enable a State decision maker to effectively 'accredit' an EPBC Act process, if the process complies with the minimum State process.

Thirdly, the amendments will enable a State decision maker to adopt substantive documents under the EPBC Act as substantive documents under the State Act. A State decision maker under the State Act may accept (in whole or in part) a document prepared under the EPBC Act as all or part of an equivalent State Act document. To be accepted, the document will need to meet the requirements of the State Act in terms of its preparation, other procedural requirements and substance.

It is central to each of the three amendments above that in all respects a State decision-maker's discretion in accepting documents or processes relating to documents, depends on these documents fulfilling in all substantive respects, the provisions of the State legislation.

Fourthly, the amendments require a State decision maker to consider consistency of EPBC Act and State Act conditions. A State decision maker must heed any conditions that have been set on the activity under the EPBC Act, and consider whether conditions to be imposed under the State Act should be consistent with those conditions. The amendments also allow a State decision maker to impose a condition requiring compliance with the EPBC Act conditions.

Finally, the amendments certify that a document that has been accepted for use by a State decision maker under the amendments listed above will not be invalidated for the purposes of the State Act merely because it has been found to be invalid for the EPBC Act.

This amendment would not prevent a person from separately challenging the State decision maker's use of the document, however, in the normal way in which a person might challenge the use of any document, or the proper fulfilment of any State Act process.

The Government looks forward to the support of the Parliament in passing the Statutes Amendment (Avoidance of Duplication of Environmental Procedures) Bill 2000 in order to streamline assessment procedures for those seeking assessments under the Commonwealth EPBC Act and the amendment Acts.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This clause defines 'the principal Act' for the purposes of the Bill.

Clause 4: Insertion of s. 52A

This clause inserts new section 52A into the *Development Act 1993*. Subsection (1) sets out the purpose of the provision. Subsection (2)*(a)* and *(c)* enables the relevant authority under the *Development Act 1993* to accept or adopt a Commonwealth Act document for the purposes of the Development. Subsection (2)*(b)* enables the authority to direct that a procedure under the Commonwealth Act will be taken to have fulfilled procedural requirements under the State Act. It should be noted that an authority can only accept or adopt a document or procedure if the requirements of the *Development Act* have been complied with. Subsections (3) and (4) provide for two specific cases. Subsection (6) requires the local authority to direct its attention to the question of consistency of conditions that must be complied with by the person undertaking the activity under both Acts. Subsection (7) provides that Commonwealth documents may be accepted or adopted even though their form does not comply with the requirements of the *Development Act* and they include information that is not relevant to matters to be considered under the *Development Act 1993.*

Clause 5: Insertion of s. 50A

Clause 6: Insertion of s. 79A

Clause 7: Insertion of s. 29A

Clause 8: Insertion of s. 130A

Clause 9: Insertion of s. 144A

These clauses make similar amendments to the *Environment Protection Act 1993*, the *Mining Act 1971*, the *Native Vegetation Act 1991*, the *Petroleum Act 2000* and the *Water Resources Act 1997*.

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

HAIRDRESSERS (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly agreed to the bill without any amendment.

RACING (PROPRIETARY BUSINESS LICENSING) BILL

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I seek leave to make a short personal explanation regarding the Racing (Proprietary Business Licensing) Bill.

Leave granted.

The Hon. DIANA LAIDLAW: I refer to debate on this bill in this place on 7 December 2000, and specifically to page 899, where I was addressing one of a number of amendments that had been placed on file by the Hon. Nick Xenophon regarding interactive gambling. I suggested that a foreshadowed amendment to clause 26 was known as the Kyl clause, named after a Democrat Senator in the United States.

Subsequently, Senator Grant Chapman has written to me, highlighting that Senator John Kyl, who led the charge against internet gambling in America, is a Republican not a Democrat. As I am always most concerned to ensure that the *Hansard* record is accurate, I advised Senator Chapman that I would seek leave to correct the record when parliament returned, and I now do so by way of this explanation.

LISTENING DEVICES (MISCELLANEOUS) AMENDMENT BILL

In committee.

Clause 1.

The Hon. K.T. GRIFFIN: As all members would know, there has been a long history connected with this bill. A bill in essentially the same terms was first introduced in December 1998. However, it failed to gain the support of both houses due to a disagreement about the creation of a public interest advocate. The current bill was introduced to this place in September 1999 and the Legislative Review Committee, at my request, unanimously approved a motion to inquire into, consider and report on all matters relevant to the creation of a public interest advocate in relation to surveillance and listening devices. The committee has now reported, and I am very pleased that the majority of the

committee supported the government position, that is, that the position of public interest advocate should not be created.

Members will recognise that the majority of the committee did, however, suggest that I seriously consider implementing reporting back procedures. Reporting back involves a warrant holder providing a report with specified information about the execution of a warrant to the judge who issued the warrant. I have considered such a proposal on several occasions, including since the committee's report. I am still yet to be persuaded that the adoption of a reporting-back procedure is a desirable measure or that it increases police accountability.

I acknowledge that the concept of reporting back to the court after a warrant to use a surveillance device has been issued is not without precedent. New South Wales, Victoria, Tasmania and to some extent Queensland adopt a system whereby the court must specify in the warrant a time period within which the warrant holder must provide a report, which must include specified matters to the court. South Australia's legislation already provides for a form of reporting after the cessation of a warrant. Section 6B(1)(b) of the Listening Devices Act requires the Commissioner of Police to give to the minister:

> within 3 months after a warrant ceases to be in force, a written report of—
>
> (i) the use made of the information obtained by use of a listening device pursuant to the warrant; and
>
> (ii) the communication of that information to persons other than members of the police force.

Arguably review by the executive arm of government as currently recognised by section 6B(1)(b) of the Listening Devices Act is more appropriate, given that our system of government is based on there being a separation of powers, particularly the executive and judicial powers. The majority's proposal would involve review of non-judicial matters by the judicial arm of government.

I recognise that the proposal for the reporting back procedure was brought to the committee's attention as a result of a review of commonwealth entry and search legislation, not commonwealth listening device legislation. I also point out that the Senate Standing Committee for the Scrutiny of Bills, which undertook the review, recommended that the procedure that is applicable in Victoria (to which the Senate committee was referring to section 57(10) of the Magistrates Court Act) be followed so that 'after execution, a warrant is returned to the court which issued it'.

There is a difference between returning the executed warrant to the court as recommended by the Senate committee as distinct from returning a report about the execution of a warrant to the court as envisaged by the Legislative Review Committee. It is interesting to note that in two of the three jurisdictions that provide for mandatory reporting to the judiciary, the listening device warrants are not issued by judges of the Supreme Court, and, in the other jurisdiction, while a Supreme Court judge can issue a surveillance device warrant, a magistrate is also permitted to issue warrants in certain circumstances.

I also point out that the Western Australian parliament recently enacted surveillance devices legislation with police powers of a similar nature to those included in the South Australian act and bill. Western Australia did not enact a reporting back procedure. Supreme Court judges have advised, both before and since the committee's report has been published, that they do not favour legislation adopting a reporting back mechanism. Apart from echoing my concerns about the proposal blurring the separation of executive and judicial powers, the Chief Justice believes that, despite having the report, a judge will be ill placed to make a balanced and appropriate assessment about the execution of the warrant and the value of the information obtained. A judge would not have the information required to make such an assessment.

The Chief Justice has also questioned what orders a judge could make on receiving the report. The Chief Justice notes that, unless the judge may make orders on receiving the report, a reporting back procedure is not likely to achieve its object which, presumably, is to increase police accountability. In fact, without giving the judge powers to exercise on receiving the report, the benefits of a reporting back procedure would be no more than illusory and, as the Chief Justice asserts, could create false expectations about the degree of police accountability.

As I have said, the committee has not addressed what consequences may flow from a report that discloses an unfair execution of the warrant. Based on the provisions enacted interstate, there appear to be three options: first, the judge could have the power to revoke the warrant. However, such a sanction would be useful only if the warrant is still in operation when the report is given to the court and it does not deal with the information that has already been obtained. An order revoking the warrant will be rarely relevant in the context of a reporting back scheme.

Secondly, the judge may be given power to order destruction of the material, as is the case in Queensland, or the judge could order the sequestration of evidence into the court's custody, as adopted in New South Wales. Either power is likely to have the same effect. Nevertheless, the value of this power is equivocal. The court may already refuse to admit improperly obtained evidence at trial. Therefore, the police are already subjected to judicial scrutiny for their actions in respect of executing a warrant to use a listening device. The power to destroy or sequester the material only means that the admissibility of the evidence is determined sooner rather than later, yet arguably the court is in a better position to make a determination about the appropriateness of obtaining the relevant evidence at the point of trial rather than immediately after the warrant has ceased. In addition, electronic surveillance devices are sometimes used as an investigatory tool as well as being an evidence gathering tool. The destruction of the information obtained through use of a surveillance device that has investigatory (as distinct from evidentiary) value is arguably ineffectual. Intelligence has been obtained and can be acted upon. As such, such a power does not add to the current means of holding police accountable for their actions.

Finally, in New South Wales and Tasmania a judge/magistrate has the power to require the warrant holder to inform the person whose conversation is recorded that he or she was the subject of electronic surveillance. This is probably the only power that would add to the current means of holding the police accountable for the execution of a warrant. However, this power is fraught with danger. Informing one person that he or she was the subject of electronic surveillance may jeopardise current or future negotiations by alerting offenders to the direction in which the police are headed with respect to an investigation, or by allowing offenders to ascertain what information the police may already have. The potential for damaging current and future investigations would, of course, be dependent on how the judges exercised the discretion.

Given the objection to the proposal expressed by the predominant party involved in a reporting back mechanism,

that is, the Supreme Court judges, I do not intend to amend the legislation as suggested by the committee. Therefore, again I commend the bill as currently drafted to the Council and would encourage members to adopt it without amendment.

Progress reported; committee to sit again.

COMMUNITY TITLES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 November. Page 342.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The opposition supports the second reading. This is not a complicated bill but one whose intention is to tidy up minor aspects of the 1996 Community Titles Act. I note the Attorney's report on this matter where he states that, four years on, the new land division scheme is working well. I also note the proposed changes which the Attorney advises have been negotiated in conjunction with the industry. Can the Attorney report whether any adverse issues have been identified? I have circulated the bill to a number of organisations for consultation and was pleased to find that only one organisation raised any objections.

Officers of the Adelaide City Council and the Local Government Association both contacted my office to advise that they had no problems with the bill. However, the Real Estate Institute of South Australia wrote to me along the following lines:

> Our members are concerned with the issue of non-incorporation into the legislation of a provision which would make compulsory common title building insurance for all residents and administration of the building insurance by a community corporation. This would ensure that all residents are covered by building insurance. At the moment there are residents who have not obtained building insurance.

Perhaps the Attorney would wish to comment on this issue. I do not think that the shadow Attorney-General believes that that is contained in the body of this amendment to the legislation, but perhaps the Attorney could comment if there is any alternative view on that.

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

LEGAL ASSISTANCE (RESTRAINED PROPERTY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 November. Page 690.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The opposition supports the second reading. The Attorney has provided a great deal of detail on this matter throughout his second reading, for which the opposition is pleased. Suffice to say the matter is rather complicated. The principle at stake is a very simple one, namely, that crime should not pay. Nobody would dispute that. However, alleged offenders are also entitled, like all citizens in our society, to a fair trial, and that is how the matter then becomes somewhat messy. Central to this bill is its intention to find a balance between these two often competing interests. The Attorney has adequately highlighted the present deficiencies in the legislation whereby an accused can access for their defence the sum total of their frozen assets.

In March 1999 the Law Reform Commission examined this matter and established five important principles to guide this murky area, all of which I agree with. Having done that, the commission then determined that the existing legislative provisions in South Australia are inadequate for a number of reasons. Basically the courts have no way of ensuring that funds will be used by a defendant responsibly without pursuing legal proceedings that have no merit, as is often the case.

The commission has proposed a different system that does not deprive defendants of their right to legal representation. However, it also seeks to introduce an element of commonsense. For instance, the new system proposes that access to restrained property be denied and that the state is obliged to provide legal representation that is comparable to that which an ordinary self-funded person could provide. The state Legal Services Commission would be responsible for the administration of the scheme and in doing so would be able to access the Criminal Injuries Compensation Fund in order to finance a defence. We reiterate that the Legal Services Commission often has difficulties with the financial situation; we do not believe that it is adequately funded.

On the other hand, the Law Society has a different position which I will briefly outline. I have had some discussions, as has the shadow Attorney-General, with some members of the Law Society. The Law Society raises the issue that the proposed bill denies defendants the right to their lawyer of choice and in doing so restricts their legal representation to junior counsel only. It also argues that the bill is based on two false premises: first, that defendants who have property confiscated are automatically treated as guilty; and, secondly, the Legal Services Commission does provide an adequate level of legal representation. In its submission the Law Society states:

> The Law Society supports the recommendation of the Australian Law Reform Commission in this area and urges that they be adopted in full, namely, that the Legal Services Commission pay for such restrained funds a normal and proper rate to the accused lawyer of choice thereby guarding against extravagant or abnormal expenditure.

The Law Society concludes by recommending against the repeal of section 3(6)(o). I understand that the copy of the submission that we received was the same one that the Attorney received. Maybe he can make some responses to the issues raised by the Law Society as to whether he has had any further consultations with it on this matter. The opposition supports the bill.

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

ADJOURNMENT

At 5.25 p.m. the Council adjourned until Wednesday 14 March at 2.15 p.m.