LEGISLATIVE COUNCIL

Tuesday 15 May 2001

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

LANGLEY, Mr G.R.A., DEATH

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

That the Legislative Council expresses its deep regret at the death of the Hon. G.R.A. Langley, a former member for Unley and Speaker of the House of Assembly, and places on record its appreciation of his distinguished public service.

I am sure that all members will support this formal condolence motion which I move with much regret following the passing of Gilbert Roche Andrews Langley (Gil Langley, as everyone knew him). A number of Labor members would have known Gil better than some of the members on the government side, but everyone knew of Gil not only through his reputation in parliamentary circles and Unley community circles but in sporting circles, to which I will refer a little later.

Gil Langley was born on 14 September 1919. He was educated at Colonel Light Gardens and Unley Central Schools—I presume that the abbreviation in *Who's Who* means Unley Central—and then at the South Australian School of Mines. He was an electrical contractor by profession and, as I have said, a very successful sportsperson. Obviously, he is better known for his cricketing pursuits as, in those days, a South Australian Sheffield Shield cricketer (rather than a Pura Milk Cup cricketer) and a national representative for the Australian Cricket Team wearing the baggy green on, I think, 26 occasions during an illustrious cricketing career.

He was the Wisden Cricketer of the Year in 1957. He made his first-class debut against New South Wales in Adelaide in 1945-46 and his test debut against the West Indies in Brisbane in the First Test in 1951-52. His last test was against India. It is interesting, because Australia and India have just completed a test series, that his last test was at Calcutta in 1956-57. So, he played 26 test matches in some six or so years. He was an Australian and world-class wicket-keeper at that time—with 83 catches and 15 stumpings, for those who are interested in cricket details.

His batting average in test cricket was not as good as his batting average in Sheffield Shield Cricket or first-class cricket. His test average was just under 15 with a highest score of 53, and in his first-class career his highest score was 160 not out, with a batting average of 25.68. I was interested to see from the statistics that he must have bowled on one occasion. He must have got out from behind the stumps and bowled two overs with what looks like a return of none for none. So, he was obviously—

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: I am not sure what he was doing. Obviously, his test cricket career meant that he was well known all around the world as the Wisden Cricketer of the Year in 1957. As I have said, he obviously reached the pinnacle of his career as a wicket-keeper. He was obviously well known in South Australia and nationally as a formidable cricketer. That was probably his most well known attribute at that time, but he was also a league footballer with the Sturt Football Club for some nine years or so, and he also played state football. Given his size, I suspect he was probably a rover or an 'on baller' as they call them these days. Looking at him, he was probably 'in and under', as they would say, and 'hard at it', to use some of the expressions some of our television commentators love to use.

The Hon. T.G. Roberts: He was special.

The Hon. R.I. LUCAS: Yes, he was special. As Bruce McAvaney would say, he was special. I think the *Who's Who* records that he held life memberships with a range of cricketing clubs and associations as a record of his achievements and service to both football and cricket.

Those of us who have actively tried to follow the tradition of parliament versus press cricket games will know that this year, sadly, we had to cancel the tradition because of the appalling ineptitude of the media team and, without pointing the finger at anyone in particular, a number of names do spring to mind. In fact, the media could not put a team together.

An honourable member interjecting:

The Hon. R.I. LUCAS: Yes, I know. Sadly, Chris Kenny joined the Department of Premier and Cabinet. Perhaps we should lend him to the media so that he can organise them.

An honourable member interjecting:

The Hon. R.I. LUCAS: I think that is a bit unfortunate. Those who have followed that tradition will know that, when one goes back through the old matches between the press and the parliament through the period of the sixties in particular, one Gil Langley starred in the annual cricket games between the press and the parliament, and I hope that the old cricket book will be retained as a heritage item in this day and age when all things, including trees, are designated as heritage items; and perhaps some of the cricket equipment, having looked at it, ought to be retained as heritage items. What it demonstrates is that he maintained his interest in sporting achievement. Those who occasionally walk through the snooker room upstairs will know that his skills also extended to snooker. He was the parliamentary snooker singles and pairs champion on a number of occasions. Although I am not a lawn bowler, I am told that he also excelled in the parliamentary bowls meets as well. So, his sporting skills, starting with cricket and football, obviously extended into bowls and snooker as well.

He was elected to parliament in the House of Assembly in 1962 and held the seat of Unley from 1962 to 1982. When one looks back at the old *Advertiser* election guides, one sees that it was clear that for 20 years or so Unley had been a very marginal seat that was held by the LCL, as it was then, with Mr Dunnage until 1962. It took someone with the profile and local support of Gil Langley to wrest that seat from the LCL, and he managed to hold it for the next 20 years and, at various stages and with various distributions, it remained a marginal seat. Towards the end of his career he steadily built up the margin in that seat so that it was a little safer for him. In those early days the LCL threw formidable candidates at him. In 1965 there was John McLeay, whom members will recall as a former Mayor of Unley and who went on to a successful career in federal politics. Then again in 1968 a Mayor of Unley, Mr Lewis Short, was the LCL candidate, but Gil Langley took on all comers during that period and won—and won well on most occasions.

An honourable member interjecting:

The Hon. R.I. LUCAS: I think one of his slogans was 'You're in safe hands', which was a very witty play on his cricketing career as a wicket-keeper, and he was obviously able to continue to use his exceptional profile during that period.

The politics of the 1960s was obviously marginally different from the politics of the 1990s and as we move into the 21st century. I noted in a profile piece by Mark Day, who has gone on to greater fame in other parts of Australia—

The Hon. L.H. Davis: He owned the *Truth*.

The Hon. R.I. LUCAS: He did own the *Truth*. At that time, in 1968, he started off his fledgling career as the political writer for the Adelaide *News*. I love this little piece, which states about Gil Langley:

> He makes business—he is an electrician—work for him politically, calling personally when possible to fix up power points and do odd jobs, and discussing the government with his clients.

Over some six years of his political career, Gil Langley managed still to successfully combine his job of being an electrical contractor, fixing up power points, doing odd jobs and discussing the government with his clients as he worked his way through the electorate.

Certainly, he was one of the earliest members who made great play of the fact that he doorknocked his electorate and he obviously maintained that for a first, second and third time. In one of his rare later contributions some time in the 1980s or even the early 1990s he talked about the by-election at Port Adelaide: he was critical of governments losing touch with their community and their electors. He highlighted that his own personal experience of campaigning in Unley meant that he had continued to maintain contact with his constituents through his doorknocking and his constant contact to assist them as best he could.

On behalf of government members, I acknowledge Gil Langley's parliamentary career. He went on to be the Chairman of Committees and Speaker of the House of Assembly. I also acknowledge his parliamentary record of service of some 20 years; his record of service to his own party, the Australian Labor Party; more importantly, his record of service to his own electorate and his community in and around the city council area of Unley; and his record of service and achievement in the sporting arena, in particular cricket but also football and other areas. In acknowledging his record of achievement, on behalf of government members I pass on our condolences to the members of his family.

The Hon. CAROLYN PICKLES (Leader of the Opposition): On behalf of the opposition, I second the motion. Gil Langley had a very distinguished career in parliament. He entered parliament in 1962 and served until November 1982. He was Government Whip from June 1970 until August 1975, Chairman of Committees from August 1975 until October 1977 and Speaker from 6 October 1977 until the election in December 1979.

As the Treasurer has already indicated, Gil Langley had a very distinguished career in cricket and I, too, would like to go through that very distinguished career. He played 26 cricket tests for Australia, touring England in 1953 and 1956, the West Indies in 1955, India in 1956-57 and South Africa in 1949-50. His test debut was against the West Indies in the first test in Brisbane in the 1951-52 series, and his last test was the third test against India in Calcutta in 1956-57. He was a truly great wicket-keeper, taking 83 catches and 15 stumpings.

Gil Langley's prowess as a sportsperson included football and he was a very keen member of the parliamentary bowls team. The fact that he was such a good sportsman assisted him in his very hard-to-win electorate by way of his doorknocking. He was an assiduous doorknocker. I recall Kym Mayes, who took over from Gil Langley when he retired, saying that when going doorknocking with Gil you certainly had to be fit. Of course, Gil in those days was no longer a young man. In the electorate of Unley it is possible to leap over a few fences on your way to save going out of gates and going around, which is what Gil used to do. However, nobody seemed to mind because the other attribute of his doorknocking, as the legend goes, was that, as a former electrician, he used to walk around with a screwdriver and often offered to mend toasters, etc. So, there are probably a few electrical items in the electorate of Unley that are still going strongly thanks to his prowess as an electrician.

I knew Gil reasonably well. I live in the electorate of Bragg and our sub-branch often used to invite a Labor sitting member to our meetings, because we were not fortunate enough to have a sitting Labor member in the seat of Bragg—and I doubt that we ever will have. Gil was always a very amusing speaker and a real character—I think it goes without saying that he was a great character. It is interesting to look at some of the press clippings provided by the parliamentary library. In almost every one they refer, by way of headline, to Gil's cricketing prowess. In the *News* of 22 February 1968 the headline is 'Another Innings to Gil'. It is interesting to note that in the election of 1965 Mr John McLeay, recently deceased, who was a federal member of parliament, stood against Gil Langley.

Parliament is different today from the parliament that Gil entered. I think members of parliament on all sides who were with him were very fond of him. They could always have a bit of a laugh and I think he probably kept the parliamentary refreshment room in stitches on many occasions. He was a great hero in the Unley electorate, which goes without saying, because he held that marginal seat against all odds, although it was not always quite as marginal as it is today because the boundaries have changed quite considerably.

Certainly, being able to hold that seat for so many years I think is a great attribute to the way that the electorate held him in such high regard—probably not for his amazing debates in the parliament but I think more for his sincerity as a human being and for his willingness to take on many electorate tasks. I understand that he was a very good local member who was always prepared to perform little acts of kindness for his constituents.

I understand that the Hon. Paul Holloway also wishes to pay tribute to Gil, who was known to him—I am not sure whether any of our other members knew him. Gil's wife deceased him some time ago. Gil had been sick for many years. My best wishes, and those of my party, go to his children Ian, Shane, Christine and Jill.

The Hon. M.J. ELLIOTT: I rise to support the motion. I did not know Gil personally. I knew him only by way of reputation, and he had the reputation of being an extremely good local member. On behalf of the Democrats, I pass on my condolences to his family and friends.

The Hon. P. HOLLOWAY: I rise to support the motion noting the passing of Gil Langley. As the Leader of the Opposition and the Leader of the Government have stated, Gil was a former speaker of the House of Assembly and he was the member for Unley for some 20 years. Of course, he was also a former test cricketer and state footballer. But he was more than that: he was also a real down-to-earth character and a person who genuinely cared for others.

It was my privilege to be involved in a number of state and federal election campaigns in the 1970s, when Gil was the

member for Unley. It soon became obvious to me, when campaigning in the Unley electorate, that Gil was incredibly widely known and respected within his electorate. He was an electrician in his former occupation and, as other members have said, he certainly used that knowledge to great effect in terms of helping people in his electorate, particularly pensioners, with their wiring problems. I can certainly verify that, because I remember one day we were out looking for Gil, who was supposed to be doorknocking down a street. We were trying to catch him to give him some pamphlets, or something, for an election, and we could not find him. It turned out that he had been in a house changing a light bulb for a pensioner.

I also recall doorknocking in Unley with the late Cyril Hutchens, a former Deputy Premier (he had long retired at that stage), during a federal election campaign, and Cyril told me the story of how, when he first went doorknocking for Gil back in 1962, he went to a large house in Unley Park, where he did not expect to be particularly well received, and he was not disappointed. Cyril, being such a polite person, introduced himself as calling on behalf of Mr Langley, the Labor candidate for Unley. He was not, as I said, well received by the lady at the door. But after he had left the house and gone down the street, the lady came running up to him and said, 'Oh, you mean Gil Langley?'

So, Cyril, being a quick learner in politics, knew that he was henceforth campaigning for Gil Langley, not for Mr Langley—of course, not that Gil Langley needed others to doorknock for him. He was, as has been mentioned, an indefatigable campaigner who must have doorknocked his electorate many times during the 20 years that he was the member for Unley. And, of course, that was a fairly difficult period. As has been mentioned, he won the seat from the Liberal Party. There had been many close elections before in Unley, and there have been many since, and the fact that he was able to hold the seat for 20 years was certainly a tribute to the respect that the electors of Unley had for Gil Langley.

I worked in the federal office that covered that area, so I can certainly testify that Gil Langley helped many hundreds of constituents in a way that, really, went above and beyond the call of duty. I extend my condolences to Gil's family.

The Hon. L.H. DAVIS: I would like to join with my fellow members in paying tribute to the late Gil Langley. I did know him when I first came into the parliament in 1979. As has been described, he was a very warm and endearing personality, who enjoyed a great reputation as an assiduous doorknocker in Unley. He beat Colin Dunnage in 1962 in a seat which had been long held by the Liberal Party; and the hard work that went into his winning that seat was followed up over the next two decades as he held it through until 1982. He enjoyed the advantage of a splendid reputation as a sportsman in the Unley district, as has been mentioned, both as an international cricketer and an interstate footballer.

He was by profession an electrician. My memory is that he felt very passionate about electricians being able to do important work without endangering people who might perhaps think that they could handle electrical work by themselves without any background. My memory is that he introduced into the House a private member's bill, which, in effect, would have made it illegal for anyone in this chamber to have cut a piece of flex in two. My memory is that the legislation did not pass. He was regarded with great affection on both sides of the House. He was a gregarious and likeable member of parliament who served his community, his party and his state with great distinction.

The PRESIDENT: I ask members to stand in their places and carry the motion in silence.

Motion carried by members standing in their places in silence.

[Sitting suspended from 2.42 to 2.54 p.m.]

FEDERATION, CENTENARY

The PRESIDENT: Together with Presiding Officers and Clerks I recently attended the Centenary of Federation celebrations in Melbourne, from Sunday 6 May to Thursday 10 May, and I seek the indulgence of honourable members to give a brief report to the Council on that visit.

On Sunday 6 May, together with the other Presiding Officers and Clerks of the Australian parliaments, we observed the 70-odd floats going down Swanson Street, Melbourne. The South Australian float was prominently on display, which members might remember was a Murray cod leading a float of five early South Australian achievers. This float was seen at the Sydney New Year's Day parade earlier this year.

On Monday 7 May, hosted by the Victorian parliament, we visited the National Wool Museum in Geelong; Ballara, which is a holiday house built by Alfred Deakin near Geelong in 1907 during his second term as Prime Minister; the Collins settlement of 1803, which was the first British settlement in Victoria on Port Phillip Bay and which was moved to Hobart in 1804, and that particular settlement was a failure; and then we moved on to the McCrae historic drop slab homestead, about the only one left in Australia, which was built in 1844 on the Mornington Peninsula.

On Tuesday 8 May we visited some of Melbourne's major projects, including the State Library, which is a $200 million-plus upgrade. We were shown around by Mrs Fran Alcock, a South Australian who used to be our State Librarian and who is now the Victorian Librarian, overseeing the project. It is possibly the first project of such a magnitude to be undertaken with the library being used while this enormous redevelopment was going on around it. We also saw the Sydney Myer Music Bowl, which is a $20 million upgrade, and the Docklands, which doubles the size of the Melbourne CBD. It is quite an horrific size, and includes the Colonial Stadium.

In the evening there was a state reception hosted by the Hon. Steve Bracks, the Victorian Premier, in the recently completed Museum directly behind the historic Royal Exhibition Building. This was the exact date on which the Australian Labor Party celebrated 100 years of its federal caucus—a momentous occasion.

On Wednesday 9 May, I attended the historic and ceremonial four hour centenary joint sitting of the commonwealth parliament in the Royal Exhibition Building. I was honoured and proud to be an Australian and a South Australian at this historic event. A number of my colleagues in this Council and the other house were in attendance on that day. Of the 26 icons and achievers acknowledged at this ceremony, seven were South Australian: Florey, Spence, Essington Lewis, Roma Mitchell, Mary MacKillop, David Unaipon and Don Bradman. I think we can safely claim Don Bradman and Mary MacKillop as being South Australian even though they were not born here.

On Thursday 10 May, I attended the ceremonial sitting of the House of Representatives and the Senate in the Victorian parliament in the House of Assembly and Legislative Council chambers. Federal parliament used these chambers in the Victorian parliament from 1901 to 1926 when it moved to Canberra. The Victorian parliament met in another place during that time. Some amazement has been expressed now that the Victorian parliament moved out for 26 years to allow the federal parliament to sit in its chambers.

I believe that most South Australians now know of the prominent part that South Australian people played in the setting up of the Federation during the 1890s and 1901. What many South Australians do not know is the part that was played by the South Australian parliament. South Australia supplied the first Speaker of the national parliament in Sir Fredrich Holder; the first President of the Senate, Sir Richard Chaffey Baker; and the first Clerk of the House Of Representatives, Edward Gordon Blackmore, whose reference books are still on the table before me. The federal parliament also adopted the standing orders of the South Australian parliament.

On the evening of Thursday 10 May, I attended with the clerks a dinner in the Queen's Hall, Parliament of Victoria together with present and former presiding officers, clerks and representatives from *Hansard* and the Federal Centenary of Federation Committee.

I would like to thank the Victorian parliament for its hospitality, and the Victorian parliament and the federal parliament for their organisation. I was honoured to be part of the Melbourne celebrations as a presiding officer and I saw it as my pleasant duty to be representing our parliament, as did many other South Australians, as Australia celebrated 100 years of its national parliament, a parliament created by the states of Australia.

An honourable member: Hear, hear!

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions on notice be distributed and printed in *Hansard:* Nos 7, 42, 56, 70 and 71.

COMPUTER VIRUSES

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

1. What actions is the government taking to prevent 'denial of service' attacks on state government internet sites considering the economic damage the recent 'Love Bug' computer viruses have caused?

2. Has, or will, the government confer with South Australian business organisations to prepare strategies to prevent similar attacks on them?

3. How much is it estimated the recent 'Love Bug' may have cost South Australian industry and government?

The Hon. R.I. LUCAS: The following response is based on advice received from the Minister for Government Enterprises:

1. Denial of Service (DoS) attacks are made by computer viruses; they are primarily aimed at personal computers and the email systems that carry the viruses.

DoS attacks are designed to render a computer or network incapable of providing normal services. The most common DoS attacks target the computer's network bandwidth or connectivity.

- Bandwidth attacks flood the network with such a high volume of traffic, that all available network resources are consumed and legitimate user requests cannot get through.
- Connectivity attacks flood a computer with such a high volume of connection requests, that all available operating system resources are consumed, and the computer can no longer process legitimate user requests.
- A website DoS is executed by flooding one or more of the site's web servers with so many requests that it becomes unavailable for normal use. If an innocent user makes normal page requests during a DoS attack, the requests may fail completely, or the pages may download so slowly as to make the website unusable.

A DoS can also be initiated by exploiting the security vulnerabilities of server operating systems, effectively abending (shutting down) the server and resulting in a total loss of service.

When the ILOVEYOU virus was launched throughout the world on 4 May 2000, the South Australian government was able to implement counter measures to prevent a major impact to its messaging service. As part of its risk mitigation strategy, size restrictions were voluntarily implemented on messages, until the ILOVEYOU virus ceased to pose a worldwide threat. However, at all times messages were able to flow with minimal disruption to government services. The timely deployment of updated antivirus software was also a critical element of the risk mitigation strategy.

It should be noted that viruses are constantly under development. More than 53 000 named viruses exist, and the commercial antivirus community identifies about 20 to 30 new viruses every day. There is no 'panacea' to insure against virus attacks: however, the government continues to be vigilant, and reduces the risk of future virus attacks through 'best practice methods' such as antivirus software on its messaging services, the application of appropriate security procedures, and education of electronic mail users. Recent virus outbreaks highlight the need for service agreements to include a requirement that the Service Provider will provide adequate protection against viruses.

2. The government has not conferred with South Australian business organisations to jointly develop a strategic approach to preventing computer virus attacks. The media has covered the impact of viruses and there is considerable expertise within the commercial antivirus software industry, so specific advice can be obtained by South Australian businesses that wish to reduce their risk exposure in this area.

At a more general level, the Business Centre provides information of Information Technology to SA business organisations and encourages them to adopt a professional approach. The key message from these virus attacks concerns the need to work with Internet Service Providers (ISP) to maximise security and to ensure antivirus software is kept up to date.

3. No estimation of costs across industry and government can be accurately given, due to the decentralised nature of the impact.

The cost of gathering the information would probably be prohibitive, and the level of accuracy would be questionable.

However, it has been estimated that the real cost to the SA government would have been minor, because the threat was responded to quickly and the messaging system was kept operational, with only minor disruptions, through the imposition of size limitations.

MEMBERS, MOTOR VEHICLES

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

1. From the election date of 11 October 1997 to 30 June 1998—

(a) What total distance has been travelled by each of the motor vehicles provided to each of the Presiding Members of Committees and Parliamentary Office Holders, other than Ministers, (by name and title of office); and

(b) On what date and for what purpose were the journeys undertaken?

2. In the previous Forty-Eighth Parliament—

(a) Who were the Ministers and Parliamentary Office Holders who had unrestricted access to chauffeur driven cars;

(b) Who were the Presiding Members of Committees who had restricted access to cars;

(c) How far did each such Minister, Presiding Member of each Committee and Parliamentary Office Holder travel in their cars in each of the financial years; and

(d) What was the total distance travelled for each?

The Hon. R.D. LAWSON:

1. (a) For Members of Parliament (other than Ministers) that have access to a dedicated chauffeur the total distance travelled during the period is provided below.

MP	Title	Km
Hon MD Rann MP	Leader of the Opposition	25 000
Ms A Hurley MP	Deputy Leader of the Opposition	41 000
Hon C Pickles MLC	Leader of the Opposition in the Legislative Council	22 000
Hon J Oswald MP	Speaker of the House of Assembly	23 585
Hon D Wotton MP	Deputy Speaker of the House of Assembly	18 000
Hon G Gunn MP	Chairman of the Economic and Finance Committee	43 000
Mr I Venning MP	Chairman, Environment Resources Development Committee	56 000

(b) FleetSA does not maintain records in a form that can readily answer the question.

2. (a) The Ministers and Parliamentary Office Holders at the commencement of the Forty-Eighth Parliament who had unrestricted access to the chauffer-driven motor vehicle fleet.

Hon Dean Brown MP	Premier
Hon Stephen Baker MP	Deputy Premier and Treasurer
Hon Rob Lucas MLC	Minister for Education and Children's Services
Hon Trevor Griffin MLC	Attorney-General
Hon Graham Ingerson MP	Minister for Tourism
Hon John Olsen MP	Minister for Industry, Manufacturing, Small Business and Regional Development
Hon Michael Armitage MP	Minister for Health
Hon Diana Laidlaw MLC	Minister for Transport
Hon John Oswald MP	Minister for Housing, Urban development and Local Government Relations
Hon Dale Baker MP	Minister for Mines and Energy
Hon David Wotton MP	Minister for Environment and Natural Resources
Hon Lyn Arnold MP	Leader of the Opposition
Hon Mike Rann MP	Deputy Leader of the Opposition
Hon Chris Sumner MLC	Leader of the Opposition in the Upper House
Hon Graham Gunn MP	Speaker of the House of Assembly
Hon H Allison MP	Chairman of Committees
Hon P K Dunn MLC	President of the Council

The following changes to these Office Holders occurred during the Forty-Eighth Parliament:

Hon Scott Ashenden MP	Minister for Housing, Urban Development and Local Government Relations
Hon Rob Kerin MP	Minister for Primary Industries
Hon Dorothy Kotz MP	Minister for Employment, Training and Further Education
Mr Ralph Clarke MP	Deputy Leader of the Opposition

Presiding members of Committees at the commencement of the Forty-Eighth Parliament who had unrestricted access to the chauffer-driven motor vehicle fleet were:

Mr Heini Becker MP	Chairman of the Economic and Finance Committee
Hon Dorothy Kotz MP	Chairman of Environment Resources and Development Committee

The following change to these Office Holders occurred during the Forty-Eighth Parliament:

Mr Ivan Venning MP	Chairman of Environment Resources and Development Committee

(c) Records of kilometres travelled by each member have not been maintained.

(d) As for c above.

WORKERS REHABILITATION AND COMPENSATION ACT

56. **The Hon. R.R. ROBERTS:**

1. How many claims for compensation under the Workers Rehabilitation and Compensation Act 1986 have been made by people suffering from psychiatric disabilities for the period 1 December 1992 to 1 May 1999?

2. How many claimants have received redemption payouts during the period 1 December 1992 to 1 May 1999?

The Hon. K.T. GRIFFIN: The Minister for Government Enterprises has advised that this question was answered to the honourable member by letter on 25 July 2000.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE

70. **The Hon. T.G. CAMERON:** Has the government considered reviewing the regulations under the Occupational Health, Safety and Welfare Act 1986 in order to reduce their size and complexity for easier understanding?

The Hon. R.D. LAWSON: The Regulations under the Occupational Health, Safety and Welfare Act 1986 were comprehensively reviewed in 1995. The release of the second edition of the OHSW Regulations in 1999, included information to facilitate understanding the regulations, along with information sheets and guidelines to assist compliance with the Regulations.

Since various industry focussed programs have been established to develop and promote strategies to improve the effectiveness of the regulatory framework and occupational health and safety management in workplaces.

Through strategies such as the WorkCover Corporation *SAfer Industries* program and the *Industry Arrangement Pilot*, industry representatives have chosen to focus on providing more prescriptive information on how to improve occupational health and safety in the workplace and ensure compliance with the Regulations.

Further work has also been undertaken to fine tune the Regulations through industry/application specific reviews. The recent development of new Electrical Regulations and changes proposed to the Plant Regulations to provide for separate regulations covering amusement structures are evidence of this fine tuning.

In light of the foregoing, the Government does not propose a further comprehensive review of the Regulations in the immediate future. Any specific issue which requires the Regulations to be adapted or amended will be addressed on a case-by-case basis.

FRUIT FLY

71. **The Hon. R.R. ROBERTS:**

1. How many fruit fly detections were made at Oodlawirra Station over the last four years?
2. How many detections were made at Yamba, Pinnaroo and Ceduna Stations over the same period?
3. (a) How many hours a day; and
   (b) How many months of the year are fruit fly stations staffed?

The Hon. K.T. GRIFFIN: The Minister for Primary Industries and Resources has provided the following information:

1. Fruit fly infested fruits were detected in a total of 20 instances at Oodlawirra Roadblock over the past four years. These interceptions were as follows: 1997-98—7, 1998-99—3, 1999-2000—9 and for the first 9 months of 2000-01—1.
2. For the equivalent period the following detections were made:
   (a) Yamba Roadblock a total of 11 detections which were split up as follows: 1997-98—2, 1998-99—1, 1999-2000—7, and 2000-01—1 (year to date);
   (b) Pinnaroo Roadblock a total of 8 detections which were split up as follows: 1997-98—5, 1998-99—1, 1999-2000—1, and 2000-01—1 non-pest species (year to date);
   (c) Ceduna Roadblock a total of 78 detections which were split up as follows: 1997-98—17, 1998-99—27, 1999-2000—24, and 2000-01—10 (year to date).
3. Operating hours for the roadblocks vary dependent upon the site and are as follows:
   (a) Oodlawirra Roadblock—during the "low risk" winter period of 1 June to 30 August—a presence is maintained at the Roadblock and the site is open for approximately four shifts per week; from 1 September to 16 October the roadblock operates for 16 hours per day; from 17 October to 17 March the roadblock operates 24 hours per day; for the period 18 March to 1 June the roadblock operates for 16 hours per day;
   (b) Yamba Roadblock operates for 24 hours per day year round;
   (c) Pinnaroo Roadblock currently operates on a random shift basis for up to 16 hours per day during the fruit fly risk period 1 November to 30 April; and
   (d) Ceduna Roadblock, because of its strategic importance in relation to Mediterranean fruit fly, this roadblock operates for 24 hours per day year round.

I would also like to state that since the inception of the Tri-State Fruit Fly Strategy in 1995 and the subsequent establishment of the Fruit Fly Exclusion Zone and associated activities (community awareness, road signs, disposal bins and random roadblocks) there has been a marked reduction in the numbers of interceptions of fruit fly infested fruit at SA's eastern border roadblocks and more importantly, in the numbers of outbreaks of Queensland fruit fly within the State. Over the past four years there have been 0, 1, 2 and 0 outbreaks of Queensland fruit fly respectively compared with a longer term average, pre-Tri State Fruit Fly Strategy, of greater than three outbreaks per year.

On 21 March I issued a media release which stated that "the State Government has no intention of taking up the report's recommendations relating to the closure of roadblocks." The release further quoted "after seeing the recommendations of the report to the Tri-State Committee I have decided that the Government will not close any of the existing roadblock operations at Oodlawirra or Yamba."

PAPERS TABLED

The following papers were laid on the table:

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

Regulations under the following Acts—
- District Court Act 1991—Pre-action Discovery Fee
- Legal Practitioners Act 1981—Practising Certificate Fees
- Supreme Court Act 1935—Pre-action Discovery Fee

WorkCover Corporation—Report 1999-2000 Erratum

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

Rules—Racing Act 1976—Bookmakers Licensing—Cross Referencing

Corporation By-laws—
- Gawler—
  - No. 1—Permits and Penalties
  - No. 2—Moveable Signs
  - No. 3—Roads
  - No. 4—Local Government Land
  - No. 5—Dogs

SELECT COMMITTEE ON ADELAIDE CEMETERIES AUTHORITY BILL 2000

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

That the Adelaide Cemeteries Authority Bill be not reprinted as amended by the select committee and that the bill be recommitted to a committee of the whole Council on the next day of sitting.

Motion carried.

GOVERNMENT ACCOUNTABILITY

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

Leave granted.

AUSTRALIAN CHILDREN'S PERFORMING ARTS COMPANY

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I seek leave to make a ministerial statement relating to the Australian Children's Performing Arts Company.

Leave granted.

The Hon. DIANA LAIDLAW: In June 2000 the government released Arts+ 2000-05, an investment strategy for the arts for the five year period to 2005. One major commitment featured in the strategy is the establishment of a national children's performing arts company. This undertaking recognises that our children are entitled to the best—the best in drama, music and dance, the best in production values and the best in venues—and that our children are entitled to grow up enjoying all the challenges, magic, and cultural and educational benefits of live performance in all forms.

Today, less than one year later, I am pleased to announce that the Australian Children's Performing Arts Company is formally established as a public corporation. Accommodation has been secured adjacent to the Adelaide Festival Centre in the Railway Station building. The chair, Mr Andrew Killian, and the majority of the inaugural board have been confirmed and the first creative producer has been appointed. Today, Mr Killian and I announced that Ms Cate Fowler will take up the position of Creative Producer at the end of this month, when she will start to build the company's artistic program, which will premier in mid 2002.

Ms Fowler has a very impressive background in education and the arts. Currently, she is the Director of the Queensland Arts Council's education and schools touring program. Prior to that she worked with the Queensland Performing Arts Trust, where she was Artistic Director of the leading Out of the Box festival for young children. She was involved also in the Stage X festival and the trust's ongoing programming. Until 1995, Cate Fowler was both Youth and Family Program

Manager at the Adelaide Festival Centre and Artistic Adviser to the 1995 Come Out youth arts festival, working with many South Australian artists and companies over the years.

Ms Fowler has commissioned and produced a number of highly successful productions, including Twinkle Twinkle Little Fish (directed by Melbourne Theatre Company Artistic Director Simon Phillips), Wake Baby (by South Australia's own children's author Gillian Rubinstein, and directed by Nigel Jamieson), Space Demons (by Richard Tullock and directed by Ariette Taylor), a concert version of Snugglepot and Cuddlepie, and Robyn Archer's Mrs Bottle's Burp.

Cate Fowler won the position of creative producer from a field of outstanding artistic directors and executive producers from around Australia and internationally. We can now look forward to the next exciting phase for this new company and the wonderful opportunities that it will bring to young Australians. The term 'creative producer' accurately reflects the breadth of creative vision, the artistic collaborations and the producing skills necessary to realise the company's aims, which include:

1. Developing a minimum of four major productions annually and presenting a subscription series for families and children up to the age of 15 years performed at the Festival Centre, the Space and the Playhouse and in schools.

2. Generating opportunities for South Australian actors, directors, designers, technicians and other theatre workers.

3. Exploring new opportunities for audience development.

4. Exploring and developing collaborative programming and productions with other performing arts companies in South Australia and nationally.

5. Touring work in South Australia as well as nationally and internationally.

6. developing strong partnerships with the Department for Education, Training and Employment and other stakeholders.

I am pleased that Mr Andrew Killey, Managing Director of Killey Withey Punshon and the former Chair of the Adelaide Festival, has agreed to chair this new flagship company—the Australian Children's Performing Arts Company. Mr Killey is committed to seeing South Australia continue its outstanding record of breaking new ground in the arts. I am confident that he and the inaugural board members, together with Cate Fowler, will ensure that the new company has all the creative and committed leadership required to fulfil the company's aspirations to bring the best of live performance to children in South Australia and beyond.

QUESTION TIME

HIH INSURANCE

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

Leave granted.

The Hon. CAROLYN PICKLES: I am sure that all sides of politics are very concerned about the potential impacts of the HIH collapse. The collapse has consequences for companies, families, the building industry, the legal and medical professions and many others. Their expectations are that the collapse will have significant and adverse knock-on effects. My questions to the Treasurer are:

1. How many South Australians have been affected by the collapse of HIH?

2. What action has the government taken to help those affected?

3. What discussions have been held with the federal government over future assistance for local victims of the collapsed insurer?

The Hon. R.I. LUCAS (Treasurer): The government is not in a position to know how many individual South Australians might be directly or indirectly impacted by the collapse of HIH. I am not sure whether we will ultimately be able to get any information on that, but certainly we are not in a position to provide an answer to the honourable member in relation to the first question. In relation to the overall response to the HIH collapse, the federal government announced yesterday at least the broad detail of the federal government's response. Certainly, the state government of South Australia takes the view that we welcome the federal government's leadership and acceptance of significant responsibility in relation to any response there might be from governments on the issue of the collapse of HIH.

From the state's viewpoint, we have consistently adopted the position that we are not attracted to the notion of a levy on all insurance payers in South Australia and in Australia to help bail out HIH. We have also indicated that we are not attracted to the notion of South Australian taxpayers bailing out a company that has collapsed in the circumstances that have been—I was going to say well demonstrated, but at least broadly demonstrated, and I am sure that more will be revealed—

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: As the Hon. Mr Crothers has indicated, the smoke has been billowing for some time and a number of people are making that comment and are also wondering what the regulatory authority, APRA, was doing during that period. I am not in a position to make a concluded judgment about responsibility at this stage. However, there needs to be a full and thorough investigation of what occurred in relation to the national regulatory environment which applied to insurance companies such as HIH. I support the reported statements of the Prime Minister that, if someone or some people can be shown to be responsible, the full weight of the law, one would hope, would be brought to bear on that individual or those individuals.

While the state government has adopted that position, I guess we have left a cautious toe in the water by saying that, if every other government in Australia agreed on some form of package, only then would the South Australian government contemplate its response. We start from the very strong position that we do not believe that South Australian taxpayers are responsible for the failure of this company in the reported circumstances.

My final point is that it is quite clear that in New South Wales the impact of the collapse is much more extensive than it is in South Australia. In South Australia we have a government monopoly through WorkCover in respect of workers' compensation and we have a government monopoly through the Motor Accident Commission in respect of compulsory third party insurance and, for those reasons, we do not have the exposure of individuals and of companies, in particular in the area of third party insurance and workers' compensation, that New South Wales and some other states have and will have over the coming weeks and months.

The government, of course, acknowledges that there is some exposure of individuals and of some companies in South Australia, which is why we are pleased to see the initial tentative response from the federal government as announced

last evening. The Prime Minister, evidently, is in the process of writing to the premiers and leaders of the states and territories. We have not yet seen his correspondence, of course, and therefore we are not in a position to respond in detail to whatever proposals the commonwealth government might put to us.

ELECTRICITY, SUPPLY

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

Leave granted.

The Hon. P. HOLLOWAY: In a statement issued last week, South Australia's dominant electricity retailer, AGL, called on the South Australian government to take whatever action it could in relation to a number of issues, including:

- ensuring the national electricity code administrator, NECA, fast-tracked its recently announced review of generator re-bidding practices;
- reversing the ACCC's recent decision to approve an increase in the maximum wholesale price of electricity from $5 000 a megawatt hour to $10 000 a megawatt hour from next April;
- gaining commitment from South Australian generators to make maximum capacity available at all times and restrict planned maintenance to low demand periods;
- instruct generators to effectively not withdraw or limit capacity when demand is at or near peak levels; and
- fast tracking the development of the South Australian-New South Wales interconnector to ensure that it is in commission before the end of 2002.

My questions to the Treasurer are:

1. Does the government now support the calls by AGL and by Labor to prevent generators withdrawing supply at peak times in order to come back into the market later and raise their prices (which is known in the industry as gaming), and will the government be making submissions to NEMMCO, NECA and the generators to eliminate this practice?

2. What is the government now doing to fast-track interconnection with New South Wales by 2002 and augmentation of the existing Victoria-South Australia interconnect, as called for by both AGL, in its statement of last Friday, and Labor, in our electricity statement issued last week?

3. Why did the government support the doubling of the maximum wholesale power price for electricity from next April, which will take that price from $5 000 a megawatt hour to $10 000, and what action is the government taking to defer or block this increase now that the Premier has admitted that the government got that wrong?

The Hon. R.I. LUCAS (Treasurer): In relation to the questions about interconnectors, the government's position is quite clear. We have already offered fast-tracking assistance to the SARDI interconnect—the New South Wales-South Australian interconnect. The government has provided major development project status to the project, should it obtain approval from NEMMCO. I have given approval for the last 12 months to the Transgrid people to enter properties along the route of the proposed interconnector. Short of physically sending the police over to the Transgrid people and dragging them onto those properties to make use of the approvals that I have given them, I am not sure there is much more that I can do. They have had the approval for over 12 months and have done nothing. I am not sure whether the honourable member can suggest how I can force them to enter those properties and start doing the work.

Members interjecting:

The Hon. R.I. LUCAS: We have. Issues have been discussed with Transgrid and the proponents. As I said, I cannot physically drag them onto these properties to get on with the job of doing it. We have encouraged them. I have given them approval—I think I have extended it twice now, through the Independent Regulator. As I said, major project, or major development, status has been offered to them to fast-track. The government already has provided the fast-tracking assistance. So, AGL's statement, obviously, is broadly supportive of the fast-tracking that the South Australian government has given.

I think the more important fast-tracking is the current review that the task force, and possibly COAG, will be able to hasten—that is, of the NEMMCO processes—for consideration of all interconnectors. The South Australian government, as we have been indicating for some time, is supporting a fine tuning—a streamlining, or however you want to describe it—of the processes that NEMMCO uses to consider whether or not various interconnectors receive regulated asset status.

In general, in relation to the various provisions that AGL has called for, it is fair to say that the government is already acting on a number of those recommendations, and a number of the others are currently the subject of consideration by the task force and the technical advisory group that the government has established to provide advice to us before the Premier goes to COAG early next month.

In relation to what the member says the industry describes as gaming, I think the industry describes it as rebidding, and the government has been in discussion with NECA for a number of months now. It is not a new issue—it might have been a new issue for the Labor Party; it might have only discovered it recently. It is an issue that the state government has been working on with NECA for a number of months. NECA will release the result of its work over the last few months in a discussion paper, I believe, in the next week or two (at the most), which will be for public consultation and discussion and which will, as I understand, raise a number of options in relation to rebidding.

The somewhat quaint and naive view of the Labor Party in this area needs to be tempered a little by understanding that rebidding, on a good number of occasions (and we are quantifying them), results in a reduced price on the rebid. If the Labor Party's view is that rebidding, or gaming, as they call it, should be banned, one has to consider what, in practice, that would mean. Is the Labor Party suggesting that, in the many examples where generators have bid a lower price on rebidding, it does not want to see the capacity for that lower price to be bid?

The stunned look on the face of the shadow minister for finance means that he has not understood that. Obviously the stark reality of the other side of the debate has not been understood by the shadow minister for finance, but I am happy to share that information with him now. As I said, the work being undertaken by the task force is quantifying how many of the significant bids are the lower level and how many are the higher level. I think some 9 000 rebids have been made, and so there is some quantification being conducted at the moment about what might be termed a significant rebid; that is, where there is a significant difference between the original bid and the second bid.

The government believes that there needs to be some changes in relation to rebidding. As I said, we undertook this work with NECA and the appropriate authorities many weeks before this issue was raised or even understood by the Australian Labor Party. The end result is that the appropriate authority, which is NECA, will be releasing an options or discussion paper in the next week or two at the most. When the Premier goes to COAG and when the task force reports, obviously we will then be in a position to put down exactly how you might make changes to rebidding in a way which does not negate the opportunity for further bids of a lower nature to be bid or place some restriction overall in terms of the timing as to when a changed bid might operate. Ultimately, at some stage in any bidding market you have to have a time line, and some overseas markets limit the actual time within which a rebid can be submitted. All those issues are being considered at the moment.

In relation to the issue of the vol increase from 5 000 to 10 000, my recollection of the events at the time were that the debate was for the vol price to go to $20 000 or more. I think NECA, which is the body with the responsibility—I will need to check the exact detail—recommended a vol level of $20 000. The ACCC (which is the body that has the final decision on this) rejected $20 000 and said that an appropriate balance—in terms of trying to encourage new investment into the market and the risks that the retailers such as AGL might have—was not at the level of $20 000 or an unlimited level but was at a level of $10 000 with some restrictions, and I think some provisions for review of that $10 000 figure. The important points to make are, first, it is not a decision for the state government to take; it is a decision of the—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: It is a decision for the ACCC to take. It is not a decision for the state government. Secondly—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Secondly, the debate at the time was a debate between $5 000, which was the existing level, and $20 000 or more. The ACCC made a decision that there had to be a balance in relation to this; that is, if you want to get people to invest money in generators, there had to be a level of change (which it supported for vol) and, in the end, its decision was for a level of $10 000.

As I said, the ACCC placed some conditions on that and we would need to have a look at them. I think there was provision for a review of that decision which the ACCC would obviously consider in terms of a review mechanism. This may or may not be an issue that COAG will discuss—because it is a national market issue; it is not something that can apply to an individual state—but in the end it is not a decision that COAG ultimately determines: ultimately the ACCC will give a final decision on it after it goes through another process, and if it is the same process as the last one it would go through NECA as a code change and then ultimately to the ACCC for a decision as to whether or not it wants to change it or change the conditions that apply to vol pricing for whatever period it might look at.

In summary, AGL has raised a number of issues. The government's position is that the government has already agreed to and is working on a number of those, and in relation to a number of the others the task force is currently looking at the various options in those areas. The government's position will be clear after the task force has reported to us and the government has decided whether or not it agrees with all the recommendations of the task force.

The Hon. T.G. ROBERTS: I seek leave to give a brief explanation before asking the Treasurer a question about a state economic impact audit.

Leave granted.

The Hon. T.G. ROBERTS: There have been a number of announcements of manufacturers in the value adding industry, in the mining value adding area and in a number of other manufacturing areas that their forward plans may have to be changed in relation to the uncertainties associated with the pricing of electricity. I have some sympathy with the position the government finds itself in because it has a lot to do with many of the questions from the Hon. Paul Holloway that the Treasurer has answered, that is, the uncertainty in the marketing of a very key product in relation to the manufacturing industries. Has the government considered or commissioned an economic impact statement to assess the impact of the national competition policy on the electricity market and the downstream impact on the manufacturing, retail and domestic users in this state? If not, why not?

The Hon. R.I. LUCAS (Treasurer): No, we have not commissioned a study on the impact of the national competition policy. I am not sure whether the honourable member's question was only—

The Hon. T.G. Roberts: It was both.

The Hon. R.I. LUCAS: I would need to check, but I cannot recall anything recently where there has been an overall economic assessment of national competition policy, because I guess national competition policy covers such a broad range of issues from shopping hours to electricity reform. In fact, we have had comment and opinion from the NCC on having only one casino in South Australia, so national competition policy obviously covers the length and breadth. There have been some national reviews, and I am not sure whether they covered everything—

An honourable member interjecting:

The Hon. R.I. LUCAS: I am not sure where they drew the bounds on national competition policy to do their calculations, but certainly information is available from the parliamentary library, or we would be happy to provide some advice on the Productivity Commission references, which obviously must have put, as I said, some boundary on those elements of national competition policy that it looked at.

The state government has been supporting a Productivity Commission review of the national electricity market. Should that be agreed to by the commonwealth government, one would assume that, as part of that assessment, one would see the impact of competition policy/national electricity market issues in the first few years of the operation of the national market and the projections from the Productivity Commission for the foreseeable future. There has been no agreement yet for that Productivity Commission review of the national market, but it is one of the issues that will be debated by COAG in the early part of June.

GAMING MACHINES

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Treasurer a question about poker machine taxes.

Leave granted.

The Hon. L.H. DAVIS: Some time after the 1997 election campaign, to the surprise of press reporters covering that campaign and politicians—certainly on this side of the Council—it was discovered that the Hon. Nick Xenophon had campaigned during the lead-up to the 1997 election that he

was against poker machines in pubs but that he was not against them remaining in clubs. Following his election, the Hon. Nick Xenophon introduced legislation to phase out poker machines in South Australia over five years although, in committee, he refused to explain how the state government would fund the $200 million reduction in state taxation which would result from his proposal.

Last weekend, I read with some interest that the Hon. Nick Xenophon had entered the fray yet again by calling for a supertax on the top poker machine earners in South Australia. John Lewis, the General Manager of the Australian Hotels Association, rejected that push for increased taxes saying that it would cost jobs and investments. My question to the Treasurer is: how does this latest statement by the Hon. Nick Xenophon contrast with previous statements made by the honourable member when he claimed that the government was relying too much on gambling revenue?

The Hon. R.I. LUCAS (Treasurer): I thank the honourable member for his question, because I must say that I was amazed when I saw the headline in the *Sunday Mail* on Sunday morning. It did not go like this but the import of the story was that Nick Xenophon wants the government to collect more gambling revenue. I read that and I thought: this can't be right; this can't be the same Nick Xenophon we have been listening to for the last three years; there has to be another Nick Xenophon out there.

The Hon. Caroline Schaefer: This is not our Nick Xenophon.

The Hon. R.I. LUCAS: This is not our Nick Xenophon, I said: this has to be another one.

An honourable member interjecting:

The Hon. R.I. LUCAS: It could have been Bob Moran or it could have been Con the Fruiterer, the bloke that Mr Xenophon trots out occasionally, doing a Nick Xenophon impersonation.

An honourable member interjecting:

The Hon. R.I. LUCAS: Or the *Sunday Mail* could have been wrong, that might have been it. But no, on morning radio I heard the dulcet tones of our Hon. Nick Xenophon saying that he wants more gambling revenue to be collected by the state government of South Australia—that he wants the state government to collect even more gambling revenue than it is currently collecting. For the past three years, I have listened to the dulcet tones of the Hon. Nick Xenophon attacking me for being addicted personally and on behalf of the government to gambling—

An honourable member interjecting:

The Hon. R.I. LUCAS: Yes. This government and the Treasurer have been addicted to gambling revenue has been the headline that—

An honourable member interjecting:

The Hon. R.I. LUCAS: No, I don't sue for these sorts of things—I don't have a thin skin. The government and I have been challenged that we are addicted to gambling revenue and it has been said that this government must do something about reducing its dependence on gambling revenue. Occasionally, the Reverend Tim Costello is trotted out to say the same thing in support of the Hon. Nick Xenophon at various public functions and on stages. The amazing thing is that the Hon. Nick Xenophon can keep a straight face when, after three years of saying that, on Sunday, he trotted up to the *Sunday Mail* and every news and media outlet saying that the government should introduce another supertax because—

The Hon. L.H. Davis: We should raise more revenue.

The Hon. R.I. LUCAS: We should raise even more revenue and be even more dependent on gambling revenue. I know what would happen—

The Hon. L.H. Davis: He isn't trying to have it both ways.

The Hon. R.I. LUCAS: No. I know what would happen if, as Treasurer, I had said on Sunday morning, 'Terrific idea, Nick. We're going to agree; we will collect—': by the TV news bulletin on that night he would be attacking me for being even more reliant on gambling tax revenues in South Australia. At some stage—

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: At least he should have the integrity to blush slightly when he says these things to the media. He should at least look a little sheepish occasionally when he trots out a complete—

Members interjecting:

The Hon. R.I. LUCAS: Just a little bit sheepish: just a little tinge of pink in the cheeks when he says this to the media. God bless their cotton socks, the media do not remember the last three years of statements by the Hon. Nick Xenophon. I obviously listen much more intently to what the Hon. Mr Xenophon says because he wounds me deeply every time he attacks me and the government for being addicted to gambling and poker machine revenues. Nevertheless, there may well be a member of the media listening who actually takes the trouble to compare a number of the statements made by the Hon. Nick Xenophon attacking the government over the last three years with what he said on Sunday and put the simple question to the Hon. Mr Xenophon: 'Mr Xenophon, are you serious? Which particular position are you putting to the state government now? Is it the *Sunday Mail* position or is it the position you have adopted for the last three years?'

The Hon. NICK XENOPHON: As a supplementary question, is the Treasurer aware that there are problem gamblers in this state who have to wait up to five weeks to see a gambling counsellor, and this involves people who are often in quite desperate need of gambling rehabilitation assistance, and that currently there are insufficient funds for the Gamblers Rehabilitation Service to treat those people?

The Hon. R.I. LUCAS: I do not think it qualifies as a supplementary question, but I am happy to respond to it—whatever it was. The government is aware, because the government listens to the community, that there are pressures on gambling counselling services. That is why the Premier has just announced a further $300 000 increase in this year's budget.

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: It comes in the budget in two weeks. The budget comes down on 31 May and it is a pre-announcement as part of the budget. The government has heard the message. Last year, we were told that it needed more money and the government put $500 000 extra in last year's budget. We have heard the message again in relation to pressures on the services and another $300 000 is going in. As I have said, the government will continue to listen. If there is still further pressure on the gambling counselling services, the government will obviously look at further additions to expenditure in future budgets.

We responded in last year's budget and we are responding in this year's budget. We are listening to the message from the community and from those services. We are hearing their message first-hand. We welcome the relaying of that message from the Hon. Mr Xenophon, but that message has been well

and truly heard by the ministers and the government, and that is why it was part of an early announcement of the government's response to gambling in relation to the debate of the bill in the House of Assembly.

An honourable member interjecting:

The Hon. R.I. LUCAS: I am happy to take up the issue with the Minister for Human Services for the member. As I have said, the government has heard the message and it put in an extra $500 000 last year; and an extra $300 000 in this year's budget, to be brought down on 31 May, will go into additional services.

An honourable member interjecting:

The Hon. R.I. LUCAS: A range of initiatives but, in relation to the extra moneys, the government has heard the message and will continue to monitor and, as the government has demonstrated twice in the last 12 months, if there is further pressure the government will respond appropriately in terms of providing additional funding for counselling services. The one thing that all honourable members in this chamber agree on, given our disparate views on gambling, is that there is a very small percentage of people who are problem gamblers and we have to do more to provide both counselling and other assistance to that small percentage of people. So, irrespective of our views as to how we tackle gambling as an issue, that is something that every member in this chamber supports. The government is demonstrating a willingness to listen and to initiate and implement action.

The Hon. T. CROTHERS: Does the Treasurer have any knowledge that poker machine gambling can be played on the internet?

The Hon. R.I. LUCAS: I would like to take that on notice. As the chair of the interactive gambling select committee, we have taken some considerable evidence on what games are available on the internet. I do not know whether any of my colleagues can remember, but I suspect that there might be games that are available. I would need to check, and perhaps it would be simpler if I check the evidence the committee has taken and see whether I can bring back a reply for the honourable member.

The PRESIDENT: Will honourable members please make their supplementary questions clear, because for the last two I have not got that message here.

SALISBURY EAST CAMPUS

The Hon. IAN GILFILLAN: I seek leave to make an explanation before asking the Minister for Transport and Urban Planning, representing the Minister for Local Government, a question about the disposal of the Salisbury East University Campus.

Leave granted.

The Hon. IAN GILFILLAN: For the past five years the former Salisbury East Campus of the University of South Australia has remained vacant. In June last year a contract was signed between the University of South Australia and Eastgate Property Developments to redevelop a 24.5 hectare site, despite opposition from the Salisbury council. It appears that the state cabinet changed the condition of sale some time in November last year after the Salisbury council had interpreted 'mixed use' to mean that approximately 50 per cent of the site must be retained as open space, rather than the 12.5 per cent requirement that normally applies in the Adelaide metropolitan area.

This significantly limited housing numbers to a point where the project was no longer considered financially viable at the contracted price. The University of South Australia used the changed conditions as the basis for terminating its contract with Eastgate. The cancellation of Eastgate's contract has led to a multimillion dollar damages case that is now before the Supreme Court. I am informed that at least two senior government ministers may be called to appear in court over their involvement in matters relating to the site's redevelopment. I am also informed that, unless a negotiated settlement is reached soon, the case is set to drag on for up to two years, during which time no development will be allowed on the site.

Under the original plan lodged with the Salisbury council, Eastgate planned to create 249 allotments on the site. The conditions of the sale required the site to be zoned for mixed use, to include a combination of housing, redevelopment of existing educational buildings and provision for open space and community use. Because of the impasse, cabinet ruled some time in November last year that mixed use would allow up to 60 per cent of the site to be used for housing, with the remaining 35 per cent kept as open space for educational training and community use.

Surprisingly, within 48 hours of Eastgate's being notified of cabinet's decision—and this is in the face of Salisbury council's wishes—the university was approached by LandSA, which offered a higher price for the site, rumoured to be at least $7 million. The university subsequently cancelled its contract with Eastgate and signed with LandSA. My questions are:

1. Is the minister aware that the conditions for the sale of the site were changed at a cabinet meeting in October-November last year?
2. Did the minister believe that decisions taken by cabinet on this matter would lead to a cancellation of the original contract?
3. Can the minister indicate how cabinet information on this matter was made available to another developer?
4. Does the minister regard the provision of such information as a 'cabinet leak'?
5. Does the minister believe that the best interests of the people of Salisbury have been served by the action of the university and the Salisbury council, given the costly legal proceedings currently under way and the lack of development?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I believe that I should refer this question to another minister, because that minister was not involved in the cabinet decision and therefore would not be able to answer some of those questions. My recollection is that the submission was brought before cabinet by the Minister for Education and Children's Services.

An honourable member interjecting:

The Hon. DIANA LAIDLAW: No, it is not a local government issue: it was a planning issue, after decisions were made.

An honourable member interjecting:

The Hon. DIANA LAIDLAW: Yes; that might be a side issue, but it is a planning or a property issue. I will nevertheless respect the questions that the honourable member has asked and will work out the minister or ministers to whom they should be referred. I will send a copy of the questions to the Minister for Local Government for her information, but she will not be able to respond to some of those matters.

LIBRARIES

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for the Arts a question about public libraries.

Leave granted.

The Hon. CAROLINE SCHAEFER: I note that last Thursday the government and the Local Government Association signed a memorandum of agreement to provide $275 million to fund South Australia's public library services over the next five years. I understand that $75 million will be applied immediately to the purchase of books and other materials. However, most of us realise that libraries now provide considerably more services than simply books, including, on many occasions, free access to the internet. Can the minister say whether those services will continue to be provided free of charge under the new agreement and which of the current public library services will be continued?

The Hon. DIANA LAIDLAW (Minister for the Arts): All the current public library services across South Australia will be continued. There are 138 public libraries in South Australia, 46 of which are school community libraries. There is a small number of mobile libraries. We have an exceedingly strong network of public libraries. By virtue of the agreement that the honourable member referred to—which was signed last Thursday by Mayor Brian Hurn, President of the Local Government Association, and me on behalf of the state government—South Australia has the only agreement in Australia whereby the state government makes a long-term and generous commitment to supporting local council libraries. The commitment of the government is for $75 million over the next five years with maintenance of CPI increases, including an increase in the coming financial year.

On the basis of feedback from public librarians over the current year, next financial year the costs of provision of internet services will be managed through the operating budget provided by PLAIN Central Services, which is the centralised purchasing and distribution arm of the public library sector. So, the internet costs will be managed through the operating budget, relieving the individual local libraries of that cost. The net result of that move will be that each of the local public libraries will have more money to spend on books in 2000-02 than they have had this financial year.

I highlight, also, that funding from state government grants in terms of the purchase of materials enables a substantially higher level of materials overall—3.5 per cent per capita—than in any of the other mainland states that record the same figures. So, already the funding provides more materials per capita, and the new funding arrangement, which will see internet services provided not only free of charge but through PLAIN Central Services, will release even more money for the purchase of books and materials by public libraries.

Therefore, it is an agreement that local government and public libraries in the broader community should be very pleased with and it is one that the Local Government Association and the state government have proudly negotiated and signed because we recognise the central role of public libraries not only in the vision of South Australia as an IT literate, smart and enabled community but also in terms of public libraries as a centre of community activity and lifelong learning.

I think the agreement is excellent in every respect, and I thank our officers in Arts SA and Treasury for working so openly and diligently with the Local Government Association through the process of reaching the agreed position that we were able to sign off last Thursday. The agreement, I would add, provides for continued free access to books. Certainly, there is provision for payment for various other business services, but there is free access to books and to the internet.

VOLUNTEERS

In reply to **Hon. T.G. ROBERTS** (7 December 2000).

The Hon. DIANA LAIDLAW: The minister responsible for volunteers has provided the following information:

Fluctuations in the price of fuel is an issue that is beyond the control of the state government. The issue is really a matter between volunteer organisations and volunteers at organisational level. Many volunteer organisations have reimbursement schemes that are reviewed on a regular basis taking into account the circumstances that exist at the time.

ABORIGINES, SUBSTANCE ABUSE

In reply to **Hon. T.G. ROBERTS** (14 March).

The Hon. DIANA LAIDLAW: The Minister for Aboriginal Affairs has provided the following information in response to questions 3, 4 and 5.

3. The Minister for Aboriginal Affairs has advised that the Department of Human Services, through the Aboriginal Services Division, funds the following programs: Aboriginal Sobriety Group—Mobile Assistance Patrol $270 000 per annum recurrent; Kalprin Mobile Assistance Patrol $230 000 per annum recurrent; Coober Pedy Mobile Assistance Patrol $60 000 per annum non-recurrent.

In addition, Health Promotion SA, through the Tobacco Control Unit, has funded: Tobacco Control Project $200 000 per annum, two-year funding commitment; 'Give it up Sister' $49 000 (not certain of conditions); Kumangka Youth Project: Anti-Smoking Poster Project $2 000 one-off.

4. The Minister for Aboriginal Affairs has advised that she does support the concept of promoting drug and alcohol education awareness programs in Aboriginal communities. A good example of a current program is the Aboriginal Drug and Alcohol Council's (ADAC) Makin' Traks program which is designed to develop strategies to address and reduce solvent misuse and other drug use in communities in SA as well as the border regions of the NT and WA communities. It is also important to ensure that this issue is a part of the national political agenda and as outlined in the House of Assembly on 13 March 2001, the minister has written to the federal minister requesting that the issue of petrol sniffing abuse be put on the national agenda of the next meeting of the Ministerial Council for Aboriginal and Torres Strait Islander Affairs.

5. The Minister for Aboriginal Affairs has advised that ADAC has also been funded by DHS and the Commonwealth to produce a 'Petrol Sniffing and Other Solvents Resource Guide' for communities. This is a comprehensive manual covering all aspects of petrol sniffing and other solvent use in Indigenous Communities.

The manual consists of a number of illustrated booklets which target a range of audiences—family members, community members, community decision-makers, health and community development workers.

It is a resource for any worker or community who is developing prevention or intervention programs addressing petrol sniffing or other solvent misuse problems. The booklets contain basic health information, examples of successful programs, strategies to develop your own responses, teaching resources and information about where to go for further assistance.

HEALTH, RURAL

In reply to **Hon. R.R. ROBERTS** (28 March).

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

1. A country mental health reference group, including consumers, carers, service providers, and GPs, was established and met during 2000 and up to February 2001. This broadly experienced group identified numerous issues relating to mental health and the needs of rural regions.

In addition, the executive director of country and disability services division, Department of Human Services, has personally undertaken extensive consumer and service provider consultation on

various mental-health issues during a number of visits throughout country South Australia.

2. At this stage a merger of the Emergency Services Triage and Liaison Service and the assessment and crisis intervention services will not take place. There was never a firm proposal to undertake a merger. The Mental Health Implementation Plan suggested options for improving the coordination of emergency care, and better provision of information to the community. One of the options under consideration was to combine regional, remote and rural triage in one Call Centre location. This proposal was not designed to reduce specificity of country service, but to improve capacity by the sharing of infrastructure. Feedback during the above consultations has indicated that a wider range of options to improve services needs to be considered. This full consultation, looking at a number of options, will take place during this year.

3. Improved service-system coordination is and will remain a key priority. The government's intention is to ensure the provision of an enhanced and coordinated state-wide 24-hour Mental Health Emergency Triage and Information Service which will build upon the current rural and metropolitan services and will enhance existing state-wide telepsychiatry services.

The results sought from improved service-system coordination are:

- better management of demand by improved coordination of emergency triage and response;
- effective early intervention prior to crisis; and
- delivery of appropriate information about mental health issues and service availability to the wider community.

4. The government not only has a commitment to provide resources and training, but has already committed $2.3 million for country mental-health programs, including centrally funded programs for enhanced country services, namely:

- enhanced emergency triage and telepsychiatry services: $100 000 in each of the next three years;
- mental-health training: $100 000 in each of the next three years; and
- GP training: $50 000 in each of the next three years.

The mental health unit of the Department of Human Services is developing a coordinated approach to training that will encompass the full range of service providers, including non-government organisations, consumers and carers, police and ambulance staff, primary-care providers including GPs, and general health-system providers.

5. Effective emergency mental-health management involves the collaboration of a wide variety of stakeholders, both public and private. There is a commitment to encourage the development of such partnerships to assist in the development of local-community capacity to respond effectively and to maximise the benefit of intervention. Consumer and carer groups have a significant role to play.

The government is committed to the continued recognition of the work of consumers, volunteers and carers and actively seeks their views in the development of policy, and their advice regarding service delivery.

To ensure the future development of country services the government has provided funding to each of the seven country regions to a total of $190 000. The mental health unit has developed a policy framework to provide direction for the continued input of consumers and carers into service development.

ASBESTOS

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Minister for Workplace Relations a question about the removal of asbestos from building sites.

Leave granted.

The Hon. R.K. SNEATH: The Hon. Ian Gilfillan and I have been provided with information that details the efforts of a resident to draw to the attention of Workplace Services the demolition of a house on a neighbouring property containing asbestos. The resident to whom I am referring contacted Workplace Services when it became apparent that the house might be demolished without taking the necessary precautions when working with asbestos. After pleading with Workplace Services a number of times to ensure that asbestos particles would not be exposed, the resident was told by the inspector from Workplace Services that he wanted to catch them in the act. Unfortunately, though, as a result of the inappropriate action taken by Workplace Services, no-one was caught in the act. Instead, the house was demolished, which broke up the asbestos with other debris, and which made it impossible to wholly remove the asbestos safely.

The resident made several other attempts to contact Workplace Services and to emphasise the urgent nature of the complaint. Ultimately, the resident was left feeling very down as a result of her dealings with Workplace Services and the inadequate response received. It is encouraging to know that residents do take the time to report asbestos problems, because of its serious nature. A recent article in the paper indicated that you did not have to be in the vicinity of very much asbestos for it to cause a problem. My question to the minister is: what systems are in place to ensure that Workplace Services acts responsibly and promptly with the concerns of workers and neighbours, rather than acting like 007 when a complaint about the removal of asbestos is made, and can the minister ensure that the difficulties experienced by this resident will not happen again?

The Hon. R.D. LAWSON (Minister for Workplace Relations): I assure the Council that this government takes very seriously, as does Workplace Services, matters relating to asbestos and asbestos removal and compliance with the regulations relating to it. It is a pity that the honourable member did not give me prior notice of the particulars of the case to which he referred. I certainly would have made inquiries to ascertain the precise facts, and I will do that now. However, I would not assume that the Workplace Services' inspector acted incorrectly in this particular case, notwithstanding the honourable member's description of it as a 007 operation. The fact that Workplace Services did respond to the resident indicates the seriousness with which it treats these reports. If the honourable member is able to give me further details of the incident, I will certainly investigate it and bring back a further response.

VICTIMS OF CRIME

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Attorney-General a question about victims of crime.

Leave granted.

The Hon. J.S.L. DAWKINS: In recent times I have noted that a review has been undertaken of the services available to victims of crime. I also recollect seeing several announcements by the Attorney-General about improved services to victims of crime. Will the Attorney identify the steps taken by the government to improve services to victims of crime?

The Hon. K.T. GRIFFIN (Attorney-General): It is an appropriate question in Law Week, which commenced on Saturday and goes for the rest of the week. Law Week is about providing information to the public on a variety of issues, including justice related issues, but also other aspects of the law. Victims of crime play a very important part in the criminal justice system. The government has taken the conscious decision to place a special emphasis upon providing support for victims of crime. Several years ago we established a review of the services available to victims of crime, and that report (which was in three parts) has been tabled in the parliament and it identified a number of matters which should be attended to.

One of those was the extension of victim support services into the regional areas of the state. Only several weeks ago I indicated that the government would fund the extension of those services by the Victim Support Service to five regional areas—Port Lincoln, Port Augusta, Whyalla, Port Pirie, Berri and Mount Gambier. We currently give close to $500 000 a year to the Victim Support Service to help it carry out this very important work. That is to be increased by a further $280 000 a year to service the five regional areas in the state. In addition to that, Mr Michael O'Connell, who is a seconded police sergeant, has been appointed under the Constitution Act by the Governor as the statewide Victims of Crime Coordinator. His role is to make sure that the treatment of victims of crime all across South Australia is a special concern for not only government but the non-government sector. He will have a special responsibility for ensuring proper liaison between the various agencies of government and also with the non-government sector.

I have given notice today of my intention to introduce a bill tomorrow. Among the issues that that bill will address is the enshrining of victims' rights in legislation, and that will include two additional rights which have been identified as appropriate. The victims of crime review identified that one of the key things which victims of crime need is information.

Overwhelmingly victims were of the view that they need to have good information about where to turn for help and about their part in the criminal justice process. A year or so ago we established a Ministerial Advisory Committee on Victims of Crime to advise me as Attorney-General. That developed a Victims of Crime Information Booklet which is regarded as the most comprehensive in Australia and which has been accessed not just by other jurisdictions in Australia but also by overseas jurisdictions. That also has been published in full on the internet.

Yesterday I announced a further service to victims of crime, and that is a publication entitled 'Services for Victims of Crime'. It will be available in printed form in a size to fit into one's pocket and will provide information about the services and organisations that are available to assist victims. It will identify those services as well as the contact details—effectively, a detailed service map. We expect the police to carry it with them when they are at the scene of a crime and they can make the information readily available to victims.

They are a number of the positive things that have been happening in relation to victims of crime. Information provision is of critical importance and I think that victims generally, as well as the wider community, will appreciate that there is a diligent approach to the provision of information as well as to providing services to victims of crime.

HALLETT COVE, TOWN HOUSES

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Treasurer, representing the Minister for Local Government, questions regarding town houses at Hallett Cove.

Leave granted.

The Hon. T.G. CAMERON: My office has been contacted by constituents from the Hallett Cove beach area over concerns about the unfinished building of a block of town houses in St Vincents Avenue, Hallett Cove. The site has been left unfinished for more than three years now and local residents have been campaigning to have the buildings either finished or torn down. People living near the unfinished town houses have described them as a rat infested, graffiti covered, vandal haven eyesore.

The Hon. M.J. Elliott: They're not happy, either!

The Hon. T.G. CAMERON: That's true. Most of the windows have been smashed, doors have been ripped off their hinges and weeds are growing up to a metre high. Locals are worried that it is only a matter of time before vandals set the unfinished apartments alight or local children are hurt while exploring the dangerous site. The proposed luxury apartments have remained incomplete since the Marion council imposed a stop-work order on the site being developed by the Moore Corporation in March 1998. Apparently, the stop-work order related to building and housing indemnity insurance certificates not being lodged with the council.

The council will not comment on the town house development due to commercial confidentiality reasons—I have heard that before—and it is on the record as saying that the matter rests with the developer to find a suitable outcome. Well, quite frankly, it is not good enough for the council to say that the matter rests with the developer. Local residents are fed up with this long-running saga and would like some action.

Considering the length of time and inaction by the Marion council, will the minister have his department investigate this case and, where necessary, take appropriate measures to ensure that work on the site is either completed or the buildings are demolished?

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

BRIDGEWATER INN

In reply to **Hon. IAN GILFILLAN** (3 April 2001).

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

1. What community standards should be applied to a hotel operating adjacent to a residential area where houses are only 40 metres away?

The current law applicable to noise and disturbance emanating from, or resulting from the behaviour of persons making their way to or from existing hotel premises can best be described by the following passage from the South Australian Supreme Court decision in Vandeleur and Others v Delbra Pty Ltd and Liquor Licensing Commissioner [1988] SA SR 156 at page 160 per King CJ, [noting section 106 of the current Liquor Licensing Act 1997 superseded section 114 of the repealed Liquor Licensing Act, 1985]:

> 'Section 114 deals with a situation in which licensed premises already exist and have a right to continue in existence. Clearly the remedies contained in s114 cannot be availed of where the noise or behaviour does not exceed what is to be reasonably expected from the conduct of licensed premises of the particular class. Those remedies can only be available where the noise or behaviour goes beyond what is naturally to be expected and where the consequent offence, annoyance, disturbance or inconvenience exceeds what those who reside, work or worship nearby can reasonably be expected to tolerate.'

It is a question of fact in each case for the Court to determine the reasonableness, or otherwise, of the levels of noise and disturbance impacting on surrounding neighbours.

2. What is the purpose of the official conciliation process when agreements entered into by the licensee can be ignored?

The conciliation process provided for under section 106 of the Liquor Licensing Act 1997 has generally been found to be an effective means for the parties to identify and attempt to resolve their differences, under the guidance of the Liquor and Gaming Commissioner. However, while the Liquor and Gaming Commissioner is empowered to make an interim order during the course of a conciliation, this must be [other than in exceptional circumstances], with the consent of the parties and similarly, if the complaint is successfully resolved, a consent order can be made finalising the complaint. Such an order is then binding on the licensee.

Section 106(4) of the Act provides that:

Complaint about noise, etc., emanating from licensed premises

106. (4) If a complaint is lodged with the Commissioner under this section, the Commissioner must endeavour to resolve the subject matter of the complaint by conciliation and

(a) the Commissioner may, before or during the course of the conciliation proceedings, make an interim order about the subject matter of the complaint; and

(b) if the matter is settled by conciliation, the Commissioner may make a final order against the licensee reflecting the terms of the settlement,

The vast majority of complaints are resolved through this conciliation process, with the remainder being referred to the Licensing Court for determination. This may in some instances, result from agreements or promises made by a licensee, not being honoured.

3. What course of action is available to the Liquor and Gaming Commissioner to ensure compliance with conditions of licence undertakings given by the licensee?

If a licensee breaches conditions which have been imposed on a licence or breaches the terms of settlement of a noise complaint, disciplinary action can be taken against the licensee either by the Liquor and Gaming Commissioner or the Commissioner of Police.

The Bridgewater Inn continues to be monitored by the Joint Licensed Premises Task Force and to this end, a number of residents have been provided with the mobile telephone numbers of liquor licensing inspectors to assist with ongoing monitoring. In addition, the residents are also able to contact the local police, who are in a better placed position at the local level, to respond more quickly to residents' complaints, when problems occur.

In answer to the supplementary question by the Honourable Nick Xenophon, the following represents the number of occasions on which licensed premises inspectors have attended at the Bridgewater Inn:

12.50 a.m. on 27 May 2000—No noise or unruly behaviour was detected. Police were observed to be in the hotel car park attending what appeared to be an accident. Twelve vehicles were observed to be in the car park.

11.30 p.m. on 15 December 2000. Licensed premises inspectors/police detected approximately 60 patrons. The premises were not overly busy. A disc jockey was operating and security were present.

1.15 p.m. on 29 January 2001. A licensed premises inspector attended after being contacted by a local resident who had reported that amplified entertainment was being set up in the hotel's beer garden. Upon attending the hotel, the inspector found that no amplification was in use. The licensee was reminded of his obligation in this regard for any future entertainment.

Lunchtime—18 March 2001. A licensed premises inspector visited premises and found amplifier, which was not in use.

Between midnight on 7 April 2001 until 2.20 a.m. the following day. Licensed premises inspectors conducted covert monitoring of the hotel and subsequently entered a residents' home. The weather at the time was inclement. Music emanating from a live band at hotel was found to be at a moderate level. No patron disturbances were detected.

There is a task force operation scheduled for Saturday 5 May 2001 with the Environment Protection Agency being on call, if required.

In addition to the above, the local police have independently attended at the premises in response to anti-social behaviour taskings and a complete list of the taskings in the Bridgewater area has been supplied to the Liquor and Gaming Commissioner by the Police Hills Murray Local Service Area. It must be noted that these do not all relate to the Bridgewater Inn.

CREDIT CARDS

In reply to **Hon. NICK XENOPHON** (29 March 2001).

The Hon. K.T. GRIFFIN: The Commissioner for Consumer Affairs has provided the following information: The obligation to provide a transaction receipt is not one required by the Consumer Credit Code or other fair trading legislation. It arises because the consumer expects or requests a report on the transaction for his or her records. It is also best practice to do so, and as such is recognised by the Code of Banking Practice and the Electronic Funds Transfer Code of Conduct. These codes are contractually binding on the subscribers to them.

For example, the EFT Code of Conduct requires that an audit trail be kept:

9.1 Account institutions will ensure that their EFT transaction systems generate sufficient records to enable transactions to be traced, checked and where an error has occurred, to be identified and corrected.

As stated previously, in the absence of provisions such as those relating to statements of account, the law does not recognise misdescriptions in the form of inaccurate reporting of the terms of a contract. A receipt is merely a summary of the main elements of a transaction for audit purposes.

As to the NSW case referred to, the hotel was found to have engaged in unconscionable conduct. The hotel represented to Mr Famularo that there was no problem about advancing him cash against his credit card when, in fact, to do so was in breach of its merchant agreement with American Express and illegal under the Liquor Act 1982 (NSW). Judge Naughton found that the hotel had thereby breached section 51AB of the Trade Practices Act 1974 (Cth) and should reimburse Mr Famularo the amounts he had lost through gambling at the hotel on the money advanced to him illegally.

The Trade Practices Act applies to corporations carrying on business in this State and its provisions may be relied upon by consumers having dealings with them. The prohibition against unconscionable conduct in that Act is supplemented by a similar prohibition in this State's Fair Trading Act 1987 which applies not only to corporations but to all persons engaged in trade or commerce. The provisions are drawn from the common law of unconscionability which deals with sharp practice in the form of taking advantage of an inequality of bargaining power.

The Liquor and Gaming Commissioner has provided the following information:

Section 52 of the Gaming Machines Act 1992 prohibits the lending of money or the extension of credit by the holder of a gaming machine licence, a gaming machine manager or a gaming machine employee. The Crown Solicitor has advised that cash advances against credit card vouchers are unlikely to contravene section 52.

FACIAL ECZEMA SWAMPS

In reply to **Hon. T.G. ROBERTS** (28 March 2001).

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

In relation to the first question, it is important to point out that the disease condition that occurred in the South East earlier in 2001 was not an exotic disease.

The disease thought to have been responsible for the losses on the Pearson property has been known in the South East of the State for over 20 years. Investigations by local veterinarians and PIRSA Animal Health have revealed the likely cause ("facial eczema", caused by a fungal toxin) and the sporadic, highly seasonal nature of the disease, which has no apparent trade or public health implications.

There is evidence that the disease may be occurring with increasing seasonal incidence in the South East, possibly due to changes in pasture management, utilisation and irrigation practices.

Responsibility for research into exotic disease (that is, disease of overseas origin) is normally carried by the Commonwealth, with funding assistance from national industry organisations. The State Government will support new initiatives in research on new or emerging animal disease in the State, where it can be shown that such diseases may be important to the State economy or threaten public safety.

In relation to the second question, PIRSA has already provided substantial assistance to this producer through its veterinary staff and by paying the substantial costs of laboratory testing during the investigation. This assistance is continuing.

PIRSA has also agreed to participate in further work on this problem on the basis that it may emerge as a serious welfare problem or a major productivity issue in the area or even the State.

It should be emphasised that this is not a disease likely to attract "compensation" (traditionally paid through industry funds) because it has no trade or public health significance; nor is it likely to be a major production or welfare problem beyond the capacity of producers to manage effectively.

The disease is not eradicable from the property because there is no available method to completely eliminate the causative fungus

from the environment. Successful control and prevention of the disease in the future will rely on early recognition of high-risk seasonal conditions and effective herd management.

FISHERIES COMPLIANCE UNIT

In reply to **Hon. IAN GILFILLAN** (5 December 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 Department of Primary Industries and Resources (PIRSA) Fisheries Compliance Officers are deployed across the State to ensure compliance with the Fisheries Act 1982. 43 officers and staff are located at Streaky Bay, Port Lincoln, Kadina, Birkenhead, Loxton, Kingston (SE) and Mount Gambier. The number of officers has varied in recent years (53 in 1997-98) as a result of negotiated service level agreements with the fishing industry and maintaining a no policy change on the Government funded side of the equation. This is currently under review and will be addressed in 2001-02. The deployment of officers throughout the State is reviewed annually with reference to information received from all sources to address areas of high compliance risk.

1. The allegation that morale within the Fisheries Compliance Unit is low is refuted by the results of an independent report on workplace stress levels conducted in June 200 that concluded:

> "It is worth noting that the Compliance profile of results is among the healthiest which the consultant has found in any organisation, and the healthiest for a Government department".

2. Reviews of the fisheries compliance function in recent years has been driven by changing Government direction and the need to adopt a more strategic approach to compliance. The cost recovery process, fee for service approach and the Government Management Framework are examples of these drivers of change. The most recent restructure was implemented in 2000 under the project "Meeting the Challenges of a Competitive Environment". The Fisheries Compliance Unit is now very adaptive to change demonstrating an environment of continuous improvement and a serious commitment to the policy direction of government.

It was during one of these restructuring processes in 1994 that the very successful FISHWATCH and FISHCARE Volunteer Programs were introduced and their success is evident today. The development and introduction of the Diploma in Fisheries Compliance Management in 1997 has resulted in a unit of qualified fisheries compliance officers.

3. An independent review of PIRSA Fisheries in 1999 summarised:

> "The consultant notes that the very successful organisational model used in the Compliance Unit provides a benchmark for what is possible in Fisheries in relation to effective management. The consultant is of the view that adoption of similar processes and approaches more widely in the organisation will provide many benefits".

Additionally independent surveys of customer segments have been conducted during the past two years with results used to continually assess and improve the delivery of fisheries compliance programs to ensure both effectiveness and efficiency.

FREEDOM OF INFORMATION

The Hon. M.J. ELLIOTT: I seek leave to give a brief explanation before asking the Minister for Disability Services a question about the inadequacy of government moves to improve freedom of information.

Leave granted.

The Hon. M.J. ELLIOTT: My question relates to a state government proposal in this morning's *Advertiser* which would shift responsibility for FOI disputes to the state Ombudsman. In December 1998 the Western Suburbs Residents Environment Association contacted me with concerns over the environmental impact of foundry operations by Castalloy Manufacturing. They are gravely concerned about the potential health impact of fumes from the plant.

On 22 December 1998 I submitted a request for information under the FOI Act, asking specifically for a copy of Castalloy's environmental improvement program. On 28 January 1999 access to this information was refused by the EPA because, if a voluntary EIP is made public without the particular proponent's agreement, it would discourage preparedness to enter voluntary EIPs.

On 1 February 1999 I requested an internal review, which was refused, and on 19 February I requested an external review by the Ombudsman noting that the EPA act does not ensure that voluntary EIPs remain confidential. The Ombudsman replied on 1 March 1999 that his office would deal with this request as soon as possible.

Throughout 1999 and 2000 the Ombudsman's office contacted me to apologise for delays in processing my request due to the overwhelming backlog of FOI requests that it had: it simply did not have the staff and resources to handle it. Given the findings of the bipartisan Legislative Review Committee report on FOI tabled last October that FOI laws in South Australia were being effectively used as a charter to withhold information, it is not surprising that there was something of a backlog. On 4 January this year I received a letter from the Ombudsman which stated:

> Due to a backlog of external reviews being conducted by my office I am still to consider the agency's arguments for determining to refuse you access to documents in any substantive way.

I have in my hand a letter dated 1 May this year in which the Ombudsman apologises for ongoing delays, expressing his frustration at the situation and recommending that I consider a formal appeal against the determination in the District Court—without his actually giving a determination. Two and a half years later, after my initial FOI request, and more than two years after it went to the Ombudsman, I still do not have a determination from the Ombudsman due to a lack of resources. My questions to the minister are:

1. Will the government give additional resources to the Ombudsman as well as the additional responsibilities as appears to be proposed in this mornings's *Advertiser*?
2. If so, what resources will be provided?
3. If not, will the minister explain why the people of South Australia should not think that this is a further cover-up of state government secrecy by giving the Ombudsman more responsibility but no more real power?

The Hon. R.D. LAWSON (Minister for Disability Services): I thank the honourable member for his question. I am delighted that he has noticed the announcement that the government will be seeking to have the Freedom of Information Act amended in a number of significant respects. One of those respects is that the Ombudsman have power to formally conciliate and mediate on disputed applications. This is a power which is presently absent from the act. The Ombudsman has commented upon it on a number of occasions and the government has responded positively to those comments, and we will be introducing amendments to the legislation to give the Ombudsman that specific power.

The Legislative Review Committee considered that its recommendation about empowering the Ombudsman to have formal power to conciliate and mediate on disputed applications was one of the most important improvements of those that it recommended to the legislation.

It is also significant that amongst the initiatives announced by the government is a reduction in the time within which an agency must respond to a freedom of information application from 45 days to 30. In response to the suggestion that the officers who handle freedom of information within government are insufficiently senior, the government has accepted the suggestion of the Legislative Review Committee

that more senior officers be accorded the responsibility for having oversight of freedom of information matters.

The Hon. M.J. Elliott interjecting:

The Hon. R.D. LAWSON: The honourable member is chiming like a well-oiled clock about—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.D. LAWSON: Like a squeaky clock, as the honourable member says. If the Ombudsman requires additional resources in light of the new powers that have been given to him under the amended legislation, they will be considered. I do not except that the complexity of many of the applications is such that delays of the kind described by the honourable member should occur. If they do occur, it must be because of some particular reason relating to the particular document or the information sought. If the honourable member will provide me with the details of that particular case, I will investigate it.

I believe, as does the government, that, by providing additional training and more senior people to operate our freedom of information legislation, we will see an improvement in the number of delays that occur. I think it is worth saying, however, that, of over 7 000 applications that are lodged each year, well over 95 per cent (I believe that is the figure) are dealt with—and dealt with expeditiously and to the satisfaction of all parties.

Complications arise in a number of applications, many of which are very complex, a number relate to people seeking information about WorkCover claims and investigations and, if you read the Ombudsman's annual report, as I do, in relation to freedom of information matters you will see that a great deal of his time is taken up with dealing with these WorkCover matters. I think this particular issue ought to be addressed not only by the WorkCover Corporation and the Ombudsman. I am certainly prepared to have discussions with both parties to effect a satisfactory result.

I say in conclusion that, under the new provisions relating to the Ombudsman's powers, resources will be given to him in response to his specific request, and I am sure that those provisions and the other measures that the government has announced today will lead to a better FOI regime.

STATUTES AMENDMENT (LOCAL GOVERNMENT) BILL

Adjourned debate on second reading.

(Continued from 1 May. Page 1381.

The Hon. NICK XENOPHON: I rise to indicate my support for the second reading of this bill. I have on file a number of amendments with respect to road openings and closures and the provisions relating to the advertising of the closure of a road which are particularly relevant to regional councils. I propose to deal with my amendments in committee. In the circumstances, I look forward to this bill progressing to the committee stage.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank all members for their contribution to this debate. I have some amendments on file and the Hon. Nick Xenophon has further amendments. I suggest that, rather than discussing those amendments at this stage, we move to the committee stage of the bill.

Bill read a second time.

In committee.

Clause 1 passed.

Clause 2.

The Hon. NICK XENOPHON: I move:

Page 4—

Line 6—Leave out 'Subject to subsection (2)' and insert 'Subject to subsections (2) and (3)'

After line 8—Insert:

(3) Sections 7A and 24A must be brought into operation on the same day.

These amendments are, in many respects, consequential on the more substantive amendments relating to the amendment of the Road Traffic Act in terms of road closing and exemptions for road events and also in respect of section 24A, which relates to certain road closures ceasing to have effect. I will address the general principles.

With respect to the amendments to section 24A of the Road Traffic Act, the current position is that, if there is to be a road closure, it must be advertised, and there are certain provisions with respect to those advertisements being placed in newspapers throughout the state. I have consulted with the Local Government Association in this regard and it seems to be the case that, with some regional councils, it is quite an onerous provision to include a requirement that advertisements must be circulated in newspapers throughout the state.

This amendment would allow regional councils in country areas to advertise in local newspapers only rather than advertising, for instance, in the *Advertiser* at much greater expense to the local council. Essentially, that is what the first amendment to section 33 of the Road Traffic Act relates to. It also explains that, for the purposes of the section, a short-term road closure does not have an effect for more than 24 hours and, if it is of limited significance, it gives the minister scope to have some discretion in relation to it having only a minor impact on traffic movement in the vicinity of the road closure.

I am particularly concerned about the amendment to section 24B, which relates to the whole issue of section 359. Section 359 of the Local Government Act is still in operation and continues to co-exist with sections 32 and 33 of the Road Traffic Act, which were amended some two years ago and incorporated as part of the national road rules legislation. This debate has taken place in this chamber on a number of occasions, most recently in August 1999, and it has centred to some degree on the Barton Road closure as an instance of what occurs with respect to section 359 in the way that some would say it has been abused procedurally in terms of its application.

I do not propose to unnecessarily restate what I have previously said in relation to that issue, but I will say that, when section 359 was passed in its current form in 1986, parliamentary counsel entitled the section 'Temporary closure of streets or roads'. My clear understanding is that, during the course of the debate in relation to the drafting of this clause, the government and the opposition intended that the provision was to apply to temporary closures only. Indeed, in her second reading explanation the minister at the time, Ms Wiese, referred to the road closures being on a temporary basis, and that was the whole basis of section 359.

In the context of the debate, the then opposition spokesperson for local government said that this amendment related to 'closed public pathways and walkways on a temporary

basis'. They were very wise words by the then opposition spokesperson and now current Minister for Local Government. At that time it was envisaged that section 359 would apply to road closures on a temporary basis. Literally hundreds of section 359 closures throughout the state would not be affected by this amendment in any way, but it would apply to those road closures on the border between adjoining councils. This amendment, which has been debated on two other occasions, would simply allow for a mechanism of consultation and it would disallow a council to act unilaterally with respect to a road closure where, in a sense, it affects the rights of another council.

I think many would argue that section 359 has been misused as something other than a temporary road closure. Two instances that come to mind are, of course, Barton Road and the Silkes Road ford. I have lived in that area and I am quite aware of the impact of that closure. With respect to the Silkes Road ford there have been quite considerable public works in that vicinity and, from a number of aspects, it would be unlikely that there would be a move to try to re-open that ford. However, I think that Barton Road would be a different category altogether.

In relation to procedural fairness, it seems that section 359 has not been used as it ought to have been used. This amendment seeks to deal with that issue. We now have provisions under sections 32 and 33 of the Road Traffic Act which deal with the whole issue of road closures, either for street parties, temporary road closures or for traffic management purposes. In effect, the proposed amendment to section 24B would ensure that any misuse of section 359 is rectified. It would allow for a six month grace period so that relevant consultation can occur between the councils affected. If each council agrees by resolution that the road closure should continue, there is no issue.

There is also a transitional provision that, if exclusive occupation to the prescribed road before 1 May 2001 has been granted to a person or persons for a period that is due to expire after the expiration of the six month period referred to in that subsection, it will not apply. After consulting with the Local Government Association, I included that clause because there are some circumstances in regional areas where there could be a road that has been closed off by virtue of an act of exclusive occupation. So, the intention was not to affect those particular roads.

This issue has been debated on a number of occasions. I am more than happy to take questions from honourable members in relation to the proposed amendments, but I thought it more expeditious for the committee to consider all the amendments at once and to treat this initial amendment as a test clause.

The Hon. DIANA LAIDLAW: The government opposes the amendment, which does not necessarily come as a surprise because we have been consistent in that approach. In outlining the reasons for the government's opposition, I think it is important to note that the merit of requiring negotiation between two councils involving a road that traverses two councils has been provided already by this parliament in amendments over, I think, the past year to section 32 of the Road Traffic Act.

So, we have dealt with all future circumstances in relation to a road that traverses two council boundaries. We are dealing here exclusively with the retrospective application of the Local Government Act to measures that have already previously been lawfully made by councils under section 359 of the 1934 act in relation to the restriction of traffic in their areas. So this is unashamedly a retrospective provision that is rarely, if ever, entertained by parliament. In fact, if the Attorney had his way it would never happen.

The situation here does envisage that this parliament would override previously lawful decisions made by councils. On the previous occasions that this measure has been before this place in the same or a similar form, the concentration of members has always been on Barton Road in North Adelaide or, more recently, Silkes Road in the Paradise-Tea Tree Gully area. We have never known whether they are the only two instances where this retrospective measure would apply. In entertaining the idea of retrospectivity here, we have no knowledge whether councils would be put to the expense of obtaining the agreements sought in the amendment moved by the honourable member for a range of roads. I find that a difficult notion to entertain.

First, we have the retrospective focus of this amendment—not even a prospective focus, because that is dealt with under recent amendments to section 72 of the Road Traffic Act. You are also asking parliament to entertain retrospectivity without knowing the ambit of your call, in terms of the number of instances when councils may have to consider, at some expense.

The amendment is designed to target decisions by councils to close roads to some forms of traffic and to require that they be reconsidered. I mentioned that the examples nominated are Barton Road and Reids Road, but there may well be many more. Under this amendment the traffic management scheme already put in place by a council could not be continued unless another council agreed. In all cases where an affected council does not agree, this process will frustrate a local decision that has been lawfully implemented by a council under its own autonomy and possibly has been lawfully in place for some years.

It is possible that the decision will result in traffic management problems to councils and, where a road runs into a main arterial road, the state would incur management problems, which could well require extensive works to reinstate the road. I can envisage that being the case around the Barton Road vicinity. In the case of Reids Road, Paradise, a formal process for reviewing the decision has already occurred under section 721 of the Local Government Act 1934, which provides for resolving differences between councils. Members will recall that, in 1998, the minister's appointee, retired District Court Judge Mrs Iris Stevens, delivered her decision in that matter. She determined:

> . . . that the manner in which Tea Tree Gully council exercised its powers under the Local Government Act 1934 and in relation to roads and traffic management sufficiently complied with its obligations to provide a fair process.

Under section 721 of the 1934 act, Mrs Stevens' decision is final and may be made a rule of the Supreme Court and enforced accordingly. The amendment before us would make that decision—which was clearly designed to be a final decision—redundant.

I could continue with my remarks, but I think members would get the general picture that the government is not only being consistent in its opposition to this measure: we find the retrospectivity notion odious. The fact that we do not know the number or the cost implications of the measure is untenable and, in the instance of Reids Road, we also find that it has already been through a judicial process, which should be regarded as final as far as this place is concerned.

The Hon. IAN GILFILLAN: I was not sure whether I was hearing the minister accurately, but were there signs of

the government caving in, or was it my misinterpretation of the words spoken? The blunt question is whether the government will protest and call for a division on the amendment, but that question can remain in the air for the moment.

The Hon. Diana Laidlaw: Can you explain how I misled you?

The Hon. IAN GILFILLAN: No; the fault is all mine. I could not follow the thread of the argument, and maybe I just missed the last sentence or two. I know you engaged the Attorney-General as a counterpoint to your position at one stage, saying that if he had his way you would be opposed to all retrospective legislation. There was a modification of that, and the conclusion of your remarks was that members had probably heard enough, which may have been the truest thing you said. I find the issue difficult for me personally, in so far as there is no way it can be devoid of implications in terms of Barton Road. As someone who has a profound interest in the parklands, the actual return of any area to the parklands has always been such a precious achievement that I have been very nervous of putting it at risk. I am sure I had the same concerns when this matter was addressed previously. In fact, if possible, the Adelaide Parklands Preservation Association would like to see moves to reduce the number of roads which lacerate the parklands rather than opening up another one, as is a possibility through passing this amendment of the Hon. Nick Xenophon.

I will read to the committee a letter I received dated 10 April this year from the Local Government Association. The part that is relevant reads:

> The LGA supports the Statutes Amendment (Local Government) Bill. Our views on two amendments to the bill are as follows:

The first is to clause 13, which is the amendment to be moved by the Hon. Diana Laidlaw. It takes no exception to that and support it. The second is the repeal of section 359 of the Local Government Act 1934 and the insertion of new clause 24A—'Certain road closures to cease to have effect'—to be moved by the Hon. Nick Xenophon MLC. The letter states:

> As an in principle position the LGA does not support legislation that is to apply retrospectively. We are concerned that the amendment may have broader, unintended consequences. To partially minimise this and in consultation with the Hon. Nick Xenophon MLC, we have sought a new subclause be added to 24A as follows:
>
> - this section does not apply to any road closure which has been the subject of a decision under s.721 of the Local Government Act 1934.
>
> This would exclude the Silkes Road Ford, which has already been subject of the formal review process conducted by Judge Iris Stevens, who was appointed by the Minister for Local Government.

It goes on to indicate that the repeal of section 359 would have the problem which has already been referred to and which involves advertising at great expense in two papers. The LGA has proposed that the requirement for a notice to be published in a newspaper circulating throughout the state in addition to the local paper apply only when the temporary road closure proposed would exceed a specified period of time—say, 24 hours—or, in the opinion of the council, the road closure would have wider implications than for the local community or visitors to the region.

The LGA has previously raised these concerns with the Hon. Diana Laidlaw MLC, Minister for Transport and Urban Planning. Then there is an encouragement for me to support those positions. It is signed by Brian Clancy, Director, Environment and Legislation. So, the position I find myself in is that I can understand what I think is the inconsistency of the original intention, of section 359, which was arguably for a temporary road closure.

The Hon. Nick Xenophon interjecting:

The Hon. IAN GILFILLAN: I ignore most interjections, including that one. It is not helpful. I realise that if I were really persecuted you would protect me, would you not, sir? The extended closure of Barton and Silkes Roads certainly makes a mockery of that intention. Therefore, it is with some anguish that, in principle, I must support the amendment. I was hoping to get some indication from the Adelaide City Council as to its intention if this amendment was successful and the current feeling within the council as regards the continued closure of Barton Road. Unfortunately, I was unable to get through to either the Lord Mayor or the Deputy Lord Mayor.

My leader, Mike Elliott, rang the Lord Mayor, who got in touch with me while this debate was going on. He said he had no knowledge of this debate, no knowledge that this amendment was before the Council and, therefore, no idea that it would have any impact on Barton Road. So he therefore could not say, in any informative way, what the council attitude would be. So, there appears to have been a lack of communication between some channel or another. If they have a capital city committee, which was vaunted as promoting this wonderful interchange of information between the government and the—

The Hon. L.H. Davis interjecting:

The Hon. IAN GILFILLAN: It may not be your amendment, but I would have thought that a responsible government would take some account of an amendment moved by a very significant MLC. So, how is it that the meeting of this capital city committee could have evolved to this crisis point—

Members interjecting:

The CHAIRMAN: Order!

The Hon. IAN GILFILLAN: —with the future of both Barton Road and the member in the other place, Mick Atkinson, being intertwined, and it hangs on the cusp of an issue that the Adelaide City Council could easily have been involved in lobbying for. But, no, they have been denied that opportunity, for which I am very sorry, because I think that it is important that we know how they feel about it. In summary, Mr Chairman—because I know that you are not sick of hearing what I have to say, but I will now stop—I find myself in the position of having to support the amendment but fervently hoping that it does not result in the reopening of Barton Road across the parklands.

The Hon. SANDRA KANCK: I am more enthusiastic about this amendment than my colleague who is the lead speaker for the Democrats on this particular occasion. I see it as being more than just in principle support. I have spoken fairly strongly on this in the past. I believe that what has happened with Barton Road and what happened with the Silkes Road ford have been, effectively, an abuse of process. They were supposed to be temporary closures and, quite clearly, the relevant local government authorities have acted and continue to act as if they are permanent closures. I do not think that just the effluxion of time is a good enough reason to maintain them as basically permanent closures. It really is a travesty of this section of the act.

As I have said before, in both of those cases there is a small group of people who benefit from the closure and a large group who, therefore, bear the pain from it. I am very strongly—

The Hon. Diana Laidlaw: So you want the reopening of Barton Road?

The Hon. SANDRA KANCK: Yes.

The Hon. Diana Laidlaw: And the Hon. Ian Gilfillan has said that he would not do anything that would see the reopening of Barton Road?

The Hon. SANDRA KANCK: He said he supports this amendment in principle. We have varying degrees of support for this. My support is much stronger than his, I guess is probably the easiest way to put it.

The Hon. A.J. REDFORD: Is the basis upon which the honourable member supports the reopening of Barton Road for the ease of through traffic from the western suburbs, notwithstanding any detrimental effect on local residents?

The Hon. SANDRA KANCK: I thought I explained it fairly simply, but what I said is that there is a benefit to a very small group of people, contrasted with a very large number of people with a dis-benefit, and I believe one has to achieve an outcome for the greatest number of people, not the smallest number of people.

The Hon. Diana Laidlaw: So more roads through the parklands?

The Hon. SANDRA KANCK: The road is already there.

The Hon. Diana Laidlaw interjecting:

The Hon. SANDRA KANCK: No, the road is already there. It is not more roads through the parklands: the road is already there.

The CHAIRMAN: The Hon. Mr Xenophon, I understand that your second amendment should read 24B and not 24A, is that correct?

The Hon. NICK XENOPHON: Mr Chairman, I have been reminded by parliamentary counsel that in respect of Part 7A, the amendment of the Road Traffic Act which relates to the whole issue of advertising so that it is not as onerous for regional councils, was dealt with in the other place recently and is superfluous. I apologise to the committee, and I do not wish to proceed with that amendment, given the government's amendment. In other words, the intent of the amendment to section 33, which relates to advertising and the like, has been dealt with in the other place as a result of some recent government amendments. The problem that the LGA has been concerned about in terms of onerous provisions on local councils where there is, say, a street fair, or whatever, and they need to close a road, is that they were required to advertise throughout the state. They do not need to do that now. That has been dealt with by the state government. So, I indicate that I do not wish to proceed with that Part 7A amendment.

The Hon. Ian Gilfillan raised the issue of consultation with the City of Adelaide. I have been in touch with the Local Government Association on this issue for a number of weeks. The City of Adelaide is a constituent organisation of the Local Government Association. I am not critical of the government in respect of its contacting—

The Hon. Ian Gilfillan interjecting:

The Hon. NICK XENOPHON: No, I am trying to be fair to the government in the sense that I consulted with the LGA with respect to this amendment. It was my amendment: it was not the government's bill. I am surprised that the City of Adelaide has not contacted me but I thought that may have been dealt with in the process of dealing with the LGA, because the LGA was aware of this amendment for a number of weeks.

The Hon. T.G. ROBERTS: It appears that with every set of amendments to the Statutes Amendment (Local Government) Bill we will end up discussing Barton Road. Each contribution in the lower house referred to people with obsessions. I am not going to accuse anyone in the other place of having obsessions about an issue—

The Hon. L.H. Davis: We all know.

The Hon. T.G. ROBERTS: The accusation goes against the member who just interjected that he is a part of the accused people who have an obsession in relation to Barton Road. But we have to deal with it and it is unfortunate that the Adelaide City Council has not made a contribution in relation to this section of the amendment. The opposition has declared that its position is to support the major thrust of the amendments that the government put forward but, in the case of the amendment introduced by the Hon. Nick Xenophon, we support the section of the amendment that he has included, and it is news to me that the other section has been withdrawn.

Therefore, to indicate the opposition's position, we support it, but I have not had the benefit of an updated briefing in relation to the differences between the LGA position and the Adelaide City Council position, if there is one, but I know that, if there is a rolling issue, sometimes the relevant councils do not pay attention to the issues as perhaps they should. That does not always occur, but in relation to Barton Road I would think that the Adelaide City Council would have someone with a permanent watching brief on any amendments that were going to impact on the Barton Road opening or closure.

The Hon. IAN GILFILLAN: The letter from the LGA, from which I quoted, included a recommendation to the Hon. Nick Xenophon as follows:

> . . . a new subclause be added to 24A:
>
> · this section does not apply to any road closure which has been the subject of a decision under s.721 of the Local Government Act 1934.

I ask Mr Xenophon to indicate why he did not take up that suggestion and whether he communicated his reasons to the LGA and what was its response?

The Hon. NICK XENOPHON: In response to the question of the Hon. Ian Gilfillan, I can say the following. I did have discussions with Mr Brian Clancey of the LGA. It had a concern in relation to the Silkes Road closure. Section 721 was invoked in respect of a dispute resolution process. I decided not to take its advice, in a sense, to proceed with that amendment, because I thought that the principles were still the same; that, while section 721 did provide a mechanism to deal with the issue, I thought it would be a simpler proposition to deal with the amendment as is without seeking to make further exemptions, in a sense—although I have acknowledged in the course of this debate that I see the Silkes Road closure as somewhat different, not so much in principle but in terms of what the council has done there since that time. I think the Hon. Sandra Kanck would be aware that the Tea Tree Gully council has spent quite a bit of money on public works closing that road off, landscaping and the like. So, I think it would be—

The Hon. Sandra Kanck: It still doesn't justify it.

The Hon. NICK XENOPHON: That is absolutely the case. I thought that, as a matter of principle, if there were some residents in either the City of Campbelltown or the City of Tea Tree Gully who took issue with that, technically, they do have a right to make use of this amendment if it is passed. However, I acknowledge that I think there are greater barriers, both physical and political, than, for instance, Barton Road, in the sense that traffic is still using Barton Road,

although I acknowledge that it is only public transport at this stage.

The Hon. Diana Laidlaw: It's only public transport.

The Hon. NICK XENOPHON: Yes, but I am saying that, as distinct from Silkes Road, where some physical barriers are in place, a considerable amount of money has been spent on landscaping. I hope that answers the Hon. Ian Gilfillan's question.

The Hon. DIANA LAIDLAW: I have known the Hon. Ian Gilfillan for a number of years, and I have always thought that he was a man of his word. Therefore, when he spoke for the Democrats on this local government matter on Tuesday 1 May (page 1381 of *Hansard*), I took him at his word. He said:

> . . . I would indicate that the Democrats will not be supporting any attempts to have Barton Road reopened.

Can the member explain to me how his support for the amendment moved by the Hon. Nick Xenophon relates to the member's statement on 1 May, when he indicated that the Democrats—not just him; the Democrats—will not be supporting any attempts to have Barton Road reopened?

The Hon. IAN GILFILLAN: It is absolutely flattering beyond words to have a minister analysing my speech in such minute detail. It is a rare treat. The point is that the amendment does not address Barton Road. The amendment addresses an anomaly in the legislation. As a by-product of that, there is scope for the revisiting of Barton Road by the same parties that determined that it should be closed originally on a so-called temporary basis. The Democrats staunchly would oppose any permanent opening and would support any move to close Barton Road permanently. That is the area where we are united, and that is where my involvement in the earlier debate addressed Barton Road. Barton Road is peripheral; it is sort of the collateral damage, if you like. But the principle of the legislation is quite sensible.

The Hon. A.J. Redford interjecting:

The CHAIRMAN: Order! One member is already on his feet.

The Hon. DIANA LAIDLAW: In a moment I will move that the committee concludes its consideration, but I would like the Hon. Mr Gilfillan overnight, or even perhaps this afternoon, to reflect on his words of 1 May and to read the legislation, which retrospectively is designed, if one reads the Hon. Nick Xenophon's remarks, to reopen Barton Road, and he provides the mechanism for that to happen. Certainly, it does require other parties to ensure that the mechanism is triggered, but the mechanism is openly provided, and the member is facilitating that.

In terms of the member's earlier remarks, the Minister for Local Government and I did not take this matter to the Adelaide City Council because, first, it was understood that the Local Government Association was representing it here; and, secondly, during previous debate the honourable member said the following:

> . . . I would indicate that the Democrats will not be supporting any attempts to have Barton Road reopened.

I took that to mean that any amendment to that effect would be defeated and that, with the government's consistent opposition to the provision and with the Democrats united, it would be lost. We now have a different proposition before us today.

I repeat the words of the Hon. Mr Gilfillan when speaking about the Local Government Association's position, as follows:

> As an in-principle position, the LGA does not support legislation that is to apply retrospectively.

That is exactly what this measure does. It does not apply prospectively; it is unashamedly retrospective legislation for two road projects—Silkes Road and Barton Road. We are concerned that the LGA says that the amendment may have broader, unintended consequences, and I have made that point quite strongly .

If the honourable member is concerned about consultation with the Adelaide City Council, I am prepared to undertake that and to seek a specific response from it for the honourable member's benefit, and also from the councils in terms of Silkes Road. With respect to consultation generally in terms of the Labor Party, I would be interested to learn whether the candidate for the area—the former Lord Mayor of Adelaide, Dr Jane Lomax-Smith—has been asked for her opinion. Perhaps the Hon. Terry Roberts can tell me whether her view is important and has been taken into account or considered by the Labor Party in deciding to support this measure.

The Hon. T.G. ROBERTS: The minister has raised the question of what consultation we have been involved in. I am the shadow minister carrying it on behalf of the shadow minister in another place.

The Hon. Diana Laidlaw: Who are you representing—the Hon. Mike Atkinson?

The Hon. T.G. ROBERTS: I am representing the party's position in relation—

The Hon. Diana Laidlaw: Which shadow minister? You just mentioned that you represented a shadow minister.

The Hon. T.G. ROBERTS: I am representing Stefanie Key in another place. I understand that the minister has indicated that she will seek to report progress. I suspect that it may be time for further consultation to take place with the LGA and the Adelaide City Council to clarify some of the issues to which the minister requires answers, if that is what she requires. I am sure that there will not be any change of mind between the mover of the motion and the opposition. I do not think there will be any movement in any other party's position. However, it may clarify the situation, if the minister wants updated contributions to reflect points of view as they stand at the moment, given the Adelaide City Council's reply to the honourable member. It might be a good opportunity to report progress and do some follow-up consultation, given that the bill has been around for some considerable time.

The Hon. NICK XENOPHON: I will address briefly the issue of retrospectivity, as I did not have an opportunity to do so earlier. I previously referred to this very issue that the minister has raised in a debate in 1998, but I reject the assertion that this is retrospective. This amendment does not—

The Hon. Diana Laidlaw interjecting:

The Hon. NICK XENOPHON: Yes, I do reject that it is retrospective and I will say so now. The road closure during that period—that is, from 1987 to the present—is not affected. We are not seeking to give people different legal rights during that period in the sense that we are saying that it was retrospective, in that it was illegal and gives rise to claims or causes of action with respect to what has occurred previously. This amendment operates prospectively. If the parliament says that we will have a mechanism in place that may lead to the opening of Barton Road, for instance, then that cannot be seen to be retrospective. When you consider it in the context of section 359, in terms of the debate—

The Hon. Diana Laidlaw interjecting:

The Hon. NICK XENOPHON: No, in terms of the debate on section 359. Section 359—

The Hon. Diana Laidlaw interjecting:

The Hon. NICK XENOPHON: I think the minister has previously said on record that she would not have me as a lawyer and I probably would not have her as a client, but so be it. Section 359 was never intended to operate as an indefinite or permanent closure device. Let us put this in context. Let us look at some principles. Section 359 was never intended to operate as a permanent mechanism to close roads permanently, and when the minister was a shadow minister she acknowledged as much. When section 359 was debated in this place in 1986, both Minister Wiese at that time and the now minister as shadow minister made it very clear in the context of the debate that this was all about a temporary closure of roads. It was understood in the context of the debate that it was provided as a traffic management issue on a short-term basis to deal with street fairs and community activities, but not to have a road closed for seven or eight years without having an appropriate mechanism in place to allow the adjoining council to have certain rights.

In this case, the Adelaide City Council did not bother to tell the Charles Sturt council (the then City of Hindmarsh and Woodville) about the road closure. Even if I were to accept the government's characterisation that this is a retrospective clause, there are many occasions when retrospective measures are not contrary to the rule of law. The High Court has said so—for instance, Justice Isaacs in *George Hudson Limited v Australian Timber Workers Union*. As long ago as 1923, about the presumption against retrospectivity, the High Court said:

> But [the presumption's] application is not sure unless the whole circumstances are considered, that is to say, the whole of the circumstances with which the legislature may be assumed to have had before it. What may seem unjust when regarded from the standpoint of one person affected may be absolutely just when a broad view is taken of all those affected. There is no remedial act which does not affect some vested right but, when contemplated in total effect, justice may be overwhelmingly on the other side.

Indeed, the law lecturer, Geoffrey Walker, in his book *The Rule of Law*, writes:

> [even those]. . . who stood unwaveringly against the trend from law to arbitrariness and power in modern legal systems contended that situations could arise in which retroactive effect for legal rules was not merely tolerable but could actually be essential in advancing the cause of legality. Such situations could stem from a failure to observe the requirements of the rule of law at an earlier stage.

My argument is that in this case, given the Adelaide City Council's conduct pre 1993 and the way in which it used a temporary road closure provision to deal with closing a road on a de facto permanent basis, there was clearly a failure to observe the requirements, in a sense, of the rule of law, and what this amendment seeks to do is to have a process in place that would rely on sections 32 and 33 of the Road Traffic Act, which would allow for consultation between the adjoining councils affected. To say that it is retrospective is something that I reject. Even if—

The Hon. Diana Laidlaw interjecting:

The Hon. NICK XENOPHON: I am smiling because I believe I am right. Even if—

The Hon. T.G. Roberts interjecting:

The Hon. NICK XENOPHON: I try to be. Even if it is characterised as retrospective, I think the authorities of the High Court in the case to which I have referred and the commentary of Geoffrey Walker defeat the argument of the minister in this regard.

Progress reported; committee to sit again.

ADJOURNMENT

At 5.07 p.m. the Council adjourned until Wednesday 16 May at 2.15 p.m.