LEGISLATIVE COUNCIL

Tuesday 2 October 2001

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

QUESTIONS ON NOTICE

The PRESIDENT: I direct that the written answers to questions on notice Nos 86, 87, 90 and 94 be distributed and printed in *Hansard*.

GAS SUPPLY

86. **The Hon. P. HOLLOWAY:**

1. Why is the achievement of security and certainty of gas supplies for South Australia (which was listed at the top of the list of Ministerial Priority Areas and Key Initiatives in the Primary Industries and Resources South Australia portfolio statement for 2000-01) no longer listed as a priority for the Department?

2. If PIRSA is no longer responsible for the security and certainty of gas supplies for South Australia, when and why did this occur?

The Hon. K.T. GRIFFIN: The Minister for Minerals and Energy advises that PIRSA remains responsible for ensuring that there are no market failures which would place at risk the security and certainty of gas supplies to South Australia.

GAS EMERGENCIES

87. **The Hon. P. HOLLOWAY:** What are the details of the memorandum of understanding for dealing with interstate gas emergencies, as referred to in Output Class 3 of the Primary Industries and Resources South Australia portfolio statement?

The Hon. K.T. GRIFFIN: The Minister for Minerals and Energy and Minister Assisting the Deputy Premier has provided the following information:

The Energy Markets Group (formed by COAG) agreed on 9 June 1999 to establish a working group to identify threshold questions and issues associated with the impacts of a cross border gas emergency resulting from a major gas supply shortfall caused by a situation such as the Longford plant incident in 1998. The group produced a draft issues paper, which identified a number of issues and preferred options for dealing with such an emergency.

The energy markets group meeting of 25 October 2000 sought refinement of the paper and asked the working group to prepare drafts of a Memorandum of Understanding (MOU) and the protocol required to underpin it.

A MOU based on communication protocols and sharing of gas when a jurisdiction's supply threatens essential services or the integrity of their gas networks was drafted. The energy markets group in the following meeting on 13 December 2000 agreed to some minor amendments to the MOU and for jurisdictions to seek comments from stakeholders within their jurisdiction. This was done, however Queensland was late in their public consultation due to their election and subsequent department reorganisation. Consequently Queensland did not complete its consultation until late May 2001.

Industry has raised a few issues and a telephone conference in May this year clarified some of these. As a result, a draft of the MOU has been modified. It will be sent out for further public comment once it has been approved by the EMG.

Progress on this issue has been slow and not to the satisfaction of the South Australian Government. South Australian Government officials took over finalising the MOU from Victoria in late 2000.

90. **The Hon. P. HOLLOWAY:**

1. How many of the 75 incidents for 2000-01, referred to in output 2.4 (incident response services) of the Primary Industries and Resources South Australia portfolio statement, related to the Minerals and Energy portfolio?

2. What are the details of any incidents which related to the minerals and energy portfolio?

3. Given that the target for 2001-02 is 63 incidents, 11 fewer than the estimated result for 2000-01, which is due, according to the output, to 'reduced expectation of contaminant incidents', can the minister give reasons for that expectation?

The Hon. K.T. GRIFFIN: The Minister for Minerals and Energy and Minister Assisting the Deputy Premier has provided the following information:

1. Energy SA responded to one actual incident involving gas supply from Moomba in November 2000.

Energy SA completed its response to output 2.4 of the portfolio statement on the basis of its capacity to respond to one gas incident and one petroleum incident. There were no incidents at Port Stanvac that had an impact on the supply of petroleum products and that necessitated the need to implement emergency procedures.

2. The gas supply interruption on 20 November 2000, due to power failure at the Moomba gas processing plant, was managed by the (then) Office of Energy Policy, now Energy SA, in accordance with the gas emergency procedures manual under the Gas Act 1997. This manual has been developed by Energy SA in cooperation with the gas industry and is continually updated and improved.

During the incident, communication among the parties (Energy SA, Electricity Supply Industry Planning Council, producers, Moomba to Adelaide pipeline operators, retailers and distribution network owners/operators) was maintained by regular and agreed telephone 'hook-up' conferences conducted by Energy SA. As the pipeline capacity to deliver gas to consumers was deteriorating progressively, all parties agreed that gas curtailment would be necessary to preserve the integrity of the pipeline and to ensure that sufficient gas was available for essential services.

Gas curtailment commenced at 8 p.m. on 20 November and was lifted at 6 a.m. the following morning as the Moomba plant production was returning back to normal. The temporary curtailment, triggered by contractual flow restrictions issued by the pipeline operator, was effected by issuing ministerial directions (under Section 37 of the Gas Act 1997) to gas entities and several large users of gas (industrial and power generators) in the state. The majority of gas users in the industrial sector, and all commercial and domestic consumers, were not affected by the gas curtailment.

3. Energy SA maintains ongoing capacity to respond to all incidents relating to the gas supply, and the supply of petroleum products. Estimates are based on the possible need to respond to one incident in each of these areas each year.

ELECTRICITY REGULATORS COMMITTEE

94. **The Hon. P. HOLLOWAY:**

1. (a) What are the powers of the committee of Electricity Regulators; and

(b) What are its terms of reference?

2. Are any findings or reports of this committee tabled in Parliament?

3. Does this committee have a limited time span, or is it an ongoing regulatory committee?

4. What is the cost to the South Australian budget for this committee?

The Hon. K.T. GRIFFIN: The Minister for Minerals and Energy has provided the following information:

1. (a) The Electricity Regulators Committee named 'Electricity Planning and Regulators Co-ordination Group (EPARCG), is formed by agreement between the technical regulator established under part 2, division 3 of the Electricity Act 1996, the SA Independent Industry Regulator established under the SA IIR Act 1999 and the chief executive of the Electricity Supply Industry Planning Council established under division 2, part 2 of the Electricity Act 1996. The power of EPARCG is no more than the power of the individual members as defined in the aforementioned legislation.

1. (b) Terms of Reference

The Co-ordination Group will:

1. Meet on a regular (initially monthly) basis to share information and plan joint initiatives on electricity industry matters.

2. Consider specific new applications or projects and determine how these will be reviewed by the offices.

3. Develop work programs to address the periodic assessments of compliance and performance against the Electricity Act, licences and codes.

4. Identify opportunities to share information and to co-operate on joint investigations where legally possible.

5. Plan the co-coordinated collection, storage and processing of information and data from licensees in order to minimise duplication of collections and rationalise requests.

6. Discuss emerging issues as agreed by the parties.

7. Consider other relevant issues as agreed by the parties.

8. Review the effectiveness of the Group after each 6 months' operation.

2. Findings and reports of the committee are not specifically tabled in parliament, each of the member bodies have their individual reporting requirements which will result in the work of the committee being reported to parliament.

3. The time span of the committee is by agreement of the member entities. It is anticipated that the committee will continue whilst there is the opportunity to obtain more effective and efficient regulatory outcomes.

4. The cost of the committee is funded from the internal resources of the members. The members of EPARCG are funded through industry licence fees, not from the South Australian budget.

PAPERS TABLED

The following papers were laid on the table:

By the President—

Report of the Auditor-General and Treasurer's Financial Statements, 2000-01, Parts A and B

By the Treasurer (Hon. R.I. Lucas)—

Reports, 2000-01—

Department of Treasury and Finance
Distribution Lessor Corporation
Electricity Supply Industry Planning Council
Funds SA
Generation Lessor Corporation
Motor Accident Commission
Office of the Liquor and Gaming Commissioner—Gaming Machines Act 1992
Office of the South Australian Independent Industry Regulator
RESI Corporation (formerly ETSA Corporation)
RESI FP Pty Ltd (formerly Flinders Power Pty Ltd)
RESI Gas Pty Ltd (formerly Terra Gas Trader Pty Ltd)
RESI OE Pty Ltd (formerly Optima Energy Pty Ltd)
RESI Syn Pty Ltd (formerly Synergen Pty Ltd)
South Australian Asset Management Corporation
South Australian Government Financing Authority
South Australian Parliamentary Superannuation Scheme
South Australian Superannuation Board
State Supply Board—Gaming Machines Act 1992

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

Bio Innovation SA Charter

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

Commissioner of Police—Report, 2000-01

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

Reports, 2000-01—

Development Act—Administration of
Local Government Activities.

WITNESS PROTECTION ACT, REPORT

The Hon. K.T. GRIFFIN (Attorney-General): I draw attention to the fact that the report I have just tabled entitled 'Commissioner of Police—Report' is mistakenly referred to in all relevant documents as the Commissioner of Police's annual report. It is, in fact, a report in relation to the Witness Protection Act 1996 which, under the act, the Commissioner is required to have tabled in parliament every year. So, it is not the Commissioner's annual report.

QUESTION TIME

STATE BUDGET

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

Leave granted.

The Hon. P. HOLLOWAY: Budget paper 3, page 4.4 of the 2001-02 budget contains what is described as two additional strategies to assist portfolios to manage within the budget targets that have been established. The two strategies are:

1. A 5 per cent reduction over two years in senior administrative positions; and

2. A 1 per cent efficiency measure over two years in all non-salary costs, excluding commonwealth payments to be retained by portfolios to deal with emerging cost pressures.

The budget paper goes on:

These measures should see around $20 million freed up—

that is over two years—

from existing portfolio cost structures and be available to be applied to cost pressures and new initiatives within portfolios.

My questions are:

1. What is the amount of savings from this measure for 2001-02, and what is the amount of savings for 2002-03; in other words, for each separate year?

2. Is the budget on track to provide these savings?

3. Has any of this money now been allocated to items of expenditure and, if so, how much?

The Hon. R.I. LUCAS (Treasurer): The shadow minister has alluded to a number of the budget strategies that ministers agreed to in the budget. Of course, he has not referred to them all. One of the most significant strategies was a slashing of expenditure on consultancies by this government from over $105 million a year down to, I think, an amount in the order of $40 million or $45 million. I make that point because the Leader of the Opposition still runs around saying that he will pay for all this extra expenditure by cutting the hundreds of millions of dollars that the government is spending on consultancies.

He has no factual justification for his figures at all. His dilemma is that the soft approach that oppositions in other states have adopted, saying that they will cut back on the number of public servants, consultants or administrative expenditure, has already been actioned by this government. This government has already targeted all those areas, and the dilemma for the Leader of the Opposition and the shadow treasurer is that they have been unable to find anything different from the budget strategies put in place by this government. This question is from an opposition that is flailing around, looking for policy as to how it will fund some of its promises. Opposition members are looking for additional assistance to help them in their task to find a policy.

What I can say to the shadow minister is that the policy is as it was announced in the budget. It is over a two-year period. Ministers can move down the path at the pace they choose as long as, over the two-year period, their objective remains the same, that is, the 1 per cent efficiency saving or target, which they then use to reorder priorities in their own portfolio.

A lot of disinformation has been circulated again by the opposition in relation to the strategies that the Minister for

Education has evidently been pursuing, highlighting to the media that these were budget cuts. They are not budget cuts: they are a reordering of priorities within the portfolio by the minister. I would have thought that most parents would be delighted for the minister to say that he can save money out of administrative costs and redirect that money into important services and/or programs in schools. I am sure that parents would be happy to see that. Not so opposition members—this whingeing, whining lot that we have across the chamber, led by the whingeing, whining Leader of the Opposition. Evidently they do not believe even in that policy.

The Hon. L.H. Davis: He is the leader really, isn't he?

The Hon. R.I. LUCAS: Yes. He does not even agree with that, that is, the cutting out of administrative fat and delivering extra money within the portfolio in terms of extra services and extra funding for schools, as the minister has indicated. This is not a budget cut that has been referred to in the budget papers, and the decision is up to individual ministers over a two-year period to achieve both the savings targets that the honourable member referred to.

Certainly at this stage the government is on track, but that is not saying much, given that we are only three months into a 24-month period when ministers can choose to move, as I said, at whatever pace they choose within their portfolio. It is my view that we will not be in a position to bring back for each individual portfolio its particular savings target for each year compared to the next. We will be in a position at the end of the first year to be able to report on the progress of each portfolio, and we will do that through the bilateral period, which starts in December this year.

The first meetings with ministers for next year's budget will start in December this year through the bilateral process when we will get early information. Then we will get more detailed information in the second round of bilaterals in the first half of calendar year 2002. Ultimately in the preparation of the budget the government of the day will be in a position to be able to report on the movement towards that objective in the first year. Some will have moved significantly, as I am aware. Others will have done less in the first year and will be accomplishing more in the second year, and that is a decision for each minister to take with their chief executive officer.

The Hon. P. HOLLOWAY: My question is directed to the Treasurer. Will the government provide to the opposition, in the first week of the forthcoming state election campaign, a pre-election budget update by the Under Treasurer on the state of the budget, as is provided for by the commonwealth government and several other state governments?

The Hon. R.I. LUCAS: We will not treat the opposition any differently from any others. We produce a six-monthly report which is available and which covers the period to 31 December. The Premier, for some time, has been mentioning his preferred timing for an election. The half-yearly update is made available to everyone, not just the opposition. We publish it in the *Government Gazette*. It highlights the major movements—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: That is the half-yearly update; that is exactly what you have just asked about.

The Hon. P. Holloway: It was not. I asked for an update by the Under Treasurer.

The Hon. R.I. LUCAS: That is done by the Under Treasurer and the government: it is a half-yearly update. I do not go through the departments and physically prepare these documents. It will be produced by the Under Treasurer with the advice of his Treasury officers. We do that every year. That will be available as a half-yearly document. Our expectation is that that will be available in about January of next year. It is not only for the opposition's benefit but for anyone else who would like to read the *Government Gazette* to see what has occurred in the half-year from the budget to the end of this particular calendar year.

TAB, AUDIT REPORT

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Treasurer a question about the TAB sale.

Leave granted.

The Hon. T.G. ROBERTS: I refer to the Auditor-General's Report, Part A: Audit Overview, under the heading 'SA TAB' (page 109) which states:

> Following progressive submissions of the scoping review on the sale, in September 1999, Cabinet confirmed its decision to sell the SA TAB. In February 2000, the Government announced in principle its decision to sell the SA TAB. . . Expenditure on consultants for the period 1 July 1997 to 30 June 2001 inclusive was $5.8 million, of which $3.7 million was incurred during 2000-01. . . Cabinet's approval of the sale in August 2001 has coincided with the preparation of this Report to Parliament. As a consequence, Audit has not been able to finalise its review of the disposal process, the agreements executed for the sale and the accountability of the sale proceeds.
>
> Any issues arising from the review, will be the subject of comment in a Supplementary Audit Report.

Given that the scoping review started in 1999 and we are now in October 2001, when will the supplementary audit report be made available for viewing?

The Hon. R.I. LUCAS (Treasurer): If I can put it colloquially, I have no idea. If the honourable member would like me to put it formally, I have no idea as well. It is a question more appropriately directed to the Auditor-General. The timing of any supplementary report (if any) that the Auditor-General brings down has no statutory requirement. Ultimately, it is a decision for him and him alone, first, whether he undertakes a supplementary report and, secondly, what the time frame for that supplementary report might be. I am happy to convey the honourable member's question to the Auditor-General to see whether or not he is prepared to respond to the Hon. Mr Roberts as an individual member of the parliament.

BUDGET, WESTERN AUSTRALIA

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Treasurer a question about the Western Australian Labor government budget.

Leave granted.

The Hon. L.H. DAVIS: In the spring break of parliament, the Western Australian Labor government introduced its first budget on Thursday 13 September. Prior to that time, the Managing Director of Western Power, which is the state owned electricity utility, revealed that the Gallop Labor government was cutting its capital works program for electricity by $300 million. The Managing Director, Mr David Eiszele, according to the *Financial Review* of 3 August, said:

> . . . Western Power had been a target of the government's attempt to reduce debt levels in its budget forward estimates because the $2.4 billion in borrowings already on the electricity utility's books constituted almost half the entire state debt. By cutting back some capital works programs and deferring others, Mr Eiszele said Western Power had managed to reduce its five-year capital

expenditure budget by $300 million, which he hoped would be enough to satisfy Treasurer, Mr Eric Ripper.

What an appropriate name for the Treasurer: Mr Eric Ripper! Mr Eiszele warned that imposing further cuts on Western Power to dress up the budget forward estimates could create unacceptable risks. In addition to that matter (which was confirmed in the budget), which showed that under Labor the net debt in Western Australia would blow out $800 million to $5.83 billion in 2002 and would reach $6.33 billion in 20015, and in addition to that revelation about cutting back on capital works and electricity and increasing debt, the Western Australian Labor government broke two election promises.

It raised $500 million in tax increases in its maiden budget, and the leader of the Western Australia Chamber of Commerce and Industry, Mr Lyndon Rowe, was outraged, saying that this was a broken promise. Labor was going to raise $72 million a year by lifting the top rate paid by companies on payroll tax from 5.56 per cent to 6 per cent, and that would then be supplemented by another $55 million by increasing land tax. The increase in both payroll tax and land tax was something that the government had promised not to do. My questions are:

1. Has the Treasurer had an opportunity to look at the significant cutback in capital works programs for the publicly owned electricity utilities in Western Australia, as the Labor government has announced in its recent budget? What does this suggest for the future of public owned electricity assets, where more and more money is required to maintain them and to sustain electricity supply?

2. Is the Treasurer in a position to reveal what the state government makes of the increase in payroll tax and land tax in Western Australia, both broken election promises by the newly elected Western Australian Labor Party government?

The Hon. R.I. LUCAS (Treasurer): Western Australia, in its gory reality, demonstrates what South Australia would be like should we be in the unfortunate circumstance of having the whingeing, whining opposition elected at the impending state election. The Western Australian Labor Party, with hand across heart, made promises that it would not increase taxation; that it was going to be all things to all people, as indeed we are seeing here in South Australia. It promised to increase expenditure significantly in most of the portfolio areas, and indicated that it could do all that within the existing budget parameters without having to increase taxes.

Indeed, Western Australia had the advantage of an Under Treasurer-prepared summary of the budget in the first week of the campaign, so the government was unable to even adopt the pretext that it was unaware of the condition of the state budget. It made all its promises and it was only a question of how many weeks would pass before it broke virtually all of the significant promises with significant increases in taxes for all and sundry, as the Hon. Mr Davis has highlighted, particularly in areas such as payroll tax and land tax, which has impacted significantly on jobs and economic development in Western Australia.

The Labor opposition in South Australia has made its position clear. The shadow Treasurer was quoted verbatim in the *Advertiser* refusing to rule out tax increases under a prospective Labor government. He embarrassed his leader by doing that because, while he was refusing to rule out tax increases, the Leader of the Opposition was running around not only whingeing and whining but also, at the same time, promising everything to everybody, not realising that his shadow Treasurer had let the cat out of the bag. There was a big, bold headline in the *Advertiser* stating, 'Labor refuses to rule out tax increases.' Indeed, while he has tried to back-pedal from that, he got the hard word, we are told, from the Leader of the Opposition, saying, 'You are not to have those occasional outbursts of honesty in relation to our economic policy; you are to follow the Leader of the Opposition's party line and promise all things to all people; and you are to indicate that all of these new funding promises will be funded from the existing tax base.' This indication of what Labor is doing in government in Western Australia is a fair indication of what Labor, should it ever be elected in South Australia, would do in government.

Again, the furphy was run out by, I think, the Leader of the Opposition in South Australia indicating that there had been a $1 billion increase in state taxation over the last seven or eight years under the Liberal government. The Labor opposition was not prepared to admit to the fact that, during the last seven or so years of the last Labor government in South Australia, state taxes increased at roughly twice the percentage increase that they have under a Liberal government for the last seven or so years. That is an increase of almost 100 per cent in tax revenue during the Labor government's last seven or so years, and it has been roughly half that in the last seven years under a Liberal government. So, there should be no pretence by anybody that they do not understand that, should a Labor government be elected in South Australia under Messrs Rann and Foley, there will be, as in Western Australia, significant increases in state taxation to try to fund their extra spending commitments.

The final part of the honourable member's question refers to the impact of the budget on electricity businesses in Western Australia. The honourable member was good enough to provide me with a copy of the *Financial Review* article, which highlights that they must now consider spending $2 000 million over the next four to five years on capital works for their electricity businesses in Western Australia—$2 000 million for publicly owned capital works to generate electricity. You could build a lot of hospitals and a lot of schools for $2 000 million. You could fit even all of Mr Rann's promises into $2 000 million—

The Hon. L.H. Davis: Just!

The Hon. R.I. LUCAS: Just, and that would take something.

An honourable member interjecting:

The Hon. R.I. LUCAS: Well, you have the option. The head of the electricity business in Western Australia has revealed, as the honourable member demonstrated, that as a result of their budget problems they have cut back by about $300 million on capital works and they are now raising questions about—

The Hon. L.H. Davis: A 15 per cent cut.

The Hon. R.I. LUCAS: That is a 15 per cent cut, and there are now questions about their capacity to continue to deliver power at the appropriate service level as a result of this significant $300 million slashing of capital works in their electricity businesses.

The Hon. A.J. Redford: A very good question.

The Hon. R.I. LUCAS: Yes, a very good question from the Hon. Mr Davis which summarises the dilemmas of ever electing Labor governments but also the enormous ongoing cost of actually having to fund the capital works for publicly owned—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Well, the Hon. Mr Holloway is obviously flagging that they will be—

An honourable member interjecting:

The Hon. R.I. LUCAS: Exactly. We will be debating the Labor party promise to go back into the business of running electricity businesses in South Australia. It is going to build, own and operate transmission companies and we will just—

An honourable member interjecting:

The Hon. R.I. LUCAS: It has already said that, and that is part of its policy. It will go back into the risky business of running these transmission businesses and we will see whether it follows what it has been saying for the past three years. Will Labor be publicly funding extra power plants in South Australia, consistent with its philosophy of public ownership? It does not have to reverse the privatisation. Will it publicly fund the next power station in South Australia, consistent with Labor's policy of public ownership? You do not have to reverse privatisation—

An honourable member interjecting:

The Hon. R.I. LUCAS: That is right; that is the question for the Opposition. It does not have to reverse the privatisation. Will it publicly fund—

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Cameron has got it in one. Will Labor publicly fund the next power station in South Australia, which is entirely permissible under the Labor Party's policy on electricity released in the past three months?

BIRDWOOD MOTOR MUSEUM

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for the Arts a question about the future of the National Motor Museum at Birdwood.

Leave granted.

The Hon. SANDRA KANCK: A constituent who is considering giving a vintage car to the National Motor Museum at Birdwood has contacted my office. Their intention is to offer a gift to the people of South Australia, but they are reluctant to do so because of persistent rumours that the state government intends to privatise the museum. They seek an assurance that the museum will remain in public hands. The letter reads in part:

> Olsen is our member, but he said he wouldn't sell ETSA and then look what he did.

My investigations into the matter have uncovered a number of facts that give rise to concern about the current and future operations of the museum. I am informed that the quality of the museum's collection has been declining for some time. The Rainsford collection of Rolls Royces has been dissipated and other important vehicles have been withdrawn from display. Of further concern is the fact that the museum's advisory council has not met since November last year. The advisory council's role is to assess the value of cars offered as gifts to the museum. The council has expert knowledge in these matters and includes George Brooks, a world authority on vintage, veteran and classic cars. The fact that the number of staff employed by the museum has halved from 15 to 7 during the past five years is further evidence of problems. I am informed that consultants are currently evaluating the operation of the museum and rumours are building that the government may privatise. My question are:

1. Can the minister categorically rule out the privatisation of the National Motor Museum?

2. Why has the advisory council not met since November 2000?

3. In the absence of the determinations of the advisory council, who is deciding what cars the museum is willing to accept?

4. What expertise do they have in respect of vintage, veteran and classic cars?

5. Who are the consultants currently examining the operation of the museum?

6. What expertise do they have in respect of vintage, veteran and classic cars?

7. Why have the consultants not been in contact with the advisory council?

8. In light of the limited arts budget, will the minister consider transferring responsibility for the operation of the museum to the much deeper pockets of the Department of Transport, if privatisation is threatened?

The Hon. DIANA LAIDLAW (Minister for the Arts): Without question, I rule out any notion, plan or idea of privatisation. The honourable member would know that this government invested $5 million recently in the building of the new pavillion at Birdwood. It is sponsored by Holden, which is a very generous and respected sponsor, but that does not mean that it is to be privatised. In fact, during recent discussions with the Director of the History Trust—and the motor museum is under the umbrella of the History Trust—I was informed that the trust is looking at how we can further advance the exhibition program and general plans for future events.

I went to the Bay to Birdwood event on Sunday. It was a fantastic event. I met with John Chittleborough, the Director of the History Trust, Margaret Andersen, and other members of the board, and neither the issue of privatisation nor any rumour was raised. I saw the Hon. Sandra Kanck in the distance. I am not sure whether she chose to raise this matter with anyone there or whether she seeks to get publicity by raising it in this manner today.

If she is genuinely concerned about the issues that she raises, I simply repeat: there is no substance to any rumour or claim about privatisation of the Birdwood National Motor Museum. It is the government's intention that it remain an important component of the museum sector in this state, that it remain in government hands, and that it remain under the umbrella of the History Trust. I will gain the information sought by the honourable member in a range of detailed questions and bring back a reply.

SCHOOL SECURITY

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Treasurer, representing the Minister for Education and Children's Services, a question about security in schools.

Leave granted.

The Hon. J.F. STEFANI: Members would be well aware that, over a period of some years now, there has been a wide range of reported vandalism and arson attacks on public schools. Last year, more than $3.3 million was lost in 27 arson attacks on public schools and almost $4 million has been expended to repair attacks of vandalism. In 1997, I wrote to the Premier and the Minister for Education suggesting the employment of on-site security guards for school property as well as the concept of providing young unemployed people with security training courses as part of a composite approach to this ongoing problem.

I note with interest that the government is now considering the possibility of introducing on-site security guards as a weapon against school vandalism. My questions are:

1. Has the minister finalised an appropriate scheme to introduce on-site security guards on public school property?

2. If so, when will the scheme become operational and will it apply to all public schools or only schools that are at greatest risk of vandalism or arson?

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

ADELAIDE CASINO

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Treasurer a question about the Adelaide casino.

Leave granted.

The Hon. NICK XENOPHON: Recently, I was contacted by a constituent in relation to an incident which he alleges occurred at the Adelaide casino in the early hours of Friday morning 28 September 2001. The constituent tells me that he was at blackjack table 105 on the ground level of the casino between the hours of 2 a.m. and 3 a.m. when a casino patron sat next to him and began playing blackjack. The constituent said that when he spoke to this person he appeared to be grossly affected by alcohol, which he admitted.

The patron in question lost several hundred dollars in a short space of time, and other players at the table (including my constituent) felt that the player was behaving erratically. The player also told the constituent that he had $4 000 in his wallet and was distressed over a recent marital separation. The constituent then spoke to the pit inspector about the player's level of intoxication and was told by the pit inspector that unless the player was verbally abusive or falling off his chair he could not do anything about it.

The Hon. R.D. Lawson: Hear, hear!

The Hon. NICK XENOPHON: The Hon. Robert Lawson says, 'Hear, hear!' The player continued to lose a significant amount of money. He then spoke to the pit inspector again who suggested that it was up to the constituent to take him out of the casino even though the player and the constituent did not know each other. The constituent then had to leave the table and seek out a security officer, whom he told about the player's apparent intoxication. The security officer then went to the table to make an assessment and, within one or two minutes, he prevented the player from cashing any more money. I emphasise that the player was walked out of the casino by four security guards without any physical force being used. My questions are:

1. Given the seemingly inconsistent approach of the pit inspector and the security officer over the player in question, can the Treasurer indicate the obligations of the casino's management and staff under the sale and ancillary agreements entered into with the state government with respect to intoxicated players?

2. What obligation is there on the casino to notify government inspectors, or the Office of the Liquor and Gaming Commission, about patrons being removed from the casino?

3. Were government inspectors at the casino that evening and, further, were they notified of this incident?

4. What level of training are casino staff required to undertake under any regulatory framework or code to identify and deal with intoxicated gamblers and problem gamblers generally?

5. What level of training did the staff members in question have in dealing with this particular player?

6. Will the Treasurer assure the Council that the videotape of the table in question will be kept by the Office of the Liquor and Gaming Commission until this matter has been investigated?

The Hon. R.I. LUCAS (Treasurer): I will take advice on the honourable member's question and bring back a reply.

BUSES, ROAM ZONE

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Transport a question about 'roam zone' buses.

Leave granted.

The Hon. CAROLINE SCHAEFER: There was an article in the *Sunday Mail* about the extension of bus services in the northern and southern suburbs, particularly 'roaming buses'. I have already been contacted by a constituent with teenage children from Hallett Cove who said that it was an excellent initiative. I understand that they are smaller buses that deliver people almost to their home, rather than having them travel long distances. These buses then link up with either the train or with the major bus services. I understand that they have been able to extend the service to include weekends and increase their frequency. My constituent is very pleased because she has a number of teenage children and this is the first time that they have been able to travel to and from weekend recreation without either being picked up by parents or paying for a very expensive taxi ride. My question is: will these services be extended to other suburbs, particularly outlying areas, and, if so, when?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): The concept of 'roam zones' has arisen from local community feedback in the Hallett Cove, Sheidow Park and Trott Park areas where services have been traditionally poor, and certainly they are not as extensive as other areas across the metropolitan area. SouthLink has purchased four new 19-seat mini buses for this purpose. I think all eyes across Australia are, in fact, looking at this development in the southern suburbs of Adelaide. It does depend on access to the mini buses and it caters for areas with a younger population travelling at night, or people in the work force, and that is certainly the character of the Sheidow Park, Trott Park and Hallett Cove areas.

It will not be ideal for every location. People can be dropped off near their home, or at their home, after hours, and that is a standard part of the service, and it is promoted strongly as such. It is an excellent service and the government is keen to see such a service provided after 7 p.m. seven days a week across many areas of the broader Adelaide metropolitan area. As I say, it will not be ideal for every area.

The other initiative that has been developed over time is the use of the mobile phone in buses and also with passenger service attendants so that people can ring ahead and be met at the train station or the scheduled bus stop. A combination of using the mobile phone to ring ahead for a friend, family member or even a taxi to pick one up from the bus stop or the train station plus the roam zone concept should increasingly meet the needs of people using public transport at night and will promote it as a much safer, more reliable service. I add that this new roam zone service, enabling passengers to be dropped home or near one's home, is provided at no addition-

al cost, and that is also a big selling point. It is an additional service but at no extra cost.

MOSQUITOES

The Hon. R.R. ROBERTS: I seek leave to make an explanation before asking the Minister for Transport, representing the Minister for Human Services, a question on the subject of public health and mosquito control.

Leave granted.

The Hon. R.R. ROBERTS: Over the last couple of years, in particular, there has been a developing problem in a couple of regions in South Australia with respect to mosquitoes. Unfortunately, it has come at the same time as the development of Ross River fever, and both of them put together, that is, an influx of mosquitoes and Ross River virus, could be disastrous for public health.

Last year I received a deputation from a number of people in Port Pirie after a great deal of concern in that town and I have also had discussions with constituents from Bolivar, particularly the Globe Derby Park area, with respect to the problem of mosquitoes. I asked a number of questions last year and received an answer from the Minister for Human Services notifying me that there was a program with the provision of some $200 000 annually for subsidy on a dollar-for-dollar basis for mosquito control coordinated by local government on land, including crown land, where breeding is high and may contribute to the increased risk of transmission of the Ross River virus. In Port Pirie, a number of articles appeared—'Mossie money not enough', 'Fed up with mosquitoes', 'Mossie money hollow offer', etc. I understand that an offer was made to the Port Pirie City Council and to other councils throughout the state.

Recently, Dr Michael Kokkinn from the South Australian Mosquito Research Unit advised that another strain of mosquito has been identified as being particularly dangerous. People would understand that this is the season when mosquito breeding begins. A number of people from the Port Pirie region, in particular, have approached me about mosquitoes and mosquito control and they are wondering what amounts of money were withdrawn from the fund created by the minister last year. My questions are:

1. How much money was allocated to Port Pirie and to the Bolivar area, in particular?

2. On which programs was that money used and what has been the effect on the mosquito populations in those areas? I am also led to believe that this money was offered on a dollar-for-dollar basis so I am particularly interested in how much was allocated by the government, how much was provided by local government and what the results of that research have been.

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

The Hon. T. CROTHERS: I have a supplementary question. The honourable gentleman referred to the mosquitoes that are carriers of Ross River fever, and I want to add to his question by asking: how much government money has gone into the funding of councils which are revamping wetlands? I asked that question some time ago and did not get a very satisfactory answer.

The Hon. DIANA LAIDLAW: I will refer the honourable member's question to the minister and bring back a reply.

The Hon. T. Crothers: They are breeding areas for mosquitoes.

The Hon. DIANA LAIDLAW: Yes. It is true that sometimes when wetlands are established for particularly good reasons there are repercussions. In the Bolivar area, mosquitoes appear to be such a bad consequence, and the Port Pirie area has issues of its own.

MURRAY RIVER, FERRY OPERATIONS

In reply to **Hon. R.K. SNEATH** (25 July 2001).

The Hon. DIANA LAIDLAW:

1. and 2. Transport SA administers the ferry contracts and is unaware of any Government grants associated with such contracts.

3. As part of the tender assessment process, Transport SA seeks an assurance of industrial harmony from tenderers.

Although there is no contractual requirement to base employees' pay rates on any specific award, in the recent round of four contracts, three of the accepted tenderers indicated that they would base Australian Workplace Agreements on the SA Government Civil Construction and Maintenance award, and the fourth is made up of a partnership of four directors.

In reply to **Hon. R.K. SNEATH** (26 July 2001).

The Hon. DIANA LAIDLAW: In response to the honourable member's question without notice asked on 26 July 2001 regarding ferry operations, Transport SA has advised as follows:

1. Initial ferry contracts requested that all employees, agents, representatives and sub-contractors of the contractor be paid in accordance with the correct award classification. However, no reference was made to a specific award. No such clause exists in the current contracts for the operation of ferries, and neither these nor previous contracts contain any arrangement for contractors to pay employees to the level five rate of the South Australian Government Civil Construction and Maintenance award. Transport SA does not have a direct role in determining the pay and conditions of contractors' employees.

2. The formula is only included so that adjustments to progress payments may be calculated to reflect legislated changes to labour costs. In this application, the South Australian Government Civil Construction and Maintenance award was selected as a suitable benchmark for cost adjustments, in consultation with the Australian Workers Union, as it is the only award that mentions Ferry Operators.

3. The statements made by Mr Graetz were designed to assist all tenderers towards a common understanding of tender documentation and the basis for making contract cost adjustments. Cost adjustment provisions are never precise and need to be based on some benchmarks. In this case, the Civil Construction and Maintenance award was chosen as the most appropriate and reasonable for the labour component of the contract.

4. Transport SA has a relationship with the contractor only for the duration of the contract—and can not be expected to provide continuity of service to contractors' employees.

Part of tender assessment is based on the tenderer's focus on regional development issues, including regional employment.

At Wellington, the successful tenderer recruited within the local area, and at Lyrup the tenderer has employed one of the two previous employees (the other three ferry operators were company directors). At Tailem Bend and Waikerie, all existing staff retained positions as ferry operators.

PROPRIETARY RACING INDUSTRY

In reply to **Hon. T.G. ROBERTS** (5 July 2001) and answered by letter on 17 September 2001.

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

As at 20 July 2001, the Gaming Supervisory Authority has received one application for a proprietary racing licence. The applicant has approached the Office for Racing in relation to licence conditions and the licence fee.

Given that the applicant has not undertaken probity checks required by the Gaming Supervisory Authority, it is premature to anticipate a starting date for proprietary racing.

At this earlier stage in the process, the applicant has not identified where it will conduct proprietary racing.

The Racing (Proprietary Business Licensing) Act stipulates that residents of South Australia are prevented from betting on proprietary racing events. It would be premature for the Minister for Recreation, Sport and Racing to comment on arrangements for betting outside of the State.

FESTIVAL OF ARTS

In reply to **Hon. CAROLYN PICKLES** (4 July 2001) and answered by letter on 20 September 2001.

The Hon. DIANA LAIDLAW: For the 2002 Festival, the Adelaide Festival Corporation has developed risk management strategies which include the provision of a 10 to 12 per cent increase in the contingency for each production, plus an overall contingency of $250 000.

The Corporation has also confirmed that for the 2002 Festival it is seeking sponsorship of $3.335 million and a projected box office income of $1.163 million.

Details of the 2002 Festival program will be announced at the official launch late in October.

I have been advised that each Associate Director has been engaged by the Festival—with their fees negotiated as part of their contract. These contracts are legally binding and so the fees are 'commercial in confidence'.

The Festival accounts for 2000-01 are currently being audited and will be presented to Parliament in the normal course of events.

The board and management of the Adelaide Festival Corporation are well aware of the need for prudential financial management practices, while also delivering a challenging and exciting Festival in March 2002.

KALBEEBA LANDFILL

In reply to **Hon. SANDRA KANCK** (5 June 2001).

The Hon. DIANA LAIDLAW: Further to the honourable member's question without notice asked on 5 June 2001 regarding the Kalbeeba Landfill application, and the answer I provided at the time, I am pleased to provide the following additional information:

1. The members of the commission are appointed for their expertise in the areas of planning, development, the environment, local government and community issues and, because of their professional backgrounds there may be occasions where a potential conflict of interest can arise. In such circumstances the Members have strict procedures—as do members of local government and all statutory bodies—to ensure that they do not participate in discussion or deliberations on matters where there may be conflict of interest.

2. DAC has confirmed that it has been a long standing practice for all reports on development applications, prepared by planning officers of Planning SA, to be available to the applicant and the public on the Monday prior to the DAC meeting held on the Thursday. In this respect DAC operates similarly to local government—with the release of the reports enabling applicants and the public to be aware of the issues that DAC will consider when it makes its decision.

In the instance cited by the honourable member, the planning officer's report recommended that DAC should refuse the application. The honourable member will appreciate the need to clearly distinguish an officer's recommendation and a decision made by DAC—an independent authority. Meanwhile, I am advised that once the applicant was aware that the planning officer had raised concerns with the application, the applicant withdrew the application. In these circumstances, there was no further need for DAC to consider the application.

In relation to this matter, there is no evidence to suggest that Mr Doug Wallace had access to any more information than any member of the public, interested party or the principals of Pacific Waste Management.

3. There is a requirement in the Development Act that applicants be advised of the decision of a planning authority within five days. This is the formal notification procedure. However, applicants will often contact the planning authority, including DAC, immediately after a meeting to find out what decision has been made. In such circumstances, there is generally no problem with DAC providing verbal advice of the decision.

4. As Presiding Member, Mr Wallace did have access to the Minutes of the previous DAC meeting which were ratified at the subsequent meeting—and then made available to the public. At no time however, was Mr Wallace involved in any deliberations of DAC in relation to the Kalbeeba Landfill application. DAC takes conflict of interest matters very seriously, particularly the confidentiality of deliberations involving matters where another member has a potential for conflict—and so do I!

SALISBURY EAST CAMPUS

In reply to **Hon. IAN GILFILLAN** (15 May 2001).

The Hon. DIANA LAIDLAW: The Minister for Education and Children's Services has provided the following information:

As the honourable member has already stated, last year Cabinet did approve an amendment to a condition of sale by the University of SA of its Salisbury campus.

The Acts that regulate universities in South Australia stipulate that a university must get approval from the Governor in order to sell any of its real property. Section 6(4) of the University of South Australia Act 1990 states "…the University cannot, except with the approval of the Governor and in accordance with any terms or conditions stipulated by the Governor in granting that approval, sell, lease (except for a term not exceeding 21 years), or otherwise dispose of, mortgage or charge any of its real property.

In October 1992 under the Labor Government, freehold title to Salisbury campus was transferred to the University of South Australia from the former South Australian College of Advanced Education pursuant to s16 of the *Statutes Amendment and Repeal (Merger of Tertiary Institutions) Act 1990*. This is not Crown Land.

The university has been trying to find a buyer since it closed the Salisbury campus in 1996.

As the matter is currently before the courts, it would not be proper or fitting for the Minister for Education and Children's Services to comment further.

COUNTRY FIRE SERVICE

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Police, Correctional Services and Emergency Services, a question about a collective CAD system for all emergency services in South Australia.

Leave granted.

The Hon. IAN GILFILLAN: Recent reports have suggested that a collective computer-aided dispatch (CAD) system is to be phased into the Country Fire Service. It has been reported that all the emergency services people in South Australia can hardly wait to get their hands on it. It is news to many volunteers in the Country Fire Service that they are keen to use the new CAD system. In fact, they are quite unhappy at the prospect. They feel that it will reduce the service that they can provide to their community.

Currently, rural CFS brigades have a local alarm number that members of the public ring. It is answered by a CFS members' office, the details are obtained and then the crew and appliance attend. A collective system would have the public ringing 000, the MFS call centre, or local alarm numbers called would be diverted to MFS. MFS officers would then dispatch the appropriate brigade via pager call. At the moment, country CFS brigades receive a small percentage of calls which have been made to the 000 number. The error rate is extremely high due to similar town names, confusion over exact locality of incident, lack of local knowledge of MFS operators of the local conditions and so on.

Given this, extending the 000 service to all country areas would seem to compound the problems, not streamline the process. I am advised that CFS brigades would not accept all alarm calls going through to the MFS as local knowledge would not be utilised. How exactly it would work, we do not know, as CFS units have not been furnished with an answer by the minister. In fact, they found out about the proposed scheme only through the print media—thank God for the print media!

A common argument is that much of the Adelaide Hills region is already under CAD (the MFS call centre), but the hills are physically quite small in area and most roads are addressed and signposted, but even then many hills brigades are not happy as the quality of service and response times are affected. For a six month trial, seven or eight of the Country Fire Service call centre staff have been relocated to the Metropolitan Fire Service to handle country calls. My questions to the minister are:

1. Is this really a trial or a backdoor imposition of the scheme?

2. If it is a trial, where and when will the results be known, and will they be publicly available?

3. Will the minister consult with the Country Fire Service operatives before further introduction? If not, why not?

The Hon. K.T. GRIFFIN (Attorney-General): The honourable member is somewhat confused in his representation of the facts. He seems to have a mix of government radio network, pagers and a whole variety of other things, all of which are intermingled, when in fact in practice they are not. Computer-aided dispatch is a development which will assist the community as well as both volunteers and paid emergency services workers. In light of the confusion evidenced by the Hon. Mr Gilfillan's explanation, I will look at every aspect of it and bring back a considered reply.

The Hon. IAN GILFILLAN: As a supplementary question, does the Attorney believe that directing all CFS alarm calls to 000 is an improvement on the current system?

The Hon. K.T. GRIFFIN: I do not think that is the way in which it will operate, but I will take the question on notice and bring back a reply.

ANDAMOOKA MINING WARDEN

In reply to **Hon. P. HOLLOWAY** (31 May).

The Hon. K.T. GRIFFIN: The Minister for Minerals and Energy has provided the following information:

Contrary to local speculation, a decision has not been made to close the Mintabie office, which will continue to be serviced on a weekly basis.

The State Government contributes approximately $584 000 in salaries and operating costs to service the opal mining industry per year. In return the state receives approximately $250 000 in revenue from the industry. Clearly this anomaly cannot persist and improving the efficiency of regulation of the fields is one way to address this issue.

In consideration of the aforementioned, my department, Primary Industries and Resources (PIRSA) is currently reviewing its processes and procedures in relation to the services provided to the opal mining industry.

My industry management is moving to centralise all of the administrative and regulatory functions under the Opal Mining Act, 1995 to the Coober Pedy office. This would result in all of the mining compliance officers and administration officers being relocated to the Coober Pedy office from the Marla, Mintabie and Andamooka offices. Mining compliance officers will commute between Coober Pedy and other opal field offices each week, or on an as needs basis.

Centralising staff in this way has enabled, the Opal Mining Registrar and all its functions to be transferred from Adelaide to Coober Pedy, which will result in quicker, more efficient service to the opal miners.

It is envisaged that these changes will result in consistent administration and regulation of the opal fields and a more cost-effective approach in servicing the opal mining industry.

Another proposal under consideration is the provision of an electronic lodgement service. However, this proposal requires extensive investigation and consultation to ascertain its viability. A departmental working party is investigating the various options, and will ensure full consultation is undertaken with all key stakeholders, prior to any substantial changes being made.

CONSUMER SCAMS

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Attorney-General a question about consumer scams.

Leave granted.

The Hon. A.J. REDFORD: Prior to my getting the voluminous Auditor-General's Report, I was reading the *Advertiser* and came across a story—

An honourable member: Which is the better reading?

The Hon. A.J. REDFORD: The *Advertiser*: I can understand that! This is all over the place.

Members interjecting:

The Hon. A.J. REDFORD: As they say, the public will pick it. In any event, in the *Advertiser* I saw an article entitled 'Boiler room scams', which concerned cold calling people seeking investment in various companies and other types of investments. The report indicated that sales people target consumers in nations such as Australia, New Zealand and South Africa, although God knows why they pick South Africa. It reported that the Australian Investment and Securities Commission had indicated that a caller should ask a specific series of questions and went into some detail in setting out what sorts of things should be inquired about by consumers when confronted with such a call, and I congratulate the *Advertiser* for this. In light of that, my questions to the minister are: Are any calls being made to South Australians? Has the minister or the Department of Consumer Affairs looked at this issue, and do they have any advice for South Australian consumers?

The Hon. K.T. GRIFFIN (Minister for Consumer Affairs): At some stage most South Australians would have been contacted by someone in relation to a scam operation. They may not have been aware that it was, of course. Much of it comes through the mail, some via the telephone, some through the internet and sometimes it occurs in person. Increasingly, the approaches are being made through email.

I think the common theme is to take money from unsuspecting victims for goods or services that there is no intention to supply. Also, many people fall for the assertion that they will get rich quick. Very few people get rich quick, particularly from scams that are circulated. Most of the scams originate from outside South Australia.

The Hon. T. Crothers interjecting:

The Hon. K.T. GRIFFIN: A lot of people get hurt. Many of these scams originate from overseas but, unfortunately, some people do not realise that they are being taken for a ride. There are some simple ways to spot a scam. You have to send money before you can learn the details of the scheme; money has to be sent to a post office box number; schemes are described as big money earners with no risk, the chance of a lifetime; or the scheme is claimed to have been checked and approved by an unnamed government department.

The printed material states that the scheme is legal, and that invariably means that the scheme is illegal. Consumers have to make a decision to participate or buy quickly, otherwise the opportunity will be lost. With overseas lottery scams, promoters say that the chances of winning are always greater than with legitimate Australian businesses and lotteries. Small businesses must place an advertisement in a publication before being eligible to tender for government contracts. Of course, schemes come in a variety of shapes and forms, such as pyramid schemes, chain letters, get rich quick schemes, small business scams and other scams.

The Office of Consumer and Business Affairs keeps a comprehensive record of scams and, if anybody is in doubt about the substance of unsolicited material, telephone contact or printed material, they may contact the Office of Consumer and Business Affairs before responding to any offer. Consumers must remember that, if they respond before they check, their money will most likely be lost.

Scams do not target just personal financial enhancement. I have issued some warnings recently about scams which relate to the recent tragic events in the United States which have focused on fake charities and on fund raising groups. There was even a group of computer hackers which claimed that it needed funds to track down Osama bin Laden via the internet. In these cases people may be motivated to donate money, but the advice is to make a donation through a reputable and recognised Australian charity. If people want to check other than by making telephone calls to the Office of Consumer and Business Affairs, they can log on to the Office of Consumer and Business Affairs website and also the Australian Securities and Investment Commission website, which is referred to in the *Advertiser* article.

Overall, the advice to consumers and to businesses is to not send money without doing all of the relevant checks to ensure that it is a genuine call and, if you take the risk and contribute without having first checked and ascertained the genuineness of the approach, more than likely the money is lost.

WORKERS' COMPENSATION

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Hon. Robert Lawson, representing the Minister for Government Enterprises, a question about the progress of changes to the Workers' Compensation Act.

Leave granted.

The Hon. R.K. SNEATH: In April, the Minister for Government Enterprises indicated that negotiations were taking place with other states to come to an agreement to amend section 6 of the Workers' Compensation Act in relation to interstate accidents similar to that which I mentioned some time ago on behalf of Mrs Smith. My questions to the minister are:

1. Has there been progress since April towards fixing the act so that the tragedy that happened to Mrs Smith does not occur again?

2. Have costings been arrived at in regard to fixing the act?

3. Has further consideration been given to retrospectivity in relation to Mrs Smith's claim?

The Hon. R.D. LAWSON (Minister for Disability Services): I thank the honourable member for his question. I think that on the last occasion when he raised this matter I reported that, at a ministerial council meeting of workplace relations ministers from the states, territories and the commonwealth earlier this year, it was resolved that the committee of parliamentary counsel should decide upon a particular model of legislation to be adopted to ensure reciprocity of workers compensation arrangements. The most recent meeting of that ministerial council was, I think, the week before last in Queensland when it was reported, I am glad to say, that the committee of parliamentary counsel had only that week decided upon a model of legislation which will satisfactorily resolve this particular issue.

I previously reported that there was amongst parliamentary counsel a debate about the appropriate model to be adopted and parliamentary counsel was favouring the South Australian model ahead of one from New South Wales. But, in the way of parliamentary counsel, it transpired, ultimately, that it decided upon a Western Australian model and reported to the ministerial council that it was in the last stages of finalising the exact terms of that legislation. As soon as it is received here in South Australia, I can assure the honourable member that it will be given close consideration by the government and by the WorkCover Board, and I know that my colleague the Minister for Government Enterprises, who is responsible for the WorkCover Corporation, is anxious to ensure that this matter is satisfactorily resolved.

The honourable member did ask the question about whether consideration was being given to the retrospective operation of this legislation so as to provide some monetary compensation to the family of the worker who did not receive any compensation in consequence of the South Australian Supreme Court decision. I am not aware of what consideration WorkCover might have given to that. I will certainly take that on notice and refer it to the Minister for Workplace Relations and bring back a response to that aspect, as well as to any other aspects that he might wish to add.

FESTIVAL OF ARTS

The Hon. DIANA LAIDLAW (Minister for the Arts): I seek leave to make a ministerial statement relating to the Adelaide Festival.

Leave granted.

The Hon. DIANA LAIDLAW: I advise that the state government will provide an additional $2 million to stage the Adelaide Festival—increasing the base funding for general programming for the 2002 Festival to $5.5 million. This investment will enable the ground-breaking and community enriching program that Artistic Director Peter Sellars has been creating over the past two years to proceed as planned. Peter Sellars has always been up front and candid that his vision is for a fresh, entirely different festival relying less on high-priced imported productions and more on new work generated from community consultation—work about the issues of importance to all of us: truth and reconciliation, cultural diversity and environmental sustainability.

The program will be launched later this month, on 31 October. There will be plenty to please traditional Festival patrons, plus a vast range of free and low-cost events as part of a deliberate strategy to broaden the base of the Festival to include more younger people, people from disadvantaged backgrounds and people living outside the metropolitan area. Overall, the format for the 2002 Festival means lower than usual box office and higher than usual up-front costs, and a higher fundraising requirement. Therefore, from the outset the board set an ambitious fundraising target for 2002. I am pleased to report that at this point the Festival's fundraising efforts are ahead of previous years (and certainly above the total money raised by either of the most recent Brisbane and Melbourne festivals). This is highly commendable given the difficult sponsorship climate since the Olympic Games.

However, last week the Festival board reported to me that it would be unrealistic to expect that its fundraising target could be realised in full, given the general tightening of corporate purse strings, the consequences of the tragedy of the World Trade Centre and the Ansett collapse. The government is not prepared to see the event compromised. It

sees great value in the Festival's format and choice of programming events in areas such as the western suburbs (the Queen Elizabeth Hospital and Taoundi College), Murray Bridge and Victoria Square, the details of which will be announced on 31 October.

LIQUOR LICENSING (REVIEWS AND APPEALS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 July. Page 2095.)

The Hon. P. HOLLOWAY: My colleague the Hon. Carmel Zollo was to handle this bill on behalf of the opposition. Unfortunately, she is away this week.

The Hon. Diana Laidlaw: Is she sick, too?

The Hon. P. HOLLOWAY: Yes, she has food poisoning. So, I will present this bill on behalf of the opposition using some notes provided by my colleague. As indicated by the Attorney-General, this bill makes amendments to procedural provisions of the Liquor Licensing Act. As the title suggests, the bill makes provision for altering the manner in which appeals and reviews are dealt with when challenging a decision of the licensing authority; the authority being the Liquor and Gaming Commissioner and the Licensing Court.

As I understand it, at present, applicants who wish to challenge a decision (which was initially made by the commissioner) have two options available to them: an applicant can either elect to have the matter heard by the commissioner or, if either party does not want the matter to be dealt with in this way, it will be heard by the Licensing Court.

The government believes that this process is anomalous. The anomaly in the act is explained by the fact that at present the act allows the same decision (that is, whether and on what condition to grant an application) to be made either by the commissioner or the court using exactly the same criteria or principles, but it does not direct appeals against these identical decisions to the same authority. As pointed out by the Attorney, this leaves the Licensing Court acting as either the decision maker in the first instance or as the requested review authority at the option of the interested parties.

The bill therefore proposes that, whichever primary decision maker is used, the appeal should be the same: by abolishing the present review of the commissioner's decisions by the Licensing Court and, instead, providing for an appeal from such decisions to the Supreme Court as is the case in first instance decisions of the Licensing Court.

As with most bills, the Labor Party has sought comments from the community in relation to this bill and no concerns have been raised. However, I have—as, no doubt, have all other members—received correspondence from the Australian Hotels Association raising concerns about the review and appeals amendments specifically. The AHA believes that the current appeal mechanism is excellent, and it has an advocacy section to represent its members in the Licensing Court on reviews of the commissioner's decisions. Perhaps I should read the letter that members have received from the AHA onto the record given its interest in the matter. The letter states:

> The AHA (SA) is writing to you concerning proposed changes to the Liquor Licensing Act 1997. The proposed changes will result in appeals from the Liquor and Gaming Commissioner to go direct to the Supreme Court, thereby abolishing the current appeal process through the Licensing Court.
>
> We believe the current system, whereby the commissioner's decisions are reviewed by the Licensing Court, provides a quick and cost effective recourse to what has been an excellent 'appeal' process to date.
>
> In the case of less complex matters, the majority of applicants or objectors who elect to have the Commissioner hear the application do so in the knowledge that the Licensing Court will promptly review the decision if requested by either party. However, a party to an application which is heard in the first instance by the Licensing Court can only appeal to the Supreme Court.
>
> The Licensing Court has successfully encouraged parties to resolve issues during the review process, an approach that is not a feature of the Supreme Court. If the current appeal process is altered as proposed, we have a concern that it would not be in the public interest and could be prejudicial to our members.
>
> The AHA(SA) Advocacy Section has represented our members in the Licensing Court on reviews of the Commissioner's decisions. It is very unlikely those licensees would have sought leave to appeal to the Supreme Court if they were required to brief legal counsel to represent them in the Supreme Court due to the cost of obtaining legal counsel and the time it may take for the Supreme Court to hear the matter. This also creates problems if another party to the application lodges an appeal.
>
> We are concerned that decisions of the Commissioner may become final if parties are not prepared to appeal to the Supreme Court. This would be an unfortunate consequence and could place the need to make the law more accessible under threat.
>
> Thank you for your consideration of this most important issue.

This letter was sent to all members by the Hotels Association. The opposition has considered the views of the AHA but, on balance, we believe that the argument put forward by the Attorney-General should be supported: that is, whichever primary decision maker is used, the appeal should be the same.

The bill does not amend the limited licence application for special occasions, which will continue to be dealt with by the commissioner. The legislation makes provision for a new category of granting a licence on an interim or temporary basis, which spells out that a condition of a licence, permit or approval is effective for a specified period. The opposition agrees that, in some circumstances, such a move is desirable when trying to evaluate, through a practical trial, the likely consequences of granting an application.

The other provision of the bill deals with noise complaints. At the present time, if a noise complaint is not conciliated, it must be referred to the court, even though the parties concerned would have been happy for the commissioner to dispose of the complaint. The bill makes provision, where the parties so request, for the commissioner to deal with a complaint about noise, etc. originating from licensed premises. Perhaps in his second reading reply or in committee the Attorney-General will advise us of what exactly 'etc.' might include. In conclusion, the opposition supports the second reading of the bill.

The Hon. IAN GILFILLAN: I indicate the Democrats' support of the second reading of this bill. The bill proposes to change the review and appeal arrangements for decisions of the Liquor and Gaming Commissioner. It also creates provisions for the licensing authority to grant temporary conditions on licence applications and amends the procedure for the commissioner in dealing with complaints about noise. My office has received correspondence from the Australian Hotels Association (South Australian Branch) in regard to this bill. Mr John Lewis, the General Manager of the

association, notes that the proposed legislation represents a substantial deviation from the current regime.

I believe, as does the Hon. Paul Holloway, that it would be useful to quote from this letter as it will put the AHA's concerns clearly and concisely. So, with an apology to members, I believe it is important that I read this letter into the Democrat contribution. The letter states:

> The proposed changes will result in appeals from the Liquor and Gaming Commissioner to go direct to the Supreme Court, thereby abolishing the current appeal process through the Licensing Court.
>
> We believe the current system, whereby the Commissioner's decisions are reviewed by the Licensing Court, provides a quick and cost effective recourse to what has been an excellent 'appeal' process to date.
>
> In the case of less complex matters, the majority of applicants or objectors who elect to have the Commissioner hear the application do so in the knowledge that the Licensing Court will promptly review the decision if requested by either party. However, a party to an application which is heard in the first instance by the Licensing Court can only appeal to the Supreme Court.

Mr Lewis continues:

> The Licensing Court has successfully encouraged parties to resolve issues during the review process, an approach that is not a feature of the Supreme Court. If the current appeal process is altered as proposed, we have a concern that it would not be in the public interest and could be prejudicial to our members.
>
> The AHA(SA) *Advocacy Section* has represented our members in the Licensing Court on reviews of the Commissioner's decisions. It is very unlikely those licensees would have sought leave to appeal to the Supreme Court if they were required to brief legal counsel to represent them in the Supreme Court due to the costs of obtaining legal counsel and the time it may take for the Supreme Court to hear the matter. This also creates problems if another party to the application lodges an appeal.

Mr Lewis concludes by stating that the AHA South Australian branch is:

> . . . concerned that decisions of the Commissioner may become final if parties are not prepared to appeal to the Supreme Court. This would be an unfortunate consequence and could place the need to make the law more accessible under threat.

This is indeed of concern. I invite the Attorney-General to address these concerns as debate on the bill continues. In particular, could the Attorney discuss the likely ramifications of the changes that the bill will cause? In conclusion, I repeat that we support the second reading, although we will consider it further in committee. We will have to be convinced of the need for the legislation before we give it our support throughout the remaining stages.

The Hon. SANDRA KANCK: My colleague, Ian Gilfillan, is the lead speaker for this bill. He has capably addressed the issues in the speech he has just made.

The Hon. R.R. Roberts interjecting:

The Hon. SANDRA KANCK: No, not at all; I am just taking it a step further. I am taking the opportunity that the existence of this bill presents to us and using it to amend section 106 of the act to deal with some of the issues confronting the live music industry in this state at the present time. This is a case of seizing the moment. As we all know, this parliament has a limited life and a private member's bill—which I did contemplate—would have very little likelihood of succeeding, particularly as it would be debated on Wednesday afternoons only. I figured there would be a greater chance of success of getting these amendments through if we tacked them on to this bill. I stress the time factor involved; we are all aware that a federal election is imminent. Members may recall that, back in 1998 when the federal election was called, the Premier announced that state parliamentary sittings would not continue during the federal election, ostensibly so that we could all campaign for our respective political parties, although those of us who are not Liberal Party members felt that the real reason was that the government did not want to have question time and, therefore, have its record exposed, particularly if it could damage the Liberals at the federal level.

The Hon. T.G. Roberts interjecting:

The Hon. SANDRA KANCK: I know that the Hon. Ron Roberts thinks that is a terribly cynical view.

The Hon. R.R. Roberts interjecting:

The Hon. SANDRA KANCK: Okay, so you are agreeing with me.

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order!

The Hon. SANDRA KANCK: It is my position that given that that happened in 1998 with the federal election we should anticipate that it will happen again with the 2001 federal election and, therefore, this parliament may literally have only days ahead of it, particularly if, as the rumours go, we go straight from a federal election to a state election. So, time is of the essence and we need to act quickly to protect our live music industry here in South Australia.

South Australia was once considered a centre of artistic excellence, but it now faces the prospect of becoming a cultural backwater with regard to the contemporary music industry. Over the past decade, the industry has suffered some crippling blows. The introduction of poker machines into pubs and clubs has seen the demise of venues for live music, with many proprietors choosing the easier option of pokies income rather than a more tenuous income stream from live bands. Adelaide City Council has reactivated some existing older by-laws to restrict the practice of postering in Adelaide, which for many local bands is the only affordable method of advertising. Licensing conditions imposed by the Adelaide City Council—

The Hon. A.J. Redford interjecting:

The Hon. SANDRA KANCK: That has been happening for about the last 12 months.

The Hon. A.J. Redford: No, longer than that.

The Hon. SANDRA KANCK: Well, they made an announcement about 12 months ago that they were going to begin policing it heavily. Licensing conditions imposed by the Adelaide City Council on the East End have also contributed to the slow strangulation of the industry. The new conditions restrict the type of entertainment and the operating hours for live entertainment in and around Rundle Street, and that is not an enticing environment for up-and-coming bands. Added to this is the lack of commercial radio support for local bands which has always posed a problem but appears to have worsened. There were once local music programs such as *Home Grown* on radio but even these have been scrapped. The music we tend to hear on the rock format radio stations consists of hits from the 1970s and 1980s and some current international hits.

The Hon. A.J. Redford: You can always listen to Triple J, Sandra.

The Hon. SANDRA KANCK: I am not talking about Triple J; I am talking about the stations that style themselves as rock format commercial radio stations, and they are not playing local bands in their music line up. Their argument is—

Members interjecting:

The ACTING PRESIDENT: Order! I am having difficulty hearing the honourable member. I call the Hon. Sandra Kanck.

The Hon. SANDRA KANCK: Their argument is that the listening public does not want to hear new music that is not already a hit. They see playing that music as being a commercial risk, but how can people decide whether or not they like a particular sound unless they have heard it? This closed-mind approach of some commercial rock stations has not always been there. The ABC television series *It's a Long Way to the Top*, which was shown recently, illustrated Australia at its best with Adelaide having been a hotbed of talent, including the Twilights, Masters Apprentices, Cold Chisel, Paul Kelly and The Angels. Now, with the restrictive environment, we are heading a long way to the bottom.

Lack of support for the local scene means consumers will spend their money on the interstate and overseas music industries just through sheer lack of knowledge of any emerging local talent. On top of this lack of support from local commercial rock format radio stations, South Australia's draconian liquor licensing restrictions and archaic planning laws have almost sounded the death knell of live music in Adelaide. Although I cannot deal with planning legislation in the context of this bill, I cannot let the moment pass without observing the stupidity of local government allowing new residential developments close to existing live music venues. How Adelaide City Council could have given planning approval for the East End apartments without insisting on double glazing is beyond me. Stupid planning is just another of the threats posed to South Australia's live music industry. We should possibly be considering entertainment buffer zones in the future.

The Hon. T.G. Cameron: Adelaide City Council should have some of its planning powers taken away.

The Hon. SANDRA KANCK: I actually agree with the Hon. Terry Cameron when he says that the Adelaide City Council should have some of its planning powers taken away.

The Hon. A.J. Redford interjecting:

The Hon. SANDRA KANCK: I have put it on the record, so yes you can. Stupid planning is just another of the threats posed to South Australia's live music industry. Policy planners have not been a friend to the live music industry. A narrow-minded approach to the arts has seen popular music performers receiving very little funding from state and federal governments, although, before the Hon. Angus Redford interjects, I must give credit to our arts minister—but not all arts ministers are like her: many view contemporary music as a constant source of problems that are best addressed by restrictive measures.

The Adelaide City Council's Rundle Street licensing precinct statement allows live music to continue after 1 a.m. provided it is the sort of music played by a three-piece jazz combo. That is nice, but it is not for most 20-year olds, and it is the vibrancy of the young that will be lost from the city if Adelaide City Council continues to pursue its self-appointed cultural commissar role.

I met with some members of Adelaide City Council about 15 months ago and some of them seemed to view contemporary music as nothing more than a source of complaints with regard to noise emissions and patron behaviour, as well as an annoying obstacle to developers. However, they did not seem to realise or else ignored the fact that contemporary music in Adelaide presents significant economic and cultural opportunities. Contemporary music is an export industry. It has been identified as a growth industry worldwide. Music businesses in Australia at the end of 1997 generated more than $1 billion in gross income. For an industry that receives little help overall, that is not bad.

Australia is the world's eighth largest market for recorded music, and music-related exports grew by 9.6 per cent a year during the 1990s. These are Australia-wide figures but, of course, local music markets provide a rich ground for wealth creation. Music is important to most Australians' leisure time. Each Australian household annually spends approximately $1 250 on culturally related activities. Of this expenditure, 8.5 per cent is spent on compact discs, records or tapes, 11.4 per cent on audio equipment, and 2.03 per cent on musical instruments. This means that household expenditure related to the production and consumption of music amounted to 21.93 per cent of household cultural expenditure, which is clearly a lucrative market.

It is not surprising that the contemporary music scene has strong links with the hospitality and tourism industries. A thriving music scene will enhance hospitality and tourism opportunities: a music scene under duress will limit the potential of these industries. It is illogical to spend large amounts of money on tourism, on the one hand, while whittling away tourist attractions on the other. It is illogical to put money into strategies to stop our young people from heading across the border when, through lack of support for live music, we are destroying youth culture. It is illogical to spend millions of dollars in corporate welfare subsidies to attract big business to South Australia when there is a lucrative business before us in the form of live music.

I know our arts minister recognises the local music industry as a key component of a vibrant, successful and creative city, but we desperately need an attitudinal change in some aspects of planning and local government. The survival of live venues is paramount to the success of the live music industry. These venues are the incubators of talent in this state. We need to recognise and support the efforts of the Austral, the Grace Emily, the Governor Hindmarsh, the Cumberland Arms, the Seven Stars and the Bridgewater Inn as the lifeline for live music in Adelaide. This lifeline is tenuous in the face of liquor licensing regulations and planning laws. This amendment bill provides the opportunity to strengthen that lifeline and take the first step in revitalising an industry that can provide such great opportunities for our state both economically and culturally.

The Liquor Licensing Act must recognise first occupancy rights. It is ridiculous for someone to move next to a hotel that provides live music and then complain about the noise. The amendments I propose will go further than those recently passed in the Queensland parliament, which provide that liquor licensing inspectors will 'consider' first occupancy as part of an investigation into noise complaints. Section 106 of the act, which is what I will be intending to amend in part, provides—

The Hon. K.T. Griffin interjecting:

The Hon. SANDRA KANCK: Not yet. I have given instructions to parliamentary counsel. Section 106(1) provides:

> If—
> (a) an activity on, or the noise emanating from, licensed premises; or
> (b) the behaviour of persons making their way to or from licensed premises,
> is unduly offensive, annoying, disturbing or inconvenient to a person who resides, works or worships in the vicinity of the licensed premises, a complaint may be lodged with the Commissioner under this section.

It does beg the question of what is unduly offensive, annoying, disturbing or merely inconvenient, but what really interests me is the issue of who resides, works or worships in the vicinity of those premises. It is very subjective. No consistent measurement is required about noise emissions and certainly what one resident finds unduly offensive, annoying, disturbing or inconvenient may not be the case for other residents. Who is right? Should the residents who do not have a problem with noise levels be taken into account in the investigations?

As the law stands, it is possible for just one person to make a complaint and potentially close a live venue. This is where the issue of residing, working or worshipping comes in. A live venue might perform music at 2 o'clock in the morning and someone might worship at a nearby church at 11 o'clock the following morning, but that person can sign something going to the Liquor Licensing Commissioner to complain about the music that was playing at 2 o'clock in the morning. There is nothing in the act that clarifies that right to make a complaint. Section 106(3) provides:

> A complaint cannot be made under subsection (2)(c) unless—
> (a) the complainant is authorised to make the complaint by at least 10 persons who reside, work or worship in the vicinity of the licensed premises;

However, the act does say that, basically, one person can lodge a complaint provided that:

> (b) the Commissioner is satisfied that the nature or gravity of the complaint is such that it should be admitted despite non-compliance with paragraph (a).

So one person can bring the live music industry in a hotel to a screaming halt. As far as the Democrats are concerned, that needs to change.

I do not like the guilty until proven innocent approach of section 106. There is no opportunity, for instance, for the commissioner to dismiss a complaint. Once the complaint has been lodged, the commissioner has to go through a conciliation process, and I believe that the commissioner should be able to dismiss a complaint outright under certain circumstances. I have indicated across the chamber to the Attorney-General that I do not yet have the amendments on file but hope to within the next day or so, and I have given these examples to illustrate what I think are the shortcomings in the current act and to give an indication as to where I will be headed with my amendments.

The need for change has been brewing for some time. The community has made it clear that it is time for both state and local governments to stop the slow death of live music in Adelaide. That was very evident from the live music protest rally on Saturday 14 July, which was attended by more than 5 000 South Australians. I am aware that in July the Minister for the Arts set up a working group headed by the Hon. Angus Redford to deal with some of these complex issues. I acknowledge the work of the group, and the Hon. Angus Redford met with me a week or two ago to brief me on where they have got to, and I hope to see some significant changes across the whole of government as a result of that working group report, when it appears.

The Australian Democrats will be taking the unusual step of making our amendments to section 106 retrospective to 14 July, the day of the rally. The reason for this is quite simple. As a consequence of the widespread media coverage of that rally, developers and local councils, we believe, were put on notice that weekend that change was imminent. I do not want to see developers rushing through development applications to get around any changes to the Liquor Licensing Act, and we are making this a case of buyer beware.

Moreover, some live music venue hotels are currently under threat from new developments. The planned retrospective nature of my amendments would protect their existence. The Liquor Licensing Act is the tip of the iceberg, albeit a very important tip. The potential for the music industry in South Australia is huge. We have already demonstrated that we can produce world class music, highlighted by the recent successes of Superjesus and Fruit. With funding support and commonsense liquor licensing and planning laws, imagine the potential for South Australian talent. The hotel industry in South Australia plays a strong part in promoting the activities of the music industry, both live and recorded, and we need to assist it to continue in that role.

The Hon. Diana Laidlaw interjecting:

The Hon. SANDRA KANCK: I did. I mentioned the poker machines at the beginning and the impact that they do have on live music. This parliament can lead the way in legislative change and I ask members to assist in realising that potential for South Australia. I support the second reading and, given the time imperatives, look forward to support for my amendments to the bill.

The Hon. T.G. CAMERON: I support the bill. It significantly updates and will improve the operation of the act. I will run through a couple of brief parts of it and then refer to some of the comments made by the Hon. Sandra Kanck. The Licensing Court's powers to review decisions of the commissioner are limited to decisions related to limited licences. A commissioner must now provide written reasons for such decisions—a step I support. It clarifies the fact that the licensing authority may grant an interim licence or impose interim conditions and give any necessary consequential procedural decisions. A commissioner is required to hear a case about noise and so on emanating from licensed premises if both cases request.

Appeals under this act are now to the full Supreme Court on the basis of law and by leave to the Supreme Court by basis of fact. The commissioner's decision on reviewing barring orders made by licensees are not appealable. In indicating my support for the bill, I was unaware of the amendments to be moved by the Hon. Sandra Kanck. I will make a couple of brief comments on the contribution that she made. The Hon. Ms Kanck referred to some deficiencies on the part of the Adelaide City Council—

The Hon. Sandra Kanck: They are more than deficient.

The Hon. T.G. CAMERON: —in relation to apartments at the East End. The honourable member interjects and says, 'They are more than deficient.' I agree with her. Some of the actions taken by the Adelaide City Council and its planning section amount to economic vandalism of the square mile of the City of Adelaide. I do not propose to discuss at any length some of the apartment complexes around Adelaide to which the Adelaide City Council has given permission for fear that I might affect the values of those properties. I have lived in apartments in the square mile: in fact I have lived in three separate apartments.

The Hon. Sandra Kanck is dead right when she says that the Adelaide City Council was derelict in its duty by not insisting on double glazing of the apartments at East End, but one could also include perhaps half a dozen other complexes around the city, including Carrington. It is quite clear that the Adelaide City Council's priority in granting approval to these apartment complexes is predicated on what will maximise the

revenue stream back to it by way of rates and taxes in the years ahead. In relation to some of the disgraceful planning decisions that the Adelaide City Council has made, unfortunately, the citizens of South Australia will pay the penalty for many years to come.

I can recall some time ago when Dean Brown was Premier that he wanted to abolish the Adelaide City Council. I was initially tempted to support that position, but I was talked out of it by one of my former Labor Party colleagues—I will not mention his name. I was talked into opposing Mike Rann's decision to support the Liberal government and what it wanted to do with the Adelaide City Council. Let me assure this government (or any other government), if similar legislation comes before me again to abolish the Adelaide City Council, based on the disgraceful performance that I have seen coming from it over the last two or three years, that I would be more than prepared to have a good look at supporting it at some future stage.

Not only does the council, when it grants approval for apartments around the city, appear to take no notice whatsoever of any of the objections that the surrounding ratepayers have submitted to the council prior to development approval but the planners, the boffins and eggheads who make these decisions, seem to pay scant regard to the ongoing comfort of the owners of these properties. I guess only God would know how some of these complexes have managed to get approval from the Adelaide City Council—

The Hon. Sandra Kanck: Do you believe in her?

The Hon. T.G. CAMERON: In God?

The Hon. Sandra Kanck: Yes.

The Hon. T.G. CAMERON: Do I believe in God?

The Hon. Sandra Kanck: Yes.

The Hon. T.G. CAMERON: Yes, I do believe in God.

The Hon. R.K. Sneath: 'Believe in her,' she said.

The Hon. T.G. CAMERON: What was the question?

The Hon. Sandra Kanck: That was the question. You said, 'Only God would know.'

The Hon. T.G. CAMERON: I do not know care whether God is a her or a him, I would still believe. You would not believe in the existence of God if it was a bloke; is that what you are saying?

The Hon. Sandra Kanck interjecting:

The Hon. T.G. CAMERON: I am not quite sure what the honourable member is saying, but anyway. I would urge this government, in fact any government, to keep a very close eye on the Adelaide City Council, particularly in relation to some of the approvals it gives. It will bend over backwards on one occasion to provide heritage listing or protection to a property, and you scratch your head and you wonder why that building is being protected, and then it will allow some new monstrosity to be erected which we have to put up with for decades to come. If the Adelaide City Council is not aware of the Hon. Sandra Kanck's speech, I might take the time and trouble to post a copy of it to the new CEO, Susan Law, because one of the biggest tasks that she will have to face is this problem that exists between the Adelaide City Council and the developers.

The mind boggles as to what really must be going on behind the scenes. You hear all sorts of stories about graft and corruption going on in the Adelaide City Council between developers going back over the years. Fortunately, you do not hear the stories so much these days. I thank the Hon. Sandra Kanck for giving me the opportunity to reflect on the activities of the Adelaide City Council. I will have a very close look at her amendment. I am initially attracted to it, but I would like to see it in writing first. SA First supports the bill with the possibility that we will be supporting the Democrats' amendment.

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

STATUTES AMENDMENT (GOVERNOR'S REMUNERATION) BILL

Adjourned debate on second reading.

(Continued from 27 September. Page 2280.)

The Hon. P. HOLLOWAY: I support the second reading. As the Leader of the Opposition stated in another place, the office and position of governor has always been dealt with in a bipartisan way. Not only does the position command respect but this governor and the many who have gone before him have earned the respect of the parliament and community of South Australia. I use this opportunity personally to acknowledge the hard work and devotion to this state that has been shown by Sir Eric and Lady Neal. They have been selfless in their support for so many community and cultural endeavours. It is a tradition that I am sure will be most admirably carried out by the governor designate, Marjorie Jackson Nelson, and I look forward to the contribution she will make.

I do not wish to spend too much time on this bill, which is simple in its intentions. The legislative changes proposed stem from changes that have taken place in the federal arena, where the Prime Minister announced that income tax exemptions for vice-regal representatives will be removed. The exemptions have been in place since 1922. As we all know, the new Governor-General was sworn in on 29 June 2001 with the new provisions in force. The states undertook to make similar changes before the appointment of the successor to each incumbent governor, which reflects the present situation in South Australia.

Accordingly, there are a number of flow-on effects, the first being to ensure that the Governor's salary and funding for expenses do not diminish as the tax burden is applied. Presently, the Governor's salary is fixed by section 73 of the Constitution Act 1934, which will be amended to increase the gross salary. The bill makes the vice-regal salary equivalent to 75 per cent of the salary of a puisne judge of the Supreme Court. The Governor's expense allowance will also be taxable under the proposed changes. This change will be accommodated by a proposal that the expenses be paid directly by appropriation.

Finally, the Governor's pension, which has never attracted a tax exemption, will nonetheless be affected by the changes to the salary. The same applies to superannuation. Interim changes are proposed to adjust the way the pension is calculated, pending a comprehensive review of the Governor's Pension Act. The opposition supports the bill.

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

STATUTES AMENDMENT (ROAD SAFETY INITIATIVES) BILL

Adjourned debate on second reading.

(Continued from 27 September. Page 2252.)

The Hon. T.G. CAMERON: When I concluded my speech on 27 September I was talking about some of the difficulties that young people have if they lose their licence. I would not describe it as naivety, but I think that people, including both governments and the police, are underestimating the number of people who at any one time may be driving around on our roads without a proper licence.

It is proposed that there be a new clause to provide for a fine of between $300 and $600 and disqualification for a minimum of three months for a person driving over the speed limit of 45 km/h or more. I support that amendment. The bill also provides for the use of and protection from misuse of low intensity flash digital cameras (speed cameras) and allows for the legal accuracy time of fixed housing cameras to be extended from one day to seven days after testing. I support those provisions.

However, the bill also proposes to remove the provision that police officers must reasonably suspect an offence to stop a driver to conduct a breath test. This essentially provides for random mobile breath tests and I do not support that measure. I think it is a retrograde step to give police officers the power at any time of the night or day (providing it is within one of the periods that the police are allowed to do this) to pull you over and ask you to breathe into a breathalyser device. I think this is a gross overreaction by the government. I would have loved to be a fly on the wall in the Labor Party caucus when some of the civil libertarians who I know to be there debated this particular issue.

The Hon. R.K. Sneath: Somebody probably would have swatted you.

The Hon. T.G. CAMERON: Somebody ought to swat you. Giving the police this amount of power, I believe, is a bit of a leap in the dark. I am not confident that it will not be used by the police to discriminate against young people; in fact, it could be used to discriminate against anybody they do not like.

My children are all grown now, but I wonder what I would have thought if I had been driving on the road safely, minding my own business and not exceeding the speed limit, with two or three of my children with me, and had been pulled over by some burly police officer and told that I had to undertake a breath analysis test. A reasonable question that a child might ask of its father or mother is, 'Dad,' (or mum) 'why did the police pull you over and make you blow into that little instrument?' A parent would be placed in the position of having to advise the child, 'That was to see whether I was driving with too much alcohol in my system.'

The Hon. L.H. Davis: It is to save lives and to make people responsible.

The Hon. T.G. CAMERON: The Hon. Legh Davis interjects and says that it has been introduced to save lives. I would be very interested—

The Hon. L.H. Davis: Gordon Bruce was on the select committee that recommended random breath testing.

The Hon. T.G. CAMERON: I do not have a problem with random breath testing, because you are pulled over to the side of the road. Everybody—including your kids—can quite clearly see that you are being stopped the same as everyone else. But, to be driving along the road and to have a police officer pull alongside you and wave you over to the side of the road would require you to get out of the car and blow into a breathalyser in front of your children. I think it is a disgraceful proposal by the government, quite apart from the fact that I believe that it is putting too much power into the hands of the police. I do not know where some of you people live, but I was young once and I used to drive an MGA and an E type Jaguar.

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. CAMERON: These were in my very young days. They were both second-hand and quite old, if that is of any consolation to the Hon. Legh Davis. In my young days, the police did not need a reasonable excuse to pull you over. Anything was good enough to pull you over. They may not have liked the look of you; or, 'We want to check the left hand tyre of your car because it looks bald.' For God's sake, police now need a reasonable excuse to pull you over! Where do some of you live? You do not live in the real world. But, now we are going to give the police the power and the authority to pull you over at any time—

The Hon. Diana Laidlaw: Not at any time.

The Hon. T.G. CAMERON: I qualify that—the minister interjects—at any time of the day or night within the proposed periods. Even the fact that you are going to limit it to four periods during the year and during holidays indicates that somebody had second thoughts about the proposal and realised that giving this power to the police 24 hours a day, seven days a week, 365 days a year is putting too much power—

The Hon. Diana Laidlaw: It is specifically targeted at the worst times for road safety.

The Hon. T.G. CAMERON: How many police officers do we have—about 4 000? Every police officer, including every motorcycle policeman, now carries a mobile breathalyser test. We have more breathalyser units on our roads than at any other time in our history.

The Hon. Diana Laidlaw: And road deaths are down, which is good, isn't it?

The Hon. T.G. CAMERON: Road deaths are down. Having been Minister for Transport for the last five or six years, you must be aware of the fact that there is a range of factors that contribute to road deaths, including the condition of the roads, the safety of the car, etc. I do not want the minister to turn this into a situation where I am arguing for breathalyser units to be taken off the road: I am not. I support the government's efforts to try to get drink drivers off the road. But this is not the way to do it. Giving police the power to stop anyone at any time for any reason, I believe, is walking down the path of turning the state into a police state. Over the previous few years—

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. CAMERON: You can have your opinion. I am entitled to mine. It is your bill and I respect the fact that you have put this forward. I suspect that this resolution is another one of these barmy resolutions that get carried by the national safety committee and are then brought here to be inserted into our law. But I put it to you that it is wrong and will be misused by the police. I think that adequate measures are already being taken by the police to attack the problem of drink driving. As I said, I do not support drink driving, but I do not support giving the police the power to stop anybody at any time—within certain time frames—for not doing anything wrong. You could just be driving down the road minding your own business, being a completely law-abiding citizen, when someone who is exceeding the speed limit drives straight past you, and a couple of minutes later you are being waved over by the police.

I would like to know whether there will be guidelines, regulations or instructions as to how the police might use this provision. For example, will the police be able to pull up

alongside you whilst you are driving along the road and wave you over? The minister is nodding—does that mean that they will have that power?

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. CAMERON: Right. I point out that I have been in a car driving along the road, doing about 45 km/h, minding my own business and I have had a police car pull up alongside me and wave me over to the side of the road.

The Hon. Diana Laidlaw: Were you in an 80 km/h zone?

The Hon. T.G. CAMERON: I was in a 60 km/h zone driving down Duthy Street at about 40 km/h. I did not know who this idiot was behind me flashing his lights and tooting the horn; I did not see the police sign on top of the car. Fortunately, the police officer took his eyes off me and just avoided a head-on collision as he was driving on the wrong side of the road as I was being waved over to the side of the road on that narrow part of Duthy Street between Greenhill Road and where it does a dogleg turn and goes down into Fullarton Road. Now, if that is not stupidity I do not know what is.

We will have to look at just how they will use it. Will the police be allowed to set up a patrol on the side of the road like they do with the breathalysers and wave people over? Looking at the legislation, they would have the power to do that. So they could set up these patrols anywhere, at the drop of a hat, pull over a dozen cars and then be off again. The words that are used in the legislation are 'must reasonably suspect an offence'. If you talk to people, you find that the police have 101 reasonable excuses, or reasons if you want to call them that, to pull someone over and stop them. I have been pulled over because I crossed a median strip, a line—

The Hon. Diana Laidlaw: I don't know why you attract so much attention on the roads.

The Hon. T.G. CAMERON: Well, this was 30-odd years ago but I still remember what they are like. I have just had an experience with the Adelaide City Council, where a parking inspector tried to fit me up with a parking ticket. I keep ringing the council and inviting it to take me to court. I want to get that inspector in a courtroom because I have three witnesses who saw what happened. The council has written the fine off and it will not take me to court.

The Hon. T. Crothers interjecting:

The Hon. T.G. CAMERON: I knew I would get that in somewhere, too. But anyway—

The Hon. Diana Laidlaw: You just attract trouble.

The Hon. T.G. CAMERON: No, but if you put a uniform on some people they will turn into—well, I will not say what they turn into. I would like the minister to outline just what the situations are whereby the police will be able to pull anyone over at any time and issue them—

The Hon. Diana Laidlaw: Not at any time—you know that is wrong.

The Hon. T.G. CAMERON: Well, within the timeframe. You will be able to do it on holidays and for four other 48-hour periods during the year. Do we know when those four 48-hour periods will be?

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order! The honourable member should return to his speech.

The Hon. T.G. CAMERON: I am being told to get back to my speech so I will put my questions during the committee stage.

The Hon. T. CROTHERS: I thank the Hon. Ms Kanck for waiving her right to speak so that I can speak for two or three minutes. Unlike my colleague, I support the government's measure—and I do so for a number of reasons. I think that because of the terrorism that is taking place on this earth, we had better get used to not having the freedom that we once had. We had better get used to the fact that an awful lot of drugs are carried interstate in cars of the latest model that cannot be stopped, and there are buses carrying them as well. We had better get used to quite a number of things.

So, I understand the rationale that underpins this extension of police powers—maybe not 'extension' but 'legalisation' of police powers that already exist would be a better word. I can well understand it because there is no doubt that, since the breathalyser came into being, it has reduced deaths, it has made drink driving—and I should know because I have personal experience—less attractive than it formerly was, and it has saved many lives in the process. However, I think there is now a requirement for there to be an extension of the law, given the agenda that will confront this generation and generations to come in respect of many things that were not up for consideration when the Hon. Gordon Bruce and the select committee brought down the report to this Council on the introduction of random breath testing.

I support the government on the measure. I cannot say that I totally support it—I will wait for the committee—but, at this stage, in principle, I am committed to supporting the government.

The Hon. SANDRA KANCK: This bill contains six initiatives, five of which the Democrats support. We support the move that the government is making in relation to unlicensed drivers and what it is doing in relation to producing a licence. I got my licence in New South Wales when I was 17 years old.

The Hon. T. Crothers interjecting:

The Hon. SANDRA KANCK: That was only a few years ago, of course.

The Hon. T. Crothers: Being very kind.

The Hon. SANDRA KANCK: Being very kind, yes. In New South Wales, you had to carry your licence with you at all times. In comparison, what we have in the South Australian legislation and what we are proposing in this bill is very lenient. I consider that, under the circumstances, providing a signature for identification to a police officer who pulls you over is not an intrusive ask at all.

I have no problem with the third initiative regarding excessive speeding. I think it is still being relatively gentle on law breakers. If you are travelling in a 25 km/h zone and you exceed it by 45 km/h, that means that you are travelling at 70 km/h, which is above the standard 60 km/h speed limit. So, again, we are being very kind to people if we are not going to throw the book at them until they are travelling at 70 km/h in a 25 km/h zone.

The Democrats support the fourth initiative regarding the use of digital cameras with the use of the 'write once/read many' disc. We support the move to allow the testing of cameras once every seven days. However, when we come to the sixth initiative, the issue of random mobile breath testing, that is when the Democrats' support comes to a screaming halt, I am afraid. This move is different from the so-called boozebusters where drivers are indiscriminately flagged down, because under the mobile system drivers will not be indiscriminately flagged down. It will allow a police officer to single out one person at a time without having any requirement to do so on reasonable grounds.

In her second reading explanation, the minister said that in other jurisdictions where it is operating there have been few complaints and that it will happen only at specified times. She indicated in response to the Hon. Terry Cameron that she may do something to clarify this in the legislation. I would certainly welcome that, but it would only mildly improve the situation as far as the Democrats are concerned. When the minister spoke, she said that there are other examples in the provisions of the Road Traffic Act, the Harbors and Navigation Act, the Summary Offences Act, and the like where a person must respond to a police officer or an authorised officer without the need for a reasonable belief that an offence has been committed. I certainly was not aware of their existence, but the existence of one wrong does not justify the deliberate creation of another.

The Hon. Carolyn Pickles says that her colleagues or counterparts in other states where such provisions are in operation had not reported any concerns about discrimination. I must say that what the Hon. Diana Laidlaw and the Hon. Carolyn Pickles have said does not reassure me. I predict that Aboriginal people (young people on P-plates, in particular) will be targeted by police in this random fashion. Why would they complain? Aboriginal people in our society are used to being targeted; they accept it as part of the burden of the colour of their skin. So, when a police officer pulls them over yet again, they will just shrug their shoulders and say, 'Here we go again.' They will not complain, because they are used to this happening. If you are Aboriginal and if you are young, how will you know whether you are being singled out? If you are an Aboriginal person in Port Augusta and you get pulled over for a random mobile breath test, you will not compare notes with an Aboriginal person in, say, Berri, who may have the same thing done to them on the same day.

The Hon. Diana Laidlaw: How do you know if they don't know?

The Hon. SANDRA KANCK: I will seek to deal with this with some amendments of my own, but my point is: how do you know whether you are being singled out? You do not know whether you are being singled out because of your age or your Aboriginal status because there is no way of comparing notes. The Hon. Carolyn Pickles says that she is reassured by the feedback she has had from her interstate colleagues, but have those states kept detailed records of the age and race of the people whom they have pulled over using this mechanism?

I indicate that the Democrats will oppose this provision, but if it passes—and it appears that it may because the Hon. Carolyn Pickles has said that the opposition will support the government—I believe that this provision at least needs to be reviewed. I am looking at the possibility of moving a sunset clause to this provision.

I have looked at the amendment which the Hon. Carolyn Pickles has on file regarding a review of this clause. I do not think that her amendment goes far enough. I believe that a review needs to be published and provided to this parliament after 12 months of operation, not two years, and that it should specifically address records of the age and race of those pulled over by the police. I do not mean just those who are charged as a consequence of being pulled over, I am referring to a record of everyone who is simply pulled over.

On any day of driving, if I was a police officer, just on my way to and from work, I could easily charge five people for breaking road laws. I refer to, for example, tailgating, which the minister knows I am passionate about, but the police are simply never there to do anything about it. The police have plenty of powers now to pull over someone who is driving recklessly or erratically and my view is that, with those powers, they should get on with doing that at present. Let us pull over the people who are breaking the laws now.

I indicate that the Democrats will support five of the six measures that the government proposes even though we have great concern about the potential abuse of the sixth measure. I therefore indicate the Democrats' support for the second reading so that we can move into committee and thrash this issue out. I also indicate the possibility that the Democrats will place some amendments on file to attempt to ameliorate some of the impacts of this proposed random mobile breath testing.

The Hon. A.J. REDFORD: I commend the bill and I congratulate the minister for her second reading explanation. The bill seeks, first, to change the offence of driving as an unlicensed driver by separating the offence of driving without a licence or never having held a licence, on the one hand, from the offence of driving without renewing an already existing licence on the other.

Secondly, it requires a driver who does not possess a driver's licence when apprehended by a police officer to provide a specimen signature for subsequent verification by the police. Thirdly, it imposes mandatory disqualification of a licence if a driver is apprehended at more than 45 km/h above the speed limit. Fourthly, it cancels a licence if a person is disqualified for driving in a manner or at a speed dangerous to the public. Fifthly, it amends the breathalyser section of the Road Traffic Act to enable officers to request breath analysis tests, notwithstanding any driver behaviour, during long weekends and/or school holidays. Seventhly, it allows the use of digital cameras in the detection of speed offences. Eighthly, it amends the offence of interfering with speed cameras and, ninthly, it extends the evidentiary protection of the testing of speed cameras to a period of six days.

In her explanation, the minister pointed to the national road safety strategy to reduce by the year 2010 the number of road fatalities to 86 from the current 160-plus deaths per annum, and she correctly pointed out that from 1974 to 1999 the number of deaths dropped from 382 to 166, that is, to fewer than half. It is a lofty objective indeed. I have no doubt that it can be achieved only if the whole community becomes involved. To put the objective into some perspective, what we are seeking to achieve here in 11 years is the same percentage outcome as it took 25 years to achieve from 1974 to 1999. That does not in any way suggest on my part that it is an objective that is either attainable or should not be sought to be achieved.

I do have some comments in relation to some of the amendments. First, in relation to penalties, it is and has always been my belief that it is not the penalty that necessarily discourages the conduct but the likelihood of apprehension. Indeed, in my view, we will not see any change in the level of drivers driving a motor vehicle whilst having failed to renew their licence or whilst disqualified, or whilst never having had a licence, unless there is some prospect on their part that they will be apprehended in such an unlicensed state.

I note the Hon. Terry Cameron's comments on this issue, and it may well be correct that people without licences are not apprehended because they drive far more carefully and within the law and, therefore, are less likely to attract the attention of the police. That may well be something that we can in an

unstated way—although I am doing that now—applaud. I am not criticising this measure but it seems to me that, unless a more specific impression is gained throughout the community that if one drives in an unlicensed state one is likely to be apprehended, those statistics are unlikely to change.

Obviously, the matter I have raised can be easily addressed, but one needs to keep in mind not only the balance that always needs to be achieved between the public interest in keeping down road deaths and the number of unlicensed drivers on the road but also the public interest in ensuring that people going about their lawful business are not unnecessarily or unreasonably interfered with in their day-to-day activities. Indeed, in that respect—and I am not requesting any immediate response to some of the issues that I have raised with the minister—I am interested to see the statistics in relation to the effect of increased or higher penalties in other states.

Clearly, some of the things that have been raised by the Hon. Terry Cameron and, indeed, myself and others in this debate are matters of speculation. Given that we have not adopted some of these measures at an earlier stage, we have had an opportunity to look at the outcome of some of these measures in other states. I would be most interested to see what they have been.

The second issue I wish to raise is the obtaining of the signature. At first blush one might think that this is an intrusion on one's civil liberties. When I commenced writing this speech, I sat down and I thought about the number of times I write my signature and hand it to other people. One only needs to sit down and sign 100 or 200 letters to constituents, some of whom one does not know, to come to some understanding that in our normal day-to-day life our signatures are pretty widely distributed in a very unsupervised fashion. It seems to me that, to give it to some authority that does have some accountability—that is, a police officer—whether it to be to the courts or the parliament, is not impinging on anyone's civil liberties in any meaningful way.

I next wish to raise the matter of excessive speeding, and I must say that it is a difficult issue. I note that, in the minister's second reading explanation, she said:

> The proposed penalty for the new speeding offence is consistent with that of the general offence of reckless/dangerous driving, that is, a minimum of three months' licence disqualification. A penalty would not be expiable and would only apply where the driver is convicted by a court.

I raise that with the minister, having read what she was saying, that the general offence of reckless and dangerous driving attracted a minimum three months' disqualification. However, she correctly pointed out that she was referring specifically to the proposed offence of excessive speeding contained within the bill.

In fact, the current penalty for driving at a speed dangerous to the public is a minimum driver's licence disqualification of six months. I spoke with a number of officers from the minister's department about this issue because I had some concerns. One specific concern that I had is the degree of plea bargaining that goes on in dealing with these sorts of offences. As a rule of thumb, if one is travelling at a speed in excess of 100 km/h in a 60 km/h zone, the police will generally charge a driver with driving at a speed dangerous to the public. When a client goes to see his or her lawyer, having received a summons to that effect, generally some discussion goes on between the defence lawyer and the prosecution. Most decisions support the practice of the prosecution of charging in a speed dangerous to the public where one is doing 100 km/h in a built up area. I stand corrected on this, but I think the standard rule of thumb in relation to driving on the open road where the limit is 110 km/h is that if you are apprehended at about 150 km/h then you are charged with driving at a speed or in a manner dangerous to the public.

My initial concern was that the effect of this would be to either encourage prosecutors to charge the lesser offence, that is, the offence of excessive speeding, rather than driving at a speed in a manner dangerous. I am assured that will not be the case, and I suspect that the proof will be in the pudding over the next couple of years. However, I am also concerned that there would be some element of plea bargaining. In order to prove a case of driving at a speed dangerous the police have to call evidence to the effect of the condition of the road, the extent of traffic on the road, the weather conditions, and various other factors associated with the driving. That is illustrated in a case to which I will draw members' attention shortly.

In those circumstances, there is quite a considerable degree of police effort in terms of the prosecution of people charged with that offence. There is a real temptation on the part of a prosecutor who seeks to avoid having to call other members of the public or other members of the police force to enter into a plea arrangement whereby the driver of a vehicle travelling at, say, 40 km/h or 50 km/h above the speed limit will be charged with the offence of excessive speeding as opposed to the offence of driving in a manner or at a speed dangerous to the public. One does not need to be a Rhodes scholar to think that most defence lawyers acting for a person who has been charged with driving at, say, 120 km/h in a built-up area or at 160 km/h on the open road will seek to secure such a deal.

I am assured by members of the prosecution section, the ones I have spoken to, that that is not likely to occur. I must say that I am a little sceptical about that and I suggest that the minister look at reviewing this section and the penalties in a couple of years' time to see whether there has been a substantial drop in the number of charges of driving in a speed or manner dangerous or a reduction in the number of charges following initial charges so that we can review this at some stage in the future.

I asked the minister and her officers why, if that is the case, they do not normally charge speed dangerous, and they came up with an unanswerable response to that question, that is, that in the case of speed camera offences, it is almost impossible to call evidence about the surrounding traffic conditions, the weather conditions, the road conditions and the like which would support a charge of driving at a speed dangerous. They envisage the use of a charge of excessive speeding to be confined, in the main, almost exclusively to those drivers who are apprehended by a speed camera doing more than 45 km/h above the limit. I suggest that, if that is going to be the policy of the prosecutors in this area, that would be one that could not be criticised.

Just so members understand how this operates, I draw their attention to a couple of cases. The first case is Zanker and Modystach, 1990, 54 South Australian State Reports 183, where a motor vehicle was timed at 156 km/h in a 110 km/h zone. The person charged gave an explanation that they were only travelling at that speed for a short distance whilst overtaking trucks and that this was done with a view to ensuring that the speed travelled would be for as little period as possible. I have some sympathy with that argument. There are many occasions on the open road when passing other vehicles when one's main objective in overtaking is to do so

at the quickest speed possible, thereby being on the opposite side of the road for the shortest time possible.

From personal experience in dealing with these matters as a lawyer, I must say that the police have generally applied commonsense when exercising their discretion, firstly, whether or not to charge driving at a speed dangerous in those circumstances and, secondly, whether or not they proceed. In another case, Price and Gould, the defendant drove at 160 km/h on a quiet country road at night, which is a fair speed. In that case there was a charge of driving at a speed dangerous, which was upheld, and the penalty was adjusted to a period of disqualification of seven months.

There is also a series of cases involving triviality. Section 46 of the act, which relates to driving at a dangerous speed, provides that, in cases where the court finds that the driving at a speed dangerous was trivial, it can reduce the minimum penalty from six months' to one month's disqualification. There are a number of cases on that. In the case of Hills and Heynemann, Justice Millhouse said the following (and I must say the logic of what he said does not escape me):

> At first it seems a pretty strange concept that at one and the same time driving can be dangerous and the offence merely trifling, yet that is what parliament has said.

I must say I have some sympathy with that of point of view. Indeed, in another case (Owen and Connellan), in looking at what might constitute 'trifling', Justice Debelle suggested that the word 'atypical' would be used. He went on to make this rather interesting comment:

> There is some force in Mr Wilson's contention that once the respondent had pleaded guilty the offence could not be certified as trifling. It might often be difficult to determine what constitutes a trifling offence of dangerous driving. It is almost an abuse of language to speak of an offence of dangerous driving as being trifling, but effect must be given to the fact that parliament contemplates the possibility of a trifling offence. The purpose is to obviate the serious consequences that may follow upon a conviction where the offence is really of a trifling nature but the court must not allow itself to be carried away by sympathy and use the power to defeat the intention of parliament as it is expressed under consideration.

I think that the quotes from Justice Millhouse and Justice Debelle point to the extraordinary difficulty that parliament has created for courts in trying to weigh up what is a very serious offence—that is, driving in a manner or at a speed dangerous to the public—with a subsequent concept set out in section 46 of the speed dangerous legislation that the minimum penalty can be reduced in trifling cases. In that respect, I invite the minister to consider what is meant by or thought about this issue of trifling and what can be done to balance what are essentially oil and water principles, namely, driving dangerously and at the same time characterising that dangerous driving as trifling.

Given that the community attitude, in my view, has changed significantly over the past few years, it may be that we will need to revisit that particular section. I raise this because I think it creates an issue in relation to dealing with the concept of excessive speeding and the concept of driving at a speed dangerous. What we can have with driving at a speed dangerous is an application by the defendant—following either a plea or a finding of guilt—for the offence to be characterised as trifling and therefore, notwithstanding that it is a more serious offence, having the penalty reduced to one month's licence disqualification. Yet if one looks at the bill before the parliament, there is no provision to have excessive speeding characterised as trifling.

I might suggest, in the first instance, that we seriously consider—and I am sorry that I have not raised this with the minister previously—getting rid of the concept of trifling from the concept of driving at a speed dangerous to the public, or in a manner dangerous to the public, and perhaps incorporating it in the charge of driving at an excessive speed and thereby, in those cases, there would be a combination of prosecutorial discretion coupled with some degree of supervision by the courts. What we have here potentially is a situation which might lead to an absurd situation where defence counsel ask the prosecutor to charge the more serious offence in order to avail themselves of the trifling protection.

I must say that it would be a very courageous defence counsel who undertook that tactic. However, to some small extent, it does demonstrate what I would suggest is a minor inconsistency. In any event, I do raise that issue for consideration, whether we consider that specific issue with this bill or at some stage down the track. I turn now to the issue of the police powers and their capacity to pull people over on long weekends or school holidays. I go back to the basic common law principle; that is, police officers are not entitled to apprehend or stop people going about their lawful business without suspicion of an offence. That is the basic principle from which we start.

From time to time over some decades now that principle has been obviated in various cases. It has been obviated in a number of ways, particularly in relation to drink driving legislation. The most prominent example was the introduction of random breath testing in this state. That was accompanied by an extraordinary level of public debate, one which has been absent in relation to the measure that the minister is putting before the parliament on this occasion. One might think that there has been some degree of public acceptance, having regard to the absence of public debate, that the public have been comfortable with this sort of intrusion on their civil liberties, having weighed up the benefits to road safety and the reduction in our road toll.

The difficult issue in all of these matters is where should the balance lie. Should we maintain the current position of no interference with the citizenry as they go about their lawful day-to-day activities unless they are apprehended at a random breath testing station, or unless they are committing some other driving offence, or is there a case to be made for further intrusion on their civil liberties? It is my view that the minister has taken a very cautious attitude in relation to this. She has dealt with long weekends and school holidays when traffic levels are high and the potential for accidents and death following an accident is much higher than at other times.

Indeed, one might consider that it might be appropriate, given that most car accidents happen between 4 and 7 p.m., that perhaps the minister might even have considered extending this power to police officers between those hours—although they are probably hours during which there are less likely to be drink drivers than perhaps some other hours of the day, such as between 11 p.m. and 2 a.m. (and that is anecdotal on my part). It seems to me that the minister has attempted to achieve an appropriate balance, and that is the safety and, indeed, the lives of our children and our families during what are very busy times of great stress and great demand where we require drivers, perhaps, to apply a greater deal of attention to the road and a greater deal of responsibility than might otherwise be the case.

I must say that, when I trek down (as I have done on hundreds of occasions) to my parents' place in the South-East on long weekends, in particular, it is a time of great stress. I do not blink at driving down to Mount Gambier, Kalangadoo

or Millicent on normal weekends but, if it is late in the week just before a long weekend, there is an increased tension level on my part—and also, I suspect, on the part of the passengers in my vehicle. I think that the tension does not just come from the fact that I am worried about my own driving (and some say that I ought to be constantly worried about that) but also from what unexpected events might occur on the part of other road users. I think that on this issue it would be difficult to come down on the side of civil liberties, particularly if members endorse the Ministerial Council's objective of securing a reduction in road deaths by half in the next 10 years, something that has taken 25 years to achieve. I think that that is an appropriate balance.

I next turn to the final issue, which is evidentiary protection. I see these sorts of clauses come into this parliament on many occasions, and I have made comments on them previously. As a person who has acted as defence counsel, I point out that these clauses provide false comfort to prosecutors. I really cannot see why (and I do not oppose the clause, because I do not think that it makes any difference to anyone) they continue to insist that this will make life easier for them. In fact, it is the greatest trap of all time to unwary, busy or harried prosecutors.

The section basically provides that a certificate produced by the prosecution and signed, or purported to be signed, by the Commissioner of Police or one of his delegates is 'in the absence of proof to the contrary, proof of the facts certified and that the traffic speed analyser was accurate to that extent' for a period of five or six days. A prosecutor could look at that and say, 'Beauty, I don't have to do anything except get the signature of the Commissioner, or someone else, and lodge it in court.' Where prosecutors get themselves into trouble with these sorts of clauses is by simply doing that. If the defence brings forth some evidence to show that there is some doubt about the validity of the testing because of some adverse result, the prosecutor is left without any evidence at all.

Indeed, for the benefit of those members who have not received a legal education, the words 'in the absence of proof to the contrary' in fact do not raise what is called in legal terms a persuasive burden to prove the contrary: all it does is raise an evidentiary burden—and I will recite a case in which I was involved to illustrate what I am saying. I had as a client a woman who had been babysitting one evening, and she gave evidence to the effect that she had had two small ports over a five hour period. She was apprehended when driving home, following a minor accident, and the police breathalysed her.

The breathalyser indicated that she was driving on .11. She was taken to hospital, where a blood test was taken, and it showed .11. There were certificates, similar to this clause, to say that she was .11. She led evidence both from the intern who examined her (because she was allowed to do so) and from the people for whom she was babysitting that she did not in any way appear to be affected, and she gave evidence, which was not contradicted by any other specific evidence, that she had had only two ports. Because the prosecutor sought to rely solely on that certificate, the prosecutor lost.

Despite the fact that the case went on appeal, the court upheld the initial decision by the magistrate. That is the risk that these certificates can hold. I am sure that experienced prosecutors will not be caught by them, but there are some inexperienced prosecutors who will be. In any event, I think that this is a good bill, for the reasons that I have outlined.

In answer to the Hon. Terry Cameron's concerns about the intrusion on civil liberties, and the Hon. Sandra Kanck's concerns about the fact that some people of different cultural or racial backgrounds might be picked on, the public good is for the protection of human life and limb. I might also make the comment to the Hon. Sandra Kanck that I often make to my 17 year old son who has just bought one of the loudest cars in the southern districts—

The Hon. J.S.L. Dawkins: I thought you were going to say 'southern hemisphere'!

The Hon. A.J. REDFORD: No, southern districts. I tell him that, if he is going to drive a car like that, he should expect to be pulled over regularly and persistently. I do not have a problem with that, because it means that he is attracting attention to himself and to his driving. I am sure that, after being pulled over on a number of occasions, the lesson of road safety will be brought home to him directly. Unlike some other parents, I do not have a real problem with that, because I think he will learn very quickly.

I suspect that what police do is pull over the louder, older, smellier and smokier cars which, as a matter of course, tend to contain younger people or people from minority groups. That might well be unfortunate but, frankly, it is also consistent with proper policing measures to ensure the safety of all road users. The issues that the Hon. Sandra Kanck raised have more to do with socioeconomic issues and the improvement of the lot of Aborigines and the like economically in our community, as opposed to the police specifically targeting them for attention.

In relation to the Hon. Terry Cameron's point, I think that I have adequately put my point of view. That is not to say that I am not anything but a civil libertarian. However, having lost a brother in a car accident over 20 years ago, I also value human life and I am also, I hope, pragmatic in my attitudes to dealing with these issues. I commend the bill.

The Hon. R.R. ROBERTS: I support the position taken by the Labor Party in supporting this suite of measures, essentially, to bring many of our road rules—

The Hon. T.G. Cameron: I bet you didn't vote for it.

The Hon. R.R. ROBERTS: This bill will achieve some uniformity with many other road rules that apply in other states. There has been a propensity for the government to go for uniform road rules. Like other people, I did have some concerns with respect to some of these measures, in particular the automatic licence suspension for three months if one exceeds the speed limit by 45 km/h. I was persuaded by the arguments of the Law Society, which suggested that the penalty should be up to three months, because I have been involved in cases where someone doing 110 km/h could quite innocently fall within this category—vis-a-vis a tourist who is towing a caravan, who pulls up at a country town looking at his road maps and who, unfortunately, parks in front of the sign that indicates that the speed limit has decreased from 110 km/h to 60 km/h. In that instance, a person could unwittingly drive through that speed zone.

But, the consensus of our party was that we would be supporting that position and, obviously, supporting the position taken by the caucus. I was also concerned, as I have expressed in a number of areas, about the extension of random breath testing. Most people would be aware that, for many years, I have exhibited strong signs of trying to defend what I believe are the civil liberties of South Australians and their right to go about their business on the presumption that they are not doing anything wrong rather than that they are.

I was concerned that this measure would be a staged introduction. At the moment it looks as if it will be implemented only at long weekends and during school holidays.

I have been around the legislative process long enough to know that these stepped introductions are a way of getting to a point where, if you cannot get there in one step, you do it in two. I believe that it is a short argument to say, 'Well, if it is all right to do this on long weekends and on holidays and you are doing nothing wrong, why can you not do it through the week?' I was persuaded by the caucus that this was being done elsewhere and that it was the principle of the uniform road rules. I do not know why it has not been done here.

I suspect the reason why it has not been done here previously is that, when random breath testing was introduced in South Australia, an absolute guarantee was given by the government of the day that there would not be this type of random testing. But, on the balance of the arguments, it is the Labor Party's position to support this legislation and I will be doing that. With respect to uniform road rule legislation, I want to raise a matter with the minister about truck licensing. I have recently been approached by people who have held a particular class of licence. These licences, I understand, have been drawn together for national uniformity.

I draw the minister's attention to the class C licence. When we now list the licences, HC licence basically incorporates two categories: the previous HA category, which allowed a driver to drive any motor vehicle covered by a class HR—these are very complex, and I am sure that the minister has them all at her fingertips and knows precisely what I am talking about—and a prime mover to which is attached a single semitrailer, whether or not any unladen converted dolly is also attached. It also allowed the driver to drive a rigid motor vehicle to which is attached a single trailer with a GVM (gross volume mass) greater than 9 000 kilograms, whether or not any unladen converted dolly is also attached.

Previously, that driver was able to drive any of those vehicles regardless of the weight, provided that it was over 9 000 kilograms and it did not cause a problem. This licence was used extensively by primary producers carting wheat. Also in the HC licence is what was previously an LA class licence, which was basically the same as the HC licence but the holder is authorised to drive only a combination of a prime mover and a semitrailer and a combination of a rigid truck and trailer, provided that the GCM of the towing vehicle does not exceed 2 400 kilograms. That is where the problem arises, because it requires the driver to have a B-double licence, even though he will never drive such a vehicle. Because of the licensing system, there now seems to be a grey area. I get mixed messages on this during my inquiries, and I would be pleased if the minister could assist with my inquiries so that I might be able to talk to my constituent about it.

The Hon. Diana Laidlaw: Mixed messages from whom?

The Hon. R.R. ROBERTS: From people who are asking what licensing is required.

The Hon. Diana Laidlaw: Is this in registration and licensing?

The Hon. R.R. ROBERTS: From a number of people whose names I do not want to mention in *Hansard* at the moment; however, they are people who should know. There seems to be confusion because of putting the two licences together and calling them both HC licences. That is the product of the uniform national road laws and is a glaring example that just because it is a national road law does not mean that it will solve all our problems.

I am sure that the Minister for Transport will receive many more inquiries about the HC licences, because the state is on the verge of harvest and many owner drivers and people who have for many years driven for farmers on contract will now be required to pay over $1 000 to obtain a licence. Many of them work for only a couple of weeks and, by the time that they have paid for their licence and obtained their accreditation to drive vehicles which they have been driving for years, they will be out of pocket. I suppose there are a number of ways to get around that—by permits and a range of measures—but I am sure that this will be a problem which will occur right around the primary production areas of South Australia in the next few weeks.

So, while we are dealing with the road rules I have taken the opportunity to raise this matter with the minister, and I am certain that, as she has done in the past, she will address this matter expeditiously on behalf of my constituents. I am sure that many of her party's members in the lower house are going to make—

The Hon. Diana Laidlaw: They have raised it: they raised it earlier today.

The Hon. R.R. ROBERTS: I will take it that the matter is in hand, given the minister's response, and I am pleased, because I think it will be most helpful during the coming harvest. I have concerns in those two areas and, with respect to the rest of the legislation, I am certain that the minister will have received a great number of questions from her party's backbench and lower house members in particular about random testing. I imagine that they, like I, would have received a number of approaches from people living in country areas.

There is a perception that, because police know everybody in their communities, there is the potential for victimisation and harassment, and those types of incidents, but I am certain that the minister's backbench members would have raised those matters with her. It is still her considered opinion that this bill ought to go forward so, as we often do if the government wants legislation and it fits most of the uniform road rules, the Labor opposition in the Legislative Council will support it. However, I note the concern about national truck licences and I am pleased that the minister has given an undertaking to look at that matter.

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

LAW REFORM (DELAY IN RESOLUTION OF PERSONAL INJURY CLAIMS) BILL

Adjourned debate on second reading.

(Continued from 26 July. Page 2094.)

The Hon. IAN GILFILLAN: I indicate the Democrats' support for this legislation. In reviewing the Attorney-General's second reading contribution on this bill, I note that the bill is in response to the Statutes Amendment (Dust-Related Conditions) Bill, a private member's bill. It is interesting to note that an increasing number of government bills over the past year have in fact been in response to bills introduced by non-government members. I think this is indicative of the move that this parliament is making from a two party system to a multi-party system. As this continues, the agenda will be set more and more by parties other than the government. This places a great responsibility on those parties, and I might add that it is a responsibility that the

Democrats have been bearing and are ready to bear in the future.

To the bill before us: at first glance it is an attractive piece of legislation. It primarily amends the Wrongs Act 1936 to allow a new class of damages. As the Attorney-General stated:

> Courts and tribunals will be able to award damages under section 35(C) on the application of the personal representatives of a person who has suffered a personal injury and who has made claim for damages or compensation but died before damages or workers compensation for non-economic loss have been determined.

These damages would be awarded if it was found that the person had used delaying tactics to escape payment of liability. These delaying tactics seem to be used more and more often in compensation claims, and the Democrats would support moves to end this practice. I do note, however, that the Law Society has expressed some concerns about the bill, and I intend to quote them as they were sent to me. The Law Society states:

> 1. First, as a matter of general principle, the society is concerned about any legislation which expressly or implicitly incorporates an entitlement to exemplary or punitive damages. It is clear that it is the express intention of section 35B(6) of the bill to impose an award for exemplary or punitive damages in the circumstances contemplated by the bill. The society views this as the thin end of the wedge. It would be merely a small step for any future government to incorporate further award for exemplary or punitive damages into legislation in circumstances which those governments considered appropriate.
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> 2. More importantly however, the society believes that the introduction of an entitlement for damages for unreasonable delay in the resolution of claims is likely to result in litigation and it would be extremely complex to deal with, both factually and legally. Such claims will in all probability involve law claims. Moreover, in light of the matters set out below, it will in all probability be doomed to failure in almost every case.
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> 3. The issue of whether there has been an unreasonable delay in the resolution of a claim will naturally be a question of fact in each case. The role of the court in the earlier action, that is the action issued before the original claimant died, will need to be considered. This will involve an assessment of issues such as the initial court's interlocutory decisions on issues including, for example, any extensions of time granted to parties to complete court documents, particularly by consent, as well as the consideration and assessment of all other interlocutory actions and decisions in each matter.
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> 4. Another common situation where delay arises relates to the provision of medical reports. It is well known that some treating specialists are quite prompt in providing reports, whereas others are tardy. If the beneficiaries of a deceased claim damages under section 35B where this is a factor, it is likely that the doctors will also be joined as third parties.
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> 5. The possibility also exists that some plaintiff's solicitors may feel forced to bring actions to trial at a time which is, on objective standards, too early. They might be concerned, for example, about the possibility of a section 35B claim being made against them in the event that their client dies.
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> 6. As mentioned earlier, law claims will also be likely to be involved. Indeed, the society believes that this will almost invariably be the case. The society expects that, in almost all cases, either the beneficiaries will accuse the plaintiff's former solicitors of having delayed the action or the defendant will say that any delay on his or her behalf occurred as a result of bad advice from his or her solicitors.

So, I trust that, in concluding the second reading debate, the Attorney will address these matters raised by the Law Society, and, as I said earlier, we intend to support the second reading.

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

ADJOURNMENT

At 5.30 p.m. the Council adjourned until Wednesday 3 October at 2.15 p.m.