LEGISLATIVE COUNCIL

Thursday 29 November 2001

The PRESIDENT (Hon. J.C. Irwin) took the chair at 11 a.m. and read prayers.

STANDING ORDERS SUSPENSION

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

That standing orders be so far suspended as to enable petitions, the tabling of papers and question time to be taken into consideration at 2.15 p.m.

Motion carried.

EVIDENCE (PROTECTED MATERIAL IN SEXUAL CASES) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a bill for an act to amend the Evidence Act 1929; and to make related amendments to other acts. Read a first time.

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

That this bill be now read a second time.

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

Leave granted.

This Bill amends the *Evidence Act 1929* in order to prevent the misuse of material of a personal nature relating to the victim of a sexual offence.

When a victim reports a sexual offence for prosecution, the Crown generates or gathers a quantity of material relating to the offence, some of which may be of a highly personal nature. Material may include a statement describing, in detail, the offence and its surrounding circumstances, photographs of the victim and medical or psychological records and reports relating to the victim. In many cases, this material then becomes available to the defendant and his/her lawyer. Leaving aside the question of a contempt of court, there is presently no effective restriction on the defendant's use of the material once he/she obtains it and, in particular, nothing to prevent the defendant who obtains a copy of a document of this kind from keeping it permanently, showing it to others, or even displaying it as a trophy on the wall of a prison cell, if ultimately convicted.

It is true to say that in relation to some material, such as videotaped evidence, the defendant may never come to possess it but may simply be given the opportunity to view it. Thus, there may be effective protection for some types of material. However, in many cases, particularly in the case of written statements and medical reports, there may be no protection.

This situation is of concern to the Government as a matter of principle. While it is necessarily the case that the reporting and prosecution of the offence involves a loss of the victim's privacy, the Government considers it appropriate that this loss of privacy be kept to the minimum compatible with the rights of others, including the right of an accused person to defend the charge and the proper and effective functioning of the criminal justice system. This Bill has, therefore, been devised with the aim of ensuring that material personal to the victim which is gathered or generated for the purposes of prosecution is subject to certain protection.

Under the Bill, material to be protected will be statements (in any form) made by the victim photographs or film of the victim, and medical and psychological records about the victim. However, material can be exempted from the protection by the Director of Public Prosecutions (DPP), if it is not, in fact, of a sensitive nature.

Unless exempted, the protected material will be made available to the defendant subject to certain restrictions. In the case of a represented defendant, the material is supplied through the defendant's lawyer. The lawyer is obliged to see that the defendant's access to the material takes place under such conditions that the defendant cannot copy or keep the material. If the defendant is unrepresented but is not in custody, then access to the material will be given through the local police, or by some other person nominated by the Attorney-General. If the unrepresented defendant is in custody, then access is given through the person in charge of the custodial institution. Again, the person through whom access is given must see that access is organised in such a way that the defendant cannot copy or keep the material.

This does not mean that the person in charge of access to the material must be physically present throughout access. That would impose an unreasonable and unnecessary burden both on that person and on the defendant. Rather, that person has responsibility to organise access in such a way that the defendant does not copy or keep the material. This might be done by leaving the defendant in a room which does not have access to a copier, checking that all the papers are retained and that the defendant has not made a handwritten copy before the defendant leaves. Or it might be done by instructing a secretary or clerk to do this. Or, for example, in a prison or police station where some rooms are under video surveillance, it might be possible for the person to comply by using this surveillance. Other methods could, no doubt, be devised. The Bill does not seek to prescribe a method but only to indicate the result which is to be achieved.

The Bill does not prevent the defendant from being assisted by an interpreter or some other person reasonably needed by the defendant in examining the material. Such a person may accompany the defendant when he/she views the material and has the same access to it as does the defendant. However, the same restrictions apply; that is, the accompanying person may not copy or keep the material.

The lawyer or authorised person through whom access is given may not part with possession of the protected material to third parties except as permitted by the Bill. For example, the Bill would permit the supply of the material to third parties for the purposes of the case (such as, where it is necessary to seek the opinion of an expert witness on the material). However, the protection continues into the hands of the third party, so that he/she is also prevented from giving the material or a copy of the material to the defendant. Further, the lawyer must keep a record of where the protected material has been sent and when. In practice, this should not be onerous as it would be usual to send the material to the third party with a letter explaining the situation.

The Bill requires the lawyer to inform his/her client of the protected status of the material and the consequences of that status. Similar information must also be given to any third party to whom the protected material is provided for the purposes of the defence. It is contemplated that the Attorney-General may devise a form for use by lawyers for this purpose. Correct use of the form would satisfy the lawyer's obligation under the Bill to give this information. Of course, use of the form would not be mandatory. The Bill does not prescribe any particular method for the giving of the required information and it may be imparted in such manner as the lawyer sees fit, including by letter to the defendant or, where appropriate, third party.

In the case of the unrepresented defendant, the responsibility for the protected material falls on the police or on the relevant correctional institution. If the defendant wishes to send the material to a third party (such as an expert) for forensic purposes, this can be arranged through the authorised person. Again, the same protection apply when the material is in the hands of the third party. Also, the Bill specifically stipulates that, in the case of an unrepresented defendant, a Crown officer (that is, a prosecutor or police officer) who has custody of the material must facilitate the provision of access to the material.

The Bill does not, of course, seek to restrict the use of protected material at trial. Its provisions do not apply to the tendering, or disclosure of the contents, of protected material as evidence in the case. However, once the material is on the court file, members of the public require a court order for access to the material. This is similar to the present protection of other tendered material, such as victim impact material tendered by prosecution.

Further, the protection given by the Bill is not limited to criminal cases but also extends to related civil proceedings. These will be, for instance, any victims of crime compensation case or any civil action for damages brought by the victim. The same regime of protection will apply to the material in such cases.

The intention of the Bill is that protected material should be returned to the Crown once it has served its purpose. For this reason, the Bill gives any court the power to order the return of the material on application by a police officer or the DPP.

Finally, consistent with the purpose of the Bill being to protect the privacy of a victim of a sexual offence, the Bill expressly permits the victim to waive the protection in relation to any particular item

or items, should he/she wish to do this. The Bill will mean that it is no longer the case, as it is at present, that, as a result of being prosecuted, the defendant in a sexual offence will obtain possession of a range of very personal documentary material relating to the victim. It will prevent the misuse of such material as a trophy by an unrepentant offender.

No doubt the Bill will require criminal defence lawyers, as well as prosecutors, police and corrections officers, to give thought to the procedures that should be implemented in order to fulfil their obligations. In some cases, it will entail change to the established way in which things are done. For instance, a lawyer who hitherto would simply have posted the material out to the client may have to arrange for the client to visit the lawyer's office, local police station or other venue, in order to examine the protected material. There may be some additional burden in terms of clerical time and some inconvenience to the defendant. However, the Government does not believe this will be substantial and, in any event, this must be weighed against the interest of the victim in the protection of sensitive personal information.

I draw to your attention the fact that the Bill is based on a measure passed in the United Kingdom, namely, the *Sexual Offences (Protected Material) Act 1997*. However, that measure, although passed in 1997, is not yet in operation. Some would say that it is safer to wait and see whether the English experience is encouraging before implementing such a measure here. However, the Government is persuaded that the measure can bring a real benefit to the victims of sexual offences and, perhaps, will help to encourage these victims to pursue justice through the courts. For this reason, the Government has decided to introduce this Bill without waiting for any eventual evaluation of the English experience.

The Bill should go some way toward improving the protection of a victim's privacy and preventing the misuse of material of a personal nature.

I commend the bill to the house.

Explanation of clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Insertion of new Part

It is proposed to insert a new Part in the *Evidence Act 1929* (the principal Act) to deal with the management of certain evidentiary material in certain cases.

PART 8A: PROTECTED MATERIAL IN SEXUAL CASES

72A. Interpretation

New section 72A contains definitions of words and phrases used in new Part 8A and subclauses to aid in the interpretation of the Part.

In particular, protected material is defined as material relating to a sexual offence that is or was in the custody of a Crown officer, having been generated or gathered for the purpose of prosecution of the offence and that consists of—

- a statement (in whatever form) of the victim or alleged victim of the offence; or
- a photograph, film, video tape or other object from which an image may be reproduced of the victim or alleged victim of the offence; or
- a medical record of the victim or alleged victim of the offence; or
- a medical or psychological report about the victim or alleged victim of the offence,

and includes a copy of any such material and a part of any such material or copy.

Protected material does not include—

- anything determined by the DPP to be of such a nature that there is no likelihood that it would, if disclosed, cause distress, humiliation or embarrassment to a reasonable person in the same position as the victim or alleged victim; or
- a victim impact statement under section 7A of the *Criminal Law (Sentencing) Act 1988*.

A sexual offence means—

- rape; or
- indecent assault; or
- any offence involving unlawful sexual intercourse or an act of gross indecency; or
- incest; or
- any offence involving sexual exploitation or abuse of a child, or exploitation of a child as an object of prurient interest; or
- any attempt to commit, or assault with intent to commit, any of the foregoing offences,

and includes an alleged sexual offence (*see section 4 of the principal Act*).

The person who is the relevant party in relation to protected material is—

- the person charged with the sexual offence to which the protected material relates; or
- the person (other than the victim or alleged victim of the sexual offence, or the Crown) who is a party to related civil proceedings.

Related civil proceedings are civil proceedings to which the protected material is relevant, or reasonably believed to be relevant, for evidentiary purposes.

The definition of Crown officer includes a police officer and legal practitioner engaged to prosecute or assist in the prosecution of a sexual offence.

An authorised person in relation to a relevant party is—

- in the case of a relevant party who is being held in custody—the person (or his or her delegate) in charge of the place where the relevant party is being held; or
- in any other case, the police officer (or his or her delegate) in charge of the police station nearest to where the relevant party lives or a person authorised by the Attorney-General for the purposes of this proposed Part.

72B. This Part in addition to Part 7 Division 9

New Part 8A is in addition to and does not derogate from Division 9 of Part 7 of the principal Act (Protected communications).

72C. Access to protected material governed by this Part

New Part 8A applies to the provision of access to protected material for the purposes of proceedings relating to the sexual offence or related civil proceedings, or dealings with protected material subsequent to such provision of access.

New Part 8A does not apply to the tendering, or disclosure of the contents, of protected material as evidence in the course of a hearing relating to the sexual offence or a hearing of related civil proceedings or the provision of access to protected material with the consent of the victim or alleged victim of the sexual offence.

72D. Access to protected material where party is legally represented

New section 72D applies in relation to a relevant party who is represented by a legal practitioner (the relevant party's legal representative) in proceedings relating to the sexual offence or in related civil proceedings.

If the relevant party would, except for new Part 8A, be entitled to access to protected material—

- the material will only be accessible from a Crown officer having custody of the material; and
- the Crown officer must only make the material available to the relevant party through the relevant party's legal representative.

When protected material is made available through the legal representative, the Crown officer having custody of the material must inform the legal representative—

- that the material is protected material under new Part 8A; and
- that the legal representative must comply with his or her duties imposed by new Part 8A in relation to the material; and
- that it is an offence if the legal representative parts with possession of the material except—
  - (1) in the course of proceedings relating to the sexual offence or related civil proceedings; or
  - (2) as authorised by new Part 8A; or
  - (3) in order to return it directly to an appropriate Crown officer; or
  - (4) as reasonably required in the proper performance of his or her functions as the legal representative of the relevant party; and
- of the penalty for such an offence (a fine of $2 500 or imprisonment for 6 months—*see new section 72G(2)*).

If, because the relevant party is being held in custody or for some other reason, it would be more convenient for the relevant party to be given access to the protected material through an authorised person, the legal representative may make the material available to the relevant party through an authorised person.

The relevant party may be allowed—

- to make and keep notes of or relating to the material; and

· to be accompanied by an accompanying person (such as an interpreter or some other person reasonably needed by the relevant party in the circumstances).

The legal representative or authorised person is under a duty to ensure that access to protected material by the relevant party and any accompanying person is supervised, monitored or organised so as to ensure that the relevant party and accompanying person cannot keep, or make a copy of, the material.

The legal representative must ensure that the relevant party and any accompanying person are informed that the material is protected material under Part 8A and what follows from that fact (*see new section 72E(1*) and that a written record is kept of the details relating to the provision of the protected material.

If, in the opinion of the legal representative, it is reasonably necessary that protected material be provided to another person so that the person can perform some service for the relevant party for the purposes of the proceedings (*eg*, the making of an expert assessment), the legal representative may provide the material directly to the other person. The legal representative must ensure that the other person is informed that the material is protected material under Part 8A and what follows from that fact (*see new section 72G(3)*) and, also, that a written record is kept of the details relating to the provision of the protected material.

If, at any time before the conclusion of proceedings relating to the sexual offence or related civil proceedings, the legal representative ceases to represent the relevant party, he/she must ensure—

· where he/she is provided with the details of the relevant party's new legal representative, that the protected material is forwarded directly to the new legal representative, together with a copy of the record of information required under this proposed section and that the new legal representative is informed that the material is protected material;
· in any other case—that the protected material is returned directly to an appropriate Crown officer.

72E. Access to protected material where party is unrepresented

New section 72E applies in relation to a relevant party who is not represented by a legal practitioner in proceedings relating to the sexual offence or related civil proceedings.

If the relevant party would, apart from new Part 8A, be entitled to access to protected material—

· the material will only be accessible from a Crown officer having custody of the material; and
· the Crown officer must only make the material available to the relevant party through an authorised person.

The authorised person must ensure that access to protected material by the relevant party and any accompanying person is supervised, monitored or organised so as to ensure that the relevant party and accompanying person cannot keep, or make a copy of, the material.

New section 72E is substantially the same as new section 72D except that the role allocated to the legal representative of a relevant party is here carried out by an authorised person.

72F. Crown officers to facilitate access

A Crown officer having custody of protected material or directed to act as an authorised person must (subject to meeting his or her obligations under this proposed Part) facilitate the provision of access to protected material.

72G. Offences relating to protected material

This new section sets out the offences relating to protected material and provides that the penalty for each such offence is a fine of $2 500 or imprisonment for 6 months.

Subclause (1) provides that a person who, having been informed under this proposed Part that material is protected material, gains access to the material as a relevant party or an accompanying person must return the material to the person from whom he/she obtained it and must not make a copy of the material.

Subclause (2) provides that a person who, having been informed under this proposed Part that material is protected material, gains access to the material as the legal representative of a relevant party in connection with proceedings relating to the sexual offence or related civil proceedings—

· must comply with the duties imposed on the legal representative by new Part 8A in relation to the material; and
· must not part with possession of the material except—
  (1) in the course of those proceedings; or
  (2) as authorised by new Part 8A; or
  (3) in order to return it directly to an appropriate Crown officer; or
  (4) as reasonably required in the proper performance of the person's functions as the legal representative of the relevant party.

Subclause (3) provides that a person who, having been informed under this proposed Part that material is protected material, gains access to the material through being engaged to perform services for a relevant party in connection with proceedings relating to the sexual offence or related civil proceedings must not part with possession of the material except—

· in the course of those proceedings; or
· as authorised by new Part 8A; or
· in order to return it directly to the relevant party's legal representative (if any) or an appropriate Crown officer; or
· as reasonably required in the proper performance of the service for which the person was engaged.

72H. Court may order return of protected material to Crown

The Magistrates Court or any court hearing proceedings relating to the sexual offence or related civil proceedings may, on application by a police officer or the DPP, order that protected material that is in a person's possession having been made available under new Part 8A be delivered to a Crown officer named in the order.

Clause 4: Amendments to principal Act penalties

Schedule 1 amends the penalty provisions of the principal Act so as to be consistent with current drafting styles and amount.

Clause 5: Related amendments to other Acts

Schedule 2 contains related amendments to the following Acts:

District Court Act 1991
Magistrates Court Act 1991
Summary Procedure Act 1921
Supreme Court Act 1935.

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

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 November. Page 2765.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The opposition supports the second reading. However, we indicate that if the bill goes into committee we will oppose clause 5. I have already had a discussion with the Attorney about this issue.

Setting aside the issues raised in clause 5, which I will come to in a moment, the proposed amendments contained in the bill are welcome and reasonably uncomplicated. I appreciate that the drafting of this bill has been caused by the competition policy review of the Legal Practitioners Act which was completed earlier this year. For instance, the review proposed changes to the requirements for admission as a legal practitioner. There will no longer be a requirement for legal practitioners to be residents of Australia under this bill. There are a number of other amendments which I also welcome.

In relation to clause 5, the opposition believes the government's proposed amendments are flawed and require further attention. I refer to the first proposal to allow land agents to prepare tenancy agreements regardless of the amount of rent payable, and the second proposal concerns the preparation of wills. The opposition seeks an assurance from the government about professional indemnity insurance for land agents in the case of leases, and trustee companies in the case of wills. The Law Society has also expressed quite strong reservations in relation to clause 5. I hope that the Attorney will seek to negotiate a resolution so that we will not be here for hours on end today.

The Hon. K.T. GRIFFIN (Attorney-General): I thank honourable members for their indications of support for the second reading of this bill. Some of the amendments to the Legal Practitioners Act contained in this bill arose from a competition policy review of the act, while others have arisen independently of that review and do not relate to national competition policy principles. The Hon. Terry Cameron queried where the amendment, which removes the residency requirement from the provisions relating to entitlement to admission as a barrister and solicitor, leaves those who are not Australian citizens. Australian citizenship is not currently a requirement for admission and this bill will not alter that position.

During the course of this debate, honourable members referred to concerns raised by the Law Society regarding amendments contained in clause 5 of the bill. The amendments in clause 5 arose out of the competition policy review and relate specifically to the issue of the scope of work reserved to legal practitioners. I should first point out that the process of reviewing the Legal Practitioners Act involved extensive consultation. The Law Society made a detailed submission to the review, running to in excess of 70 pages, in which it put its arguments as to why the scope of work reserved to legal practitioners was justified. Ultimately, however, the review panel was not persuaded that the current restrictions on the drawing of tenancy agreements above a prescribed rental limit were justified. The Law Society has argued that commercial tenancy agreements are not as simple as residential tenancy agreements and are not regulated.

Residential tenancy agreements are regulated under the Residential Tenancies Act. There is similar regulation of retail shop leases under the Retail and Commercial Leases Act. So it is clear that there is also some regulation of commercial tenancy agreements. The Retail and Commercial Leases Act, which applies to premises from which goods or services are provided to the public up to a rental value of $250 000 per annum, ensures that tenancy agreements include certain provisions such as minimum five year terms, renewal options, a warranty that premises are fit for purpose, how rent is to be calculated, etc. I point out that section 21(n) of the Legal Practitioners Act currently permits land agents to prepare tenancy agreements where the rental value does not exceed the prescribed amount.

I take this opportunity to clear up an error in the second reading explanation in relation to this bill. The second reading explanation states that the prescribed limit for residential tenancy agreements is $10 000 and, for commercial tenancy agreements, $25 000. This is incorrect and should read: $25 000 for residential leases and $10 000 for commercial leases. It is these limits which the amendment will remove. The competition policy review found that the amount of rental was not a reliable indicator of the complexity of a lease.

Residential tenancy agreements are often prepared with the use of standard form documents. Even in the case of commercial tenancy agreements, adoption of a precedent document may be all that is required in some cases. By removing the restriction, parties to a tenancy agreement are given the choice to use the services of a land agent as opposed to a conveyancer or legal practitioner to prepare a tenancy agreement of any value. If there is concern regarding the complexity of the agreement, parties may seek legal advice in relation to the agreement in any event.

Business people regularly enter into contracts and must assess whether the contract is of such complexity that legal advice is desirable. What the proposed amendment will do is give parties to tenancy agreements the choice to use a land agent to prepare the agreement if they want to, particularly at a cost saving to themselves. There is no statutory requirement for land agents to hold professional indemnity insurance. While prudent land agents will probably have professional indemnity insurance, for those who do not, any claim for negligence would have to be satisfied from the assets of the agent. However, there is nothing preventing prospective parties from obtaining legal advice regarding a lease or from engaging a legal practitioner or conveyancer, if the additional security of professional indemnity insurance is desired.

The Law Society has argued that, if the amendment proceeds, an equivalent requirement for professional indemnity insurance should be imposed on land agents otherwise there will be an uneven playing field. I cannot accept this argument, given that legal practitioners' professional indemnity insurance covers them for all aspects of their practice, not simply the practice of preparing tenancy agreements. The choice remains for parties to engage a legal practitioner or conveyancer if the additional security of mandatory professional indemnity insurance is desired. It is likely to be the bigger businesses which enter into higher value commercial tenancy agreements. It is important to remember that, by the nature of commercial leases, tenants will be business people rather than what may be described as ordinary consumers. Business people are accustomed to transacting in the commercial world and, therefore, as a general principle there is less need for government intervention to regulate dealings between business people.

I turn now to the issue of the amendment relating to the preparation of wills by trustee companies. Both the Hon. Ian Gilfillan, in his concluding remarks in this debate, as well as the Leader of the Opposition, queried the inclusion of this amendment in the bill, given that there is a separate bill before the Council dealing with the public trustee. I have given consideration as to whether or not this bill should be amended to remove clauses 5(b) and 5(c) relating to the preparation of wills by trustee companies, given that it appears the Statutes Amendment (Public Trustee) Bill will not be dealt with before Christmas. (It is fairly obvious that that will not occur today.) However, I am hopeful of being able to resolve at least the issue relating to charging for wills with the Public Service Association so that the public trustee can proceed in some form when we sit in February. If I could just digress a little—

The Hon. Ian Gilfillan interjecting:

The Hon. K.T. GRIFFIN: I am not receptive to them, but I can't stop members moving them if they wish to. It is up to members. I am not receptive to them; I do not support amendments to them. But if members wish to deal with those in committee, then they are entitled to do so. If I can just digress: in relation to charging for wills, the Public Service Association has indicated that it is not prepared to support that. My officers have been having some discussions with the PSA presenting information which demonstrates that in my view there is nothing to fear from this provision. But in relation to the Public Trustee Bill the Public Service Association has said that it is not prepared to even consider those amendments, which are quite significant changes and reforms to the law removing some functions from public trustee where, in the context of the work that the public trustee now does, there is potentially a significant conflict of interest. Over the next month or so before we resume in February, I hope I am able to resolve those issues.

What I propose to do, therefore, is to proceed with the amendments in this bill contained in clauses 5(b) and 5(c) but refrain from bringing those provisions into operation until such time as agreement is reached with the PSA over the issue of the public trustee charging for the preparation of wills. If these clauses were removed from this bill and the public trustee bill proceeds in February as I hope, the unfortunate result would be that the public trustee is then entitled to charge for the preparation of wills by other than legal practitioner employees. This would mean that the public trustee is given an advantage over private trustee companies, which conflicts with our obligations under national competition policy.

Of course, another alternative is to amend the bill to ensure that the amendments to the Legal Practitioners Act apply only to private trustee companies. But to avoid giving private trustee companies an advantage over public trustee companies, proclamation of this provision would need to be delayed in any event until such time as the equivalent amendment is made in relation to the public trustee. Obviously, that is an issue we can talk about in committee. The Law Society has stated that it has no objection to the amendment to the Legal Practitioners Act allowing private trustee companies to charge for the preparation of wills not drawn by legal practitioners and, where the trustee company is not named executor, provided that equivalent insurance requirements are imposed on trustee companies, or these companies are otherwise regulated such that the public can be assured that any claim for professional negligence could be met from the assets of the company.

The competition policy review found that the public is adequately protected with respect to the provision of services by a private trustee company by the requirement for the approval of parliament before it is able to offer services in this state. Among the factors taken into consideration when assessing whether a new trustee company may be added to the schedule of the Trustee Companies Act are the capital of the company and its insurance status. Indeed, a prospective trustee company's management of risk, which includes matters such as whether professional indemnity insurance is held, is considered to be one of the most important factors in assessing whether to add a new trustee company. Accordingly, while there is no statutory requirement for trustee companies to hold professional indemnity insurance, it is considered that the existing regulation of trustee companies sufficiently protects consumers in respect of their dealings with trustee companies. The Law Society has suggested that there should be a review of requirements for disclosure to clients of trustee companies of their role and the basis on which they charge for providing executor services. These questions are not relevant to what is being done in this bill.

The amount of commission which a trustee company may charge for the administration of an estate is capped under the Trustee Companies Act. Legal practitioners providing equivalent services are not restricted by law in terms of what they may charge. I do not know whether trustee companies tend to charge more or less than legal practitioners. Of course, trustee companies, like other traders, will be subject to the general law and requirements in relation to any misrepresentation or misleading or deceptive conduct. I thank members again for their consideration of the second reading and their indications of support for it.

Bill read a second time.

AQUACULTURE BILL

Adjourned debate on second reading.

(Continued from 27 November. Page 2798).

The Hon. T. CROTHERS: I rise, as is my wont, to make a brief contribution in respect of the government's proposition as it appears on the *Notice Paper*. There have been some matters raised again by the extreme wing of the conservation movement. If Michael Rann is the Prince of negativity, then these people are the princesses of negativity. It strikes me that, no matter who is in power (whether it be a Liberal or a Labor government), these people adopt an extreme position on every matter, seeking to assert that there are environmental reasons why we cannot go ahead with industries that will provide much needed jobs in rural areas, such as Port Pirie, and other areas on the West Coast, which I do not know well enough. The Hon. Mr Ron Roberts will agree—and I am sure he knows—that the aquaculture industry has produced many jobs and many different areas of employment for people who live in those areas who are not otherwise readily employed.

The last occasion on which I had to stand here and speak in this fashion was in respect of the test mining being done on the Yumbarra site on the West Coast, a site which, if it goes ahead and gets the green light—and I understand from the grapevine that there are some very promising signs of that—will employ some 70 people—

The Hon. T.G. Roberts: Are there are a lot of prawns there?

The Hon. T. CROTHERS: I can't say. This information is not for any old Johnny-come-lately.

The Hon. T.G. Roberts: Or shares?

The Hon. T. CROTHERS: No. I've never owned a share in my life. I had two ALP holding shares which I forgot that I had for three years, and I had to give them back when I retired as president. It seems to me that, in an area which is centred on the little country town of Ceduna where unemployment is running at 20 per cent, this is yet another piece of extremist nonsense from the people who purport to represent the environmental movement. I am an environmentalist—after all, I have 15 grandchildren. I am—

The Hon. P. Holloway interjecting:

The Hon. T. CROTHERS: Well, the immigration department didn't lose when it brought me out as a £10 migrant. I am thinking also of the Hon. Ms Pickles and her family. It certainly never wasted anything on us. If the policy was to populate or perish, certainly the Hon. Ms Pickles and I have done more than our share.

The Hon. R.R. Roberts: The worst £10 that the government ever spent.

The Hon. T. CROTHERS: Well, you were lucky that they didn't spend £10 to ostracise you out of the nation.

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order! The debate is about aquaculture.

The Hon. T. CROTHERS: Yes, sir, aquaculture. I won't be distracted by any 'merman' interjections from here on in. The facts are that the Aquaculture Bill, which is in front of us, will succeed not only off our coasts but inland, because the saline waters in the west are now being used to breed saltwater fish. This is another innovatory approach relevant to aquaculture. Of course, we have an important research station here which, amongst other things, has enabled us to produce a type of aquaculture that allows freshwater barramundi to be grown, and it will enable the growing of snapper

and green and black lipped abalone, and we are now looking at lobsters and prawns. If fact, I have invited them into this Council to continue their research into prawn development!

Having said all of those things, I have considered this matter, and I believe this measure should be passed in the interests of the small people whom we represent in this state and employment in the future without any of the nonsensical amendments proposed, mooted or perhaps moved relative to another piece of extremism by the environmental movement. As an environmentalist myself, the only thing that I can say to extremists of any nature, for whom I have no time—I am thinking of Stalin, Attilla the Hun, Franco, Adolf Hitler—

The Hon. R.R. Roberts interjecting:

The Hon. T. CROTHERS: I'll leave him out. I think of all these people—

The Hon. R.R. Roberts interjecting:

The Hon. T. CROTHERS: The only thing that I can say is that these extremists, well-meaning as they may be, will do nothing but damage the environmental movement both now and in the future. People are not foolish or silly. Members of parliament and those holding public office would, at their peril, judge the ordinary people of this state to be incapable of thinking for themselves. I commend the government's initiative, and I am happy to support it.

The Hon. R.R. ROBERTS: I rise to support the Aquaculture Bill, which has been produced over a long period of time. The gestation period of our aquaculture industry to get it to the point where it is today has been long and often contentious. I, for one, have been concerned on many occasions about some of the things that have occurred, and I have applauded many of the things that have not. I first became aware of the aquaculture industry in the days of the Bannon government when the fledgling Tuna Boat Owners Association determined that it would try aquaculture in the form of tuna farming. That, of course, was supported by the Bannon government and later the Arnold government, which actually put in most of the infrastructure. There seems to be a loss of memory these days about the role played by previous Labor governments in the setting up of the tuna industry in South Australia. History shows quite clearly that that is when it happened.

One of the things that occurred during that setting up period was that experimental licences were given to the tuna boat owners for a period of, I think, three years for the experiment to take place and which allowed tuna boat owners to take pilchards. This was somewhat of a digression from the normal practice in the scalefish industry, although I think it was prior to the amalgamation of the two fishing licence policies into one, which had the effect of reducing the number of predators—to use the colloquial term—on the fishery. It also had the effect, combined with the principle of the owner operator scheme within the scalefish industry, of reducing effort because of the very fact that the owner operator had to be on the boat. So, two things occurred, and that experimental licence stayed in place.

Prior to the 1993 election, the now famous or infamous memorandum of understanding was signed by Dean Brown and Dale Baker, which in its contents provided an agreement between the then opposition, later to become the government, that pilchards would be made available, despite the fact that no legitimate licences were in place for tuna boat owners to take any part of the pilchard fishery. At the time that the pilchard fishery itself was being established, there was capacity within the existing license holders to catch all the pilchard quota that would or should have been available at that time. However, everyone was happy, the pilchard fishermen were happy and the government was happy to provide the experimental licence.

Then the government changed and the tuna boat owners insisted that the memorandum of understanding be complied with and that they be allowed to have official quota. They wanted another 2 500 tonnes of pilchards, which the memorandum of understanding provided, and that would have been taken from federal waters. That was not possible at the time because the South Australian primary industries department or SARDI did not have jurisdiction over those waters, and a long and tedious debate occurred.

In other contributions in respect of these matters in recent times, I have made certain observations and statements and I was taken to task in a question from the Hon. Legh Davis to the Leader of the Government in this place about some of those statements. In one of my contributions, I made an allegation based on information received from within the industry and I suppose that, in a court of law, that could not necessarily have been sustained. However, I exercised the right of all politicians to parliamentary privilege on behalf of citizens to pursue matters that cannot legally be pursued in public without the inquirer or I, on their behalf, going through a long and tedious process of court action.

I make it very clear that it is my view of parliamentary privilege that parliamentary privilege is not given to me but that it is exercised by me on behalf of the citizens of South Australia. Having exercised that privilege on their behalf, the response to my assertions was that I was wrong. The Hon. Mr Lucas responded to my assertion about the compliance of the government to tuna boat owners in respect of pilchard quota. In his response to the question from Mr Davis, the leader said:

> . . . the government commissioned a report from an. . . allocation advisory panel nearly three years ago to recommend a methodology for the equitable allocation of the pilchard resource. The recommendations to the panel, which included a retired judge, were accepted by the government. Fourteen identified fishers were allocated access to the pilchard resources under the quota system. . . . the tuna industry in fact was not pleased with the recommendations but to their credit abided by the decision of the independent umpire. The pilchard fishery over the past few years has gone from strength to strength, with a total allowable catch for 2002 being set at 17 750 tonnes.

That sounds like there was no controversy about it at all, and that the government was standing up to these tuna boat owners, that it was not going to be pushed around by them, despite the fact that the tuna boat owners on about 15 different occasions had brought the matter to the attention of the government that at least they had a very strong moral commitment from the government to provide extra pilchard quota. From that response from the Hon. Mr Lucas, you could interpret that they were being strong in resisting that.

In case someone wants to assert that what I have said is not right, I can inform the Council that, in response to an FOI request by my colleague the Hon. Paul Holloway, that information is clearly available for people to go through the sequence. There are the letters from the department laying out Mr Jeffries' assertions, and the dates on which those assertions were made over a long period of time, and, in respect of the inquiry that was held at that time, the truth of the matter was that the tuna boat owners had insisted to the government on a number of occasions that they ought to abide by the memorandum of understanding.

That document was given to me when I was shadow minister for primary industries. I presented it to parliament and it was laid on the table of this Council. The then reasonably new Minister for Primary Industries immediately put that matter before the Solicitor-General and I understand that, despite the fact that we had a document drawn up by consenting adults, if you like, and agreed to, the advice was that legally it was not enforceable because the two parties were not able to be held accountable in respect of the law.

At the time of those discussions about pilchard quota, we also had a pilchard dieback which seriously affected the available pilchard stocks within our waters, and a long argument raged about who was responsible for the dieback, and that is another story that I will not go into. Suffice it to say that the tuna boat owners had devised a successful method of farming tuna in pens, basically in Boston Harbor, and there is another story attached to that, which I will touch on later, when they moved some of those operations to Louth Bay. There was a demand for more and more pilchards and the demands from the tuna boat owners were getting louder and louder and much more insistent.

At that stage the Hon. Paul Holloway, as shadow minister for primary industries, was involved in discussions with pilchard owners and with lobbyists, and, during the course of his negotiations, he had discussions with the minister and other people. A very ugly situation was developing and the pilchard fishermen, the official licensed pilchard fishers, demanded that their rights be given priority over those who were not properly licensed. What has occurred in this industry is that some people who want to access pilchards have bought scale fish licences and amalgamated them in line with the common practice within the scale fish industry, so there was a phase-in period.

At the time I was involved with the discussions, I thought that the official pilchard fishermen were very generous in the early days in allowing the tuna boat owners access to some of the pilchards. However, when they were hit with pilchard dieback and a range of other commercial problems, and the tuna boat owners demanded the right over all other fishers in other dedicated fisheries to have majority access to the pilchard stocks, at that point the pilchard fishers deemed that they would take court action. It was only at that time that the minister was dragged reluctantly into setting up the inquiry, which came down with the only sensible finding that it could make, and the point that the Hon. Mr Lucas made in his written response, which was obviously from the Premier's office, that the tuna boat owners were not happy with the result, was indeed correct.

If one reads in isolation the answer given by the Hon. Mr Lucas, one would believe that this was a proactive action by the minister, but the truth of the matter was that he was forced into the inquiry, the result of which was to the chagrin of the tuna boat owners. The answer is a spin doctor's answer; it is not completely accurate in describing the whole incident.

I mentioned some other things in my contributions about the allocation of licences and the owner operators system that operates in the scale fish industry, which is the industry that provides pilchards for aquaculture activities such as the tuna boat operations. I made some observations and assertions based on information provided to me by industry participants in an endeavour to flesh out the truth of the matter. I can inform the Council that if you want to find out anything officially from many of these institutions as a member of the Labor Party it is extremely difficult, so one is forced to resort to exercising the right of the constituents of South Australia and asking those questions in the forum of the parliament, which I did. In his answer to Mr Davis's question, the Hon. Mr Lucas also made the point that one of the things I had raised in my contribution was that it was my view that there was a strong emphasis by the department in particular to do away with the owner operator system.

I have had discussions with a number of people across South Australia and with people whom I respect and with whom I have dealt for 10 years, and I have always found them to be people of integrity who are open and honest and who have a desire to protect the scale fisheries in South Australia. After those discussions I recounted the recent events in respect of this matter whereby, to test the water with respect to whether we had done away with the owner operator scheme in South Australia, a series of meetings was held on the west coast, in Port Lincoln and in the upper Spencer Gulf.

At one meeting, I believe about 60 fishers were present. The CEO of Fisheries, Mr Zaccharin, advocated strongly for the abandonment of the owner operator scheme with its in-built effort inhibitors, and the meeting was unanimous against the proposition. Another meeting was held in Port Lincoln which I have already put on the record. It was fairly clear by the numbers that the great supporters of doing away with the scheme were those people associated with the Tuna Boat Owners Association or the tuna industry, and everybody else voted against it. There was a public outcry and a lot of public debate about it. In fact, I was involved in it myself. Due to the overwhelming public response, the minister was forced to come forward to say he was not going to do away with the owner operator scheme.

In my earlier contribution I asserted that it was very clear that the representatives of the Premier—I was told it was the CEO, Mr Zaccharin—were extremely upset and extremely vocal with a number of people and said they would have to cop it anyhow and that it would be addressed in committee. In my contribution I suggested that another committee was being set up. I have since been advised that a review of fisheries has been going for some time. When I say 'some time' I mean a long time, because submissions were supposed to have ended some 15 months ago, and very little has occurred. One would assume that if a review of fisheries in South Australia had been in place and there was a desire for an aquaculture bill it would seem fairly sensible that, a review of fisheries in South Australia having been conducted, that ought to be put in place to see how it marries into the aquaculture industry, but that has not occurred.

Indeed, I was made aware of a constituent only last week, a scale fisherman, who has been hit by net closures, etc. The scale fish industry has been battered by this government for the past two or three years, and they are very keen to find out what the future holds for them. I am told that a constituent made an appointment to see the minister for fisheries and was accepted. When he arrived he was told that the minister was not available. He then tried to make another appointment and was told that, having made the appointment, the minister did not want to talk to him about the scale fish netting industry in particular. Without seeing him, he said that had had a lot of time to make a submission to the review—indeed, some 15 months had passed since the closure of submissions.

The constituent was not there to make another submission: he—rightly, in my view—wanted to know what the hell was going on after submissions had closed for 15 months and what was happening in the scale fishing industry so that he could properly plan his future and the future of his family. I do not know where the owner operator scheme fits into that

review, but in the next few weeks it will be interesting to see whether that materialises before the next election and what it will contain. I will be surprised—not pleasantly—if it does not have some references in it to the owner operator scheme and some possible solutions as to how those who support it—the absolute minority—might be able to convince other people that it is a good idea.

Earlier in my contribution I touched on aquaculture operations. At first there were experimental aquaculture projects in Boston Harbor, now they are full-time tuna farming operators; they are very successful and ought to be applauded. I have no problem with that, but we had the famous alleged incident of the unusual tides and the tuna die-off. I think there is much to be learnt about that incident. I am not convinced that the official findings were indeed a true reflection of the facts. Anyone who had visited those farms previously and talked to people in the industry and in Port Lincoln would suspect that a lot of other factors were involved in those tuna deaths than the official report described.

As a result of that, the tuna boat owners shifted some of their operations. Some were set up—illegally at the time—in Louth Bay. This raised a significant consideration for the committee in respect of the Aquaculture Bill. A third party complaint was made about their being placed there by previous users of those public facilities. The amenity and access to Louth Bay were compromised, and people who used it either for recreational purposes or other fishing activities were affected by the replacement of those tuna rings from Boston Harbor into Louth Bay. There was not the usual planning, licensing and so on that one would have expected. That was probably understandable in the circumstances of the die-back when we had to try to stabilise the industry. T h e reason for it is understandable but it has been proven over time to be illegal.

Some of these operations were then addressed by the process of regulation, and we remember that the Minister for Transport, in her capacity in respect of development, did introduce some regulations. However, those regulations were defect and, when that was recognised by this chamber and by people on the Legislative Review Committee, undertakings were given that those regulations would be fixed and those people would not have extensions of 12 months on their licences without recourse to any tribunal or oversight by an appropriate authority. The reverse actually occurred: after the first 12 months they were still there.

One of the concerns that I have with this bill is that, again, third party users are treated in a very secondary way. One of the things that has been apparent with the development of the aquaculture industry in South Australia, whether it be with oysters, tuna or other products—

The Hon. L.H. Davis: Prawns.

The Hon. R.R. ROBERTS: No, there is no aquaculture for prawns, Mr Davis, or you would have been in a cage long ago. In the development of this industry, every time someone wanted to introduce an aquaculture development, invariably they wanted to site it in front of the boat ramp or the bay where their shacks were situated, changing the amenity for everybody else. When you asked them why it had to be there, they said, 'Well, that's where the power is and where the boat ramp is.' If these businesses are to have any chance of being viable, given the length of coastline available to aquaculturalists in South Australia, it is my firm belief that there should be no reason why the amenity of third parties would be seriously comprised by aquaculture projects. These projects are always touted as being very income friendly and providing many jobs, and it is probably true: to a large degree, there are those benefits for South Australia and for the South Australian economy.

But in all these things we continue to forget about the people who are not tuna boat owners or oyster farmers but who have invested a lot of their hard-earned money into a recreational shack for an amenity. They have spent a lot of money, made a big investment, but they find that an oyster farm has been plonked in front of their shack within close proximity to the power supplies and the boat ramp.

I am a little concerned about the restriction on third party interveners in the licensing and lease arrangements under this bill. Very clearly, there is a need to regulate and legislate in respect of the aquaculture industry, because fortunately—and I think laudably—it is an expanding industry. It does provide jobs, it does provide employment and it does need encouragement. Therefore, legislation is required—and I am more in favour of legislation than regulation because I have been disappointed by the regulation process.

Clearly, this bill needs to be passed in some form. It is 90 per cent positive, but 10 per cent of it causes me great concern and I am sure it will concern environmentalists and recreational fishers, shack-owners and those people who just want to enjoy the amenity of the public estate in areas where they have been provided with leases, in many instances from the government. I believe they are entitled to some protection for their amenity and I do not know that they are going to be best served by what has been proposed here. But, overall, one has to say that the bill itself will do a very good job of work: it will take a lot of uncertainty out of the industry and it will give many protections for ordinary South Australians. I do continue to emphasise the rights of those people who will be affected by aquaculture investments and operations. Their rights to appeal against those matters are reasonably limited. I support the bill.

The Hon. L.H. DAVIS secured the adjournment of the debate.

STATUTES AMENDMENT (BOOKMAKERS) BILL

Adjourned debate on second reading.

(Continued from 15 November. Page 2742.)

The Hon. T.G. ROBERTS: I indicate that the opposition will be supporting the initiatives taken by the government to change the role of the taxation structures and procedures. The bill addresses the taxes that are collected by the state government from bookmakers' operations.

The uniformity of taxation processes and procedures needs to be taken into account when states look at their operations and procedures and compare them with those in other states: it is very competitive, particularly the Sportsbet area of the industry. The changes come at a time when major changes are taking place in the bookmaking and racing industry, of which bookmakers have a large part. There is restructuring in the in-house procedures of the TAB. The TAB ownership was transferred to the Queensland TAB in a privatisation arrangement that was recently put forward by the government: that is going to change betting patterns.

Oncourse and offcourse betting patterns are being changed by technology and, I suspect, just as a shake-out is occurring in relation to gambling revenue outside casinos and poker machine mini-casino hotels, there will be a shake-out and a

review of those people who gamble oncourse and offcourse not only on the gallopers and the other racing codes but on Sportsbet.

Sportsbet is a betting operation that covers all sports other than the codes and, starting from a very low base, there will probably be an increase in those forms of gambling as the methods of operation and the exposures become more prevalent. I expect that, even with the best goodwill in the world on the part of the Hon. Nick Xenophon and his campaign, his anti-gambling crusade, there will be growth in those areas.

If South Australia is to compete for the money that will go both interstate and intrastate, and in some cases overseas, taxation uniformity within Australia needs to be one of the areas of reform. I believe that the bill achieves that. I will not go through the second reading explanation and outline the changes to the percentages. I believe that the bill takes into account the variations that have existed whereby South Australia's taxation take has been higher than that in other states. I understand there will be a redistribution of income from the bookmakers to the codes. My understanding is that the negotiations that have taken place with the SAJC and other bodies has been amiable. I have not had any lobbying from any people who will be losing revenue in relation to the changes, so I can only assume that it has been done by agreement, and both country and city based codes are happy with the outcome. The opposition supports the government's proposals relating to changes in taxation formulas under this bill.

The Hon. M.J. ELLIOTT: On behalf of the Democrats, I support the second reading of the bill. It is a short bill and the reasons have already been explained. There have been a few private rumbles in the industry but, on top of all that, it has signed off on an agreement—so in those circumstances they can keep the private rumbles to themselves. The Democrats support the second reading.

The Hon. L.H. DAVIS: This is a one page bill and there may well be an easy response to the question I raise. I note that section 59 of the principal act is to be repealed. As it stands, section 59 provides that a bookmaker is entitled to accept bets provided he is paid a prescribed fee—a fee which is fixed by agreement with the industry. I understand that it is a common practice around Australia for there to be a levy on bookmakers based on their turnover. But with the abolition of section 59, the question can be fairly posed: what takes the place of the legislative arrangement which now exists and which allows the industry to levy bookmakers on a percentage of turnover, with funds going back into the industry? One presumes that the answer is that there would be a negotiated agreement between the industry and the bookmakers for an acceptable fee to be levied on bookmakers to continue the practice which was provided for under section 59 and which is common practice in other states.

The Hon. R.I. LUCAS (Treasurer): I thank honourable members for their indications of support for the second reading. I think the Hon. Mr Elliott summarised it pretty well—that is, there are one or two people who have had some private rumbles. He hammered the nail on the head: basically, this is a package that has been negotiated by the industry with the bookmakers league, and the government and people representing all parties have signed off on the deal. I think when some individuals have had private rumbles and put a point of view to some members of parliament, some members of parliament have asked, 'Didn't you sign off on this deal?' I think the sheepish reply has been, 'Well, yes, we have.' I think that some members have then said, 'If you signed off on the deal, there is not too much more we think we can do about the situation.'

I am not going to go through all the detail. There is support for the legislation. The Hon. Mr Davis has raised a question in relation to the repeal of section 59. I place on the record the advice I have received from Treasury in relation to that question, which has been raised at the last moment. The proposed retention of section 59(1) and the repeal of section 59(2) only, as proposed in the letter, is curious. Section 59(2) currently provides a specific definition of 'prescribed fee' for use in section 59(1) as a fee determined by agreement or arbitration. Without this specific definition of 'prescribed fee', the fee would need to be set by government regulation. This would actually reduce the autonomy of the industry in setting fees of this type.

As the Hon. Mr Davis summarised, ultimately, as consenting adults, the bookmakers and their representatives and the clubs and their representatives can come to whatever commercial arrangements they want. That might relate to fees, it might relate to stand fees or it might relate to services but, ultimately, they are commercial negotiations to be arrived at by them. It is the government's view that they should conduct those negotiations among themselves and that there need not be a continuing role for the government in relation to these particular issues. That is the package that we have signed off on, and the government's position, based on this advice from Treasury and others, remains the same. I thank honourable members for their support for the second reading.

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

CONTROLLED SUBSTANCES (CANNABIS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 November. Page 2707.)

The Hon. P. HOLLOWAY: I indicate that the opposition supports the second reading of this bill. This bill, of course, seeks to remove the expiation—

The Hon. M.J. Elliott interjecting:

The Hon. P. HOLLOWAY: We are supporting it. All members are supporting it, as I understand it.

The Hon. M.J. Elliott interjecting:

The Hon. P. HOLLOWAY: Well, if the honourable member wants to discuss the conscience vote within the Labor Party, it is an interesting issue. There is a range of issues which members, if they wish, can exercise a conscience vote; it is up to them. It is my understanding that that has not been sought in this case, so there is one obvious conclusion to draw from that, and that is that members must accept the legislation. Here we are dealing with the issue of cannabis—

The Hon. M.J. Elliott interjecting:

The Hon. P. HOLLOWAY: I do not know that we need to spend time this morning discussing how conscience votes are determined within the Labor Party. I am happy to discuss that matter with the Hon. Michael Elliott at some other time, but I do not think we should be doing it on this occasion. But

the Hon. Mike Elliott is certainly right that this bill's origins are political, and I will say something about that in a moment.

The bill, of course, is about hydroponically grown cannabis plants. Under the existing provisions of the Controlled Substances Act there is no differentiation between how plants are grown—whether they are grown hydroponically or by what I guess one would describe as natural means. In the past few years we have seen a significant development in the hydroponics trade. As I understand it, hydroponically grown cannabis plants grow much faster, and, also, I understand that they increase by a significant percentage the concentration of THC (the relevant drug within those plants) relative to that of plants grown by conventional means.

The Hon. M.J. Elliott interjecting:

The Hon. P. HOLLOWAY: The Hon. Mike Elliott says that is incorrect and he can challenge it but, certainly, the information that I have is that there is a significant difference. But there is no doubt that there has been an explosion in the hydroponics industry and in the growth of cannabis by hydroponics over the past decade. There is absolutely no doubt about that. I think, during debates on the issue of controlled substances and what one should do about them in the past, attention has been given to the fact that this explosion in hydroponics has changed the nature of the debate. I made reference to it when we debated a motion in relation to the change proposed by the government in relation to the number of plants.

I made the point then that hydroponics have certainly changed the debate. Of course, when we were discussing that particular issue, because it was a disallowance of regulations and we cannot amend them here in this chamber, there were no means of dealing specifically with that issue. However, the government has, some eight years after its election to office, decided to make the first attempt, to my knowledge, to specifically deal with the question of the expansion of growing cannabis by hydroponic means. It is the first opportunity to deal specifically with that issue, to my knowledge. If it is not, I would be interested to hear that.

However, this bill has been accompanied by an incredible beefing up of rhetoric under this government about how tough it is on illicit drugs. I read a quotation from the Minister for Human Services in a question that I asked of the Attorney-General the other day. He talked about how 'the trafficking of drugs is a destructive blight on our community, in many cases causing irreparable damage to families and individuals'. He says 'This Liberal government will not tolerate the growing number of crimes against people and property as a result of this drug trade'. He then said:

> We have come a long way. Under Labor, individuals were able to grow 10 hydroponic plants.

As I said the other day, that is quite wrong. In fact, under current law, growing any number of cannabis plants is illegal. Within our legal system we have a distinction between what is essentially a trafficable amount of drugs (in other words, a large quantity of drugs would be assumed to be grown for the purposes of making money, that is, they are grown by drug traffickers) and amounts found on drug users (in other words, people who might be in possession of a small amount of drugs for their personal use).

It has been traditional in the laws of this state—and I would suggest in most places of the world—that a fundamental distinction is made between a trafficable and a non-trafficable amount of drugs. Generally we make a strong differential between drug traffickers—those evil people who peddle drugs for profit regardless of the misery they cause—and the drug users, particularly the addicts who get caught up in the drug scene where most of the human misery arises. This certainly was behind the philosophy of the 1987 bill.

I mentioned that this is a common system. We need only look at what happens in countries like Malaysia, for example, where I can recall that some years ago a citizen of this state was hanged for possessing a certain amount of heroin. If that person had less than a certain volume of heroin, presumably they would have been given some lesser penalty. However, that country determines that a certain amount of heroin is regarded as a trafficable amount. Therefore, if you are caught in possession of that amount of heroin, you are regarded as a drug trafficker. If you have less than that amount, a lesser penalty applies because you are given the benefit of the doubt, as it is considered that you might be just a user.

This scheme exists in many parts of world, and it was essentially the philosophy behind the bill in 1987. The opposition's view is that there is no doubt that that intention of distinction between a trafficable and a non-trafficable amount has been distorted greatly by the explosion in the hydroponics industry and what that has meant for drug production and the THC content of drugs. Clearly, what is now happening is out of step with the philosophy and the intention of that original legislation in 1987. The legislation should be changed, and that is why the opposition supports the bill to do that.

Of course, whereas the opposition fully supports this measure to deal with the growing of drugs hydroponically, the government has also announced a number of other measures in relation to cannabis, and I guess we will deal with those at the time. While I am discussing this matter, I will put a couple of comments on the record. It is a little confusing as to exactly where this government sits in respect of its approach to drugs.

I have just relayed to the Council comments made on Monday by the Minister for Human Services. He was strong on this tough on drugs rhetoric. Of course, if one were to read the debates in the House of Assembly, one could see that almost every speech made by members of the government in the another place were accusing the Labor Party of being soft on drugs and saying how strong it was on the matter. I understand that this matter was first proposed by the Police Commissioner in May this year. The *Advertiser* of 10 May this year reported:

> Mr Hyde wants zero tolerance toward cannabis growers. He called for all cultivation offences to be dealt with in the criminal courts rather than by expiation notices, which are now issued to anyone caught cultivating up to three plants.

That was apparently the genesis of this matter: when the Police Commissioner made these comments in May this year. However, on 16 July, just a few months afterwards, the *Advertiser* ran an article entitled 'War on drugs begins with self-help plan'. This article made the following comments:

> Cannabis users will be offered education and self-assessment materials and be fined $150 under a program to improve the expiation notice system. The project is part of a $9 million state component of the Federal Government's 'Tough on Drugs' strategy to be announced in Adelaide today by Health Minister Michael Wooldridge. The South Australian Diversion initiative focuses on early intervention and diverting first-time offenders from the courts to rehabilitation programs.

Later this article states:

> A list of 30 service providers in metropolitan and regional SA will be funded to develop programs designed to:

· enhance the existing cannabis expiation notice system by offering education and self-assessment material.

From the paper of a week or two ago, we can see that the Police Commissioner's views on cannabis were given a somewhat different emphasis. The thrust of the article is that the Police Commissioner was saying that we need a somewhat different and broader approach on drugs. On Monday 19 November, in an article entitled 'Drug help from age 10,' the following quote appeared:

'We need to look at new ways of dealing with the illicit drug issue,' says Police Commissioner Mal Hyde.

Further, the article states:

Mr Hyde said it had been recognised nationally that law enforcement agencies and health agencies had to find new ways to combat the country's growing drug problem.

Later, the article states:

He said this meant not just taking people to court 'but using positive action to break the cycle of use'.

The article further states:

Mr Hyde said he also believed police should have a much larger role in dealing with the demand side of illicit drugs and not just deal with their supply.

I would certainly agree—as most of us would—with those comments by the Police Commissioner. I find it puzzling that all the rhetoric that has come from members of the government and also the reports of the Police Commissioner seem to waiver between being 'zero tolerance/tough on drugs' to recognising how we have to accept that this is a community problem, we need a multifaceted approach to drugs, and we need to look at the demand side, as well as supply. When changes such as this are proposed in relation to the use of drugs, it is a pity that the Police Commissioner is not given the opportunity to appear before a parliamentary committee—and I am not sure whether he has recently been before a committee of the parliament.

It would be helpful if we could get that sort of information, so that members of parliament who deal with these issues could determine the official view of the police, who are at the front-line of this war against drugs, rather than having to get it through press reports which, as I have indicated, seem to give a somewhat contradictory approach. It would be nice to know exactly the position of the Police Commissioner in relation to these sorts of matters. Perhaps it also suggests that now is the time for some complete overhaul of our entire approach towards the drug problem in our community. Rather than dealing with this matter in the ad hoc way that we have been doing, perhaps it is time to look again at this problem.

In conclusion, we need to put this bill in some perspective. It makes a significant contribution towards dealing with a small part of a much larger problem. The drug problem requires a multifaceted, concerted approach. It needs to deal with the drug problem at many levels of our society, and it needs education, law and order, and a whole range of measures. This problem will not be solved by just rhetoric or by passing laws. Clearly, there is a big problem in the community that requires a comprehensive approach by the government. In the dying days of this government, after its being in power for eight years, the opposition would certainly welcome an attack on this problem involving hydroponics.

I think we should also be aware that there are a number of other significant and growing drug problems in our midst which require urgent attention by the government. Of course, the most obvious of those which we have seen in recent days relates to the drug Fantasy. I note from an article in the press earlier this week that a medical practitioner who has been dealing with a number victims of that drug who have been hospitalised points out that it is much more dangerous than cannabis. So, there are a number of other drugs in our community which, at this very moment, are increasing in their usage, and they certainly pose a particular challenge to our community and clearly require from this government a response (both in relation to law and order and also their social impacts).

So, whilst the government might attack this particular small part of a much bigger problem, it also needs to look at the wider problem and some of these other specific issues and illicit drugs which are coming on to the market in ever increasing numbers and posing a significant threat, particularly to the young people of our community. With those comments, I indicate that the opposition supports this bill.

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

AQUACULTURE BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2860.)

The Hon. T.G. CAMERON: I rise to support the second reading of the Aquaculture Bill 2001. I join with the Hon. Ian Gilfillan in expressing grave reservations about some of the key aspects of the bill, which I will go into in more detail in committee when we debate the amendments of the Hon. Paul Holloway and the Hon. Ian Gilfillan. This matter has been around for five or six years. As I understand it, there have been five separate investigations or reports into our aquaculture industry. To say that this bill is long overdue is an understatement.

I place on the record that I am a strong supporter of a sustainable aquaculture industry. I think it has the potential to provide enormous economic benefits to South Australia and considerable employment opportunities, but we must take care to ensure that we protect our environment. We are only beginning to realise in the 21st century some of the ongoing problems that we will face in this country because we have, in an unsustainable fashion, embraced agriculture and water management practices which have substantially degraded our environment. I suspect that, over the next few decades, all South Australians and Australians will end up with a hefty bill. One only need look at some of the figures that are being floated around in relation to what it will cost us to fix the River Murray. That is just one example of what environmental degradation can do to a state such as South Australia, which is the driest state in the driest continent on earth.

I have some questions for the government. If we look at aquaculture practice around Australia, I think it will become quite clear that the model that Tasmania has embraced is probably the way in which we should go. The Hon. Ian Gilfillan—and we can deal more with his amendments later—refers to the need for a regionally based consultative approach to the production of aquaculture. Reference has been made to the development of aquaculture management plans in Western Australia where there has been a proper consultative process. However, it appears that this bill does not reflect the Tasmanian model at all—and that disappoints me. There is no incorporation of the extensive community-based regional consultation processes which are part and parcel of the Tasmanian management plan. The act does not contain any

baseline marine biological research. As I understand it, the act does not address multiple resource use and integrated natural resource management, as does the Tasmanian act.

The government introduced the Integrated Natural Resource Management Bill. That bill contains stated objectives of the promotion and facilitation of integrated and sustainable management of the state's natural resources. Where is the consistency between the way in which we are going to deal with our natural resources on land and those out there in the sea? It goes without saying that it will be a tragedy for future generations of this country if we start to degrade our marine environment in the same way as we have degraded our land environment. What if we do go down the same path with our coastal environs as we have with some of our river systems, ecosystems and underground water systems in this country?

If you want to look at what sort of potential there is out there for the degradation of our environment, spend a little time looking at countries in Asia (such as Thailand, Sri Lanka, the Philippines and Indonesia) where I think there is something like in excess of over 1 million hectares of polluted and degraded coastline environment. I refer to their water systems, the depletion of a whole variety of sea creatures in these coastal environs and the degradation of mangrove swamps, etc. I cannot say that for some of those countries it is a tragedy in waiting because it is already occurring, and I have reservations about whether we are going to walk down the same path in South Australia.

I would like an explanation from the government for why we have adopted one practice under the INRM bill but have not employed that practice in this Aquaculture Bill. As the Hon. Paul Holloway and the Hon. Ian Gilfillan have stated—I think the Hon. Ian Gilfillan more than the Hon. Paul Holloway—the stated objectives of the act are critical in determining whatever legal action may flow out of the body of the act itself. Again, I have a problem here—

The Hon. R.R. Roberts interjecting:

The Hon. T.G. CAMERON: I acknowledge the Hon. Ron Roberts' interjection. If we are going to develop marine plans for the state, where is the requirement for the integration of such plans with the development of aquaculture policies? I cannot see that it is there. The Aquaculture Bill allows aquaculture policy development to proceed regardless of marine planning. Again, where is the integrated natural resource management?

We have already witnessed, and perhaps it was only the beginning, the Hon. Ian Gilfillan's campaign—we should remember it because it went for long enough—in relation to Louth Bay. In that situation the industry was deliberately and I believe aggressively and antagonistically flouting—

The Hon. Diana Laidlaw: Some members of the industry.

The Hon. T.G. CAMERON: I accept the correction by the Minister for Transport. Some members of the industry were deliberately flouting the law. In other words, they were saying, 'We don't care what laws you pass or what enforcement agencies you have. The sea is the sea and we will do in it and with it what we like.' I was pleased to be able to support the Hon. Ian Gilfillan in his attempts to bring those people to justice, and I think they have been. If one looks at the ERD Committee's Louth Bay report—

The Hon. P. Holloway: Not too much of it.

The Hon. T.G. CAMERON: Not too much justice. At least they were stopped, and I think that the Louth Bay exercise was useful in the sense that it raised public awareness about just how far some people in the industry were prepared to go and how they were prepared to take no notice at all of local communities and, in fact, even of the government itself. I was one who was pleased when the operation was closed down. The Environment, Resources and Development Committee's Louth Bay report commented on the usefulness of marine plans as follows:

> The committee believes that the development of marine plans for these sections will assist a more integrated and ecosystem-based approach to the planning and management of the marine environment than currently occurs.

Where has that recommendation gone? I do not know. The committee went on to say:

> The committee believes that this approach would also minimise conflict between different users of marine resources.

Following the Louth Bay debacle, I do not believe that the industry, particularly some sections of it, has proven to the community's satisfaction that it will adequately comply with regulatory provisions. Surely there should be consistency with existing government legislation concerning civil enforcement. Is it too much to ask that there be some appropriate checks and balances in the system?

I want to dwell briefly on the contribution made by the Hon. Ian Gilfillan. It is quite clear to me from reading the debates in both houses that the Hon. Ian Gilfillan has a great deal of expertise in this area. I draw members' attention to a couple of what I believe are significant points made by the honourable member.

An honourable member interjecting:

The Hon. T.G. CAMERON: Yes, it is a fact, and, like the Hon. Ian Gilfillan, I include myself as a strong supporter of the aquaculture industry, but I would like us to get it right. At the end of the day, whilst we are undoubtedly on the cusp of a growing and potentially huge aquaculture industry in South Australia, it needs to be put into proper perspective, and the Hon. Ian Gilfillan did that when he said:

> The problem is that what we call the aquaculture industry is not always aquaculture at all. A small proportion of it is, but more than 90 per cent of it by value actually comes from an activity in which nothing is cultured.

He then went on to talk about the wild endangered southern blue fin tuna which are captured, towed to feedlots and fattened. It is not only southern blue fin tuna that are being captured in the southern reaches of Australia because, as I understand it, southern blue fin and yellow fin are being brought in from some of our neighbouring Asian countries. These varieties are perhaps being caught illegally and without proper governmental approvals in Indonesia and they are being towed down. That is the story that I have been told: that they are being towed down in barges from Indonesia.

They are caught in Indonesian waters and they are towed down here by a tug or a trawler, as I understand it, with a big net behind it. It takes quite some time to get here because the boat travels only about 1 km/h to 1.5 km/h, otherwise there is danger, but I am not aware that anyone is properly checking these small blue fin tuna and yellow fin tuna that are being brought in, and it is probably something that the government should look at. This is in no way a criticism of Indonesia, a country that I love to visit, and whose people I enjoy. However, it is an accepted fact of life that there has already been significant environmental degradation to Indonesia through its aquaculture industry and, when one looks at the condition, not only of their freshwater resources but their coastal resources, and when one looks at the various chemicals and materials that are being pumped into their river

systems and oceans over there, it causes me some concern if we are fishing in those waters and bringing that fish back here to South Australia without any proper checks. As I understand it, no-one would know.

The point that the Hon. Ian Gilfillan went on to make, which I will quote because he said it better than I could, was:

> In this industry, an extremely valuable public resource—the tuna—are towed into another valuable public resource—the waters of Spencer Gulf—fed pilchards—mostly frozen, imported pilchards—while every day tonnes of waste from the process is distributed into the public resource. . .

He went on at a later stage in his contribution to say that the feedlotting industry does not pay royalties, and he was comparing tuna farming to feedlotting. He went on to say:

> The tiny token amounts which are paid for the rights to take one of the world's most highly prized fish do not even cover the costs of administering the fishery. A single tuna, which fetches thousands of dollars in Japan—

I understand now that they fetch over $10 000—

> is plucked from our coastal waters for the fee of 19¢ per kilo. . . It is not apparent to me why tourism, water sports and recreational fishing, to name but three, should be ignored in the assessment of the impact of aquaculture on the marine environment.

Again, that is a question I put to the government. Why not? I have no desire whatsoever to cast any aspersions against people involved in the tuna industry. But, as the Hon. Ian Gilfillan correctly points out, it is a fact that a small group of people are making enormous profits. I understand that some operators have been overheard stating that they made $60 million out of tuna last year. It is a fact that a small group of people are making enormous profits—he used the words—'by exploiting an endangered public resource in public waters without returning any explicit return to the public'. I am not sure whether I would use the word 'exploitation,' but you could substitute the words 'using' or 'gaining the advantage of' or 'having exclusive fishing rights'. However, there does seem to be a political consensus in South Australia that this situation should continue, and I do not think that it should.

The bill proposes to set up a sustainable aquaculture industry here in South Australia, but I do not believe the bill goes far enough or that the bill is properly accountable. Again, I do not wish to be here on my feet all day, but I could perhaps go on for another hour with some of my concerns about this bill. I am cognisant of the fact that we are getting to the end of this session and that people will not want to be dwelling on this bill all day, but I assure the government that during the committee stage I intend to take great note of what the Hon. Ian Gilfillan is saying, particularly when he refers to where in his view the bill makes aquaculture less accountable now to the people of South Australia than it should be. I see the Hon. John Dawkins shaking his head. I looked at his contribution, and I would suggest that if he disagrees with what I am saying then perhaps during the committee stage he could make a fuller contribution than he did during his second reading speech, where he basically just gave the government a big tick.

One of the problems I see with the bill is that it subjects aquaculture to a regime in which its regulator is also the person in charge of promoting the industry. I have never thought that that was a particularly wise course of action to follow; there should be a separation of powers. If the regulator is to be the one responsible for promoting the industry, I believe there is an intrinsic conflict of interest between the two roles, and that has already been pointed out. I question the limitations, which appear to me to be quite severe. We have set up an environmental protection authority here in this state, but to me it seems like an authority that does not have a lot of teeth. We have had a number of examples, such as the Mount Barker foundry, and we have seen ongoing problems with Hensley Industries and Castalloy, and it appears that either the EPA is not prepared to act in the interests of people or that it does not have the power to do so. I question why when it comes to environmentally sensitive land based development the EPA is empowered to issue authorisations and licences. The EPA has the power to unilaterally change licence conditions if it perceives a problem. However, under this bill it is the minister who will set all licence conditions for marine aquaculture.

I can remember a conversation I had with Senator Robert Ray when, as the minister, he ushered the handling of immigration matters to an independent tribunal. The reason for going down that path was that the minister himself was subject to incredible and constant pressure to grant immigration applications, usually to friends of people within the Labor Party. While I did not agree with him in the first instance, I think time has proven that he was correct, because he removed a lot of the politicisation of immigration applications. I think the Hon. Ian Gilfillan is onto something here when he queries why the minister has what appears to be an inherent conflict of interest. On the one hand, this parliament will hold the minister responsible for being the regulator of the industry, yet at the same time we will hold him responsible for the promotion and perhaps spending of taxpayers funds on advertising, etc.

If we compare the two, we can see that the EPA does have the power to make determinations for environmentally sensitive land based development, yet here it will not; it will be the minister who will set all licence conditions for marine aquaculture. We know how much money is involved in this industry and we know the potential for the enormous profits that can be made out of public land. Some of those benefits must go back into the community. As I pointed out earlier in my contribution, the government is not even recouping its costs from the industry—

The Hon. T. Crothers interjecting:

The Hon. T.G. CAMERON: Not indirectly, either. I refer the Hon. Trevor Crothers to my earlier contribution. He was not here and he missed it, so perhaps he will read it. I wonder whether or not with this bill we are in fact sending a message to the electorate that we are gutting the EPA. On the one hand we allow the EPA to use both its hands in dealing with land based matters, but when it comes to aquaculture we have restricted its role and perhaps even removed it from the processes, all under the guise of giving the minister the individual power to do what he pleases and impose any licence conditions that he sees fit. I would not want to be accused of being an environmental fascist for adopting the view that I have, because I would have thought I am the last person to earn that kind of label, which I guess only further underscores the seriousness with which I view this matter.

I will not go into detail in relation to the objects of the act as the Hon. Ian Gilfillan has already done that. He does talk about the separation of regulation and promotion and refers to the Primary Industry and Resources of South Australia discussion paper entitled Towards an Aquaculture Act, and that again talked about the desirability of separating the regulation of aquaculture from the promotion of aquaculture. Unfortunately, this bill does no such thing.

I must confess I am a little bit surprised at the dillying and dallying that we have had with aquaculture. There have been five reviews: the ERD has looked at it. I have had discussion with Ian Nightingale, who has been appointed to head up our aquaculture department. I would join the Hon. Mr Holloway when in his contribution he praised the efforts of Ian Nightingale. I think we are very fortunate indeed to have a person of his calibre in charge of aquaculture in this state. I have had a number of discussions with him: in fact, I invited him down here for lunch one day.

The Hon. T. Crothers interjecting:

The Hon. T.G. CAMERON: The Hon. Mr Crothers interjects and says it did not do me much good. Well, I did take the time and trouble to learn a little bit about the industry. I suggest any perusal of the Hon. Mr Crothers' contribution this morning would—

Members interjecting:

The Hon. T.G. CAMERON: —indicate that not only did he let the Council down but he let himself down. It was not one of his better performances.

Members interjecting:

The Hon. T.G. CAMERON: I will not be baited by the incessant interjections coming from my left—

The Hon. T. Crothers: Absolutely to your left!

The Hon. T.G. CAMERON: —otherwise we will be here until midnight.

Members interjecting:

The Hon. T.G. CAMERON: Where are we? I just want to cover some of the previous government reviews. There have been five government commissioned reviews for the management of aquaculture in South Australia since 1995. In addition, there have been two parliamentary inquiries into the state's aquaculture industry and its management, the first in 1996 and the most recent in 1999. The parliament of South Australia's Environment, Resources and Development Committee recommended:

> . . . a more extensive public consultation regarding siting of aquaculture farms. In addition the inquiry outlined that more detail on aquaculture plans should be available including summaries of and responses to public comments, reasons for selection of zones, monitoring requirements and carrying capacity of zones. Adequate consultation regarding siting of aquaculture farms would not be achieved by allowing comment on the zone process and then reducing or eliminating the ability to actually comment on the proposals themselves.

The South Australian parliament's Environment, Resources and Development Committee, in its findings and recommendations from its inquiry into tuna feedlots in Louth Bay, tabled in March 2000, has emphasised 'its great disappointment over the lack of uptake of its previous recommendations of its aquaculture inquiry'.

The 1998 South Australian State of Environment report commented that the environmental impact of marine activities was largely unknown and recommended the application of the precautionary principle in allocating further licences and developing new areas for marine aquaculture. The SOE report also recommended:

> . . . whole of government commitment to pursue integrative natural resource management at local and regional levels through the development and adoption of integrated catchment management strategies.

The proposed new act would seem to do little to remediate many of the concerns over environmental and public participation which have been raised over the last few years.

There is a growing concern in the community, based, I suspect, on a growing public awareness and knowledge of some of the ways that our land-based environment and our river systems have been degraded, all in the space of the past 200 years. And what an absolute tragedy that would be for South Australia to embrace a model which allowed the degradation of what are some of the most pristine coastal waters available anywhere in the world. As I indicated earlier, we are on the cusp of an industry that has enormous potential to provide employment opportunities and a growing educational base as we acquire and concentrate more expertise here in South Australia. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

[Sitting suspended from 1.02 to 2.15 p.m]

RECONCILIATION FERRY

A petition signed by 506 residents of South Australia concerning a proposal for a reconciliation ferry and praying that this Council will provide its full support to the ferry relocation proposal, prioritise the ferry service on its merits as a transport, tourism, reconcilation, regional development and employment project and call for the urgent support of the Premier and requesting that he engagage, as soon as possible, in discussions with the Ngarrindjeri community to see this exciting and creative initiative become reality, was presented by the Hon. Sandra Kanck.

Petition received.

DARLINGTON/SEACOMBE HEIGHTS LAND

A petition signed by 198 residents of South Australia concerning the development proposal for the Transport SA land in Darling/Seacombe Heights and praying that this Council will request the Minister for Transport and Urban Planning not to approve the development of the land unless the safety concerns of residents are completely and definitely resolved, was presented by the Hon. Carolyn Pickles.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

By the President—

- Electricity Industry Ombudsman SA—Report, 2000-2001
- Corporation/District Council Reports, 2000-2001—
  - Mitcham
  - Karoonda East Murray
  - Southern Mallee

By the Treasurer (Hon. R.I. Lucas)—

- Reports, 2000-2001—
  - Department for Water Resources
  - Education Adelaide
  - Eyre Peninsula Catchment Water Management Board
  - Onkaparinga Catchment Water Management Board
  - Patawalonga Catchment Water Management Board
  - Torrens Catchment Water Management Board
- Office for the Commissioner for Public Employment—
  - South Australian Public Sector Workforce Information, June 2001
- Budget Results, 2000-2001

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

- Port Corp South Australia—Report, 2000-2001

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

- Reports, 2000-2001—
  - Emergency Services Administrative Unit
  - South Australian Commissioner for Equal Opportunity

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

Reports, 2000-2001—
Board of the Botanic Gardens and State Herbarium
Coast Protection Board
General Reserves Trust
Kangaroo Island Council
South Australian Psychological Board

By the Minister for the Arts (Hon. Diana Laidlaw)—

South Australian Youth Arts Board—Report, 2000-2001

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

Reports, 2000-2001—
Industrial Relations Advisory Committee
Occupational Health, Safety and Welfare Advisory Committee.

JOINT COMMITTEE ON IMPACT OF DAIRY DEREGULATION ON THE INDUSTRY IN SOUTH AUSTRALIA

The Hon. T.G. ROBERTS: On behalf of the Hon. Ian Gilfillan, I bring up the interim report of the committee, and minutes of proceedings, and move:

That the report be printed.

Motion carried.

STATE BUDGET

The Hon. R.I. LUCAS (Treasurer): I seek leave to make a ministerial statement about the 2000-01 budget results.

Leave granted.

The Hon. R.I. LUCAS: The 2000-01 budget results document that I have just tabled presents an analysis of the 2000-01 actual results against the 2000-01 budget tabled in parliament in May 2000. Estimated results for 2000-01 were included in the 2001-02 budget papers. The original budget did forecast a small underlying surplus of $2 million. This estimate was revised upwards to a surplus of $3 million at the time of the 2001-02 budget.

I now wish to report to the Council that the actual underlying surplus for the non-commercial sector for 2000-01 was $21 million, an improvement of $18 million on the government's revised estimate presented in the 2001-02 budget documents.

The Hon. A.J. Redford: Well done!

The Hon. R.I. LUCAS: We have balanced our budget again. Notwithstanding the modest improvements in the surplus, there were significant variations in outlays and revenues. Total outlays were $275 million above budget. Total current outlays were $323 million above budget, largely due to additional funding made available as part of South Australia's commitment to the Alice Springs to Darwin railway, higher than expected separation payments and higher grants and subsidies expenditure offset by higher commonwealth revenue. These items were partially offset by reduced net interest payments as a result of the disposal of electricity assets being applied to reduce net debt. Total capital outlays were $48 million below budget, due to timing variations across the non-commercial sector expenditure on capital projects.

State-owned source revenues were $84 million above budget, largely due to taxation receipts being $111 million higher, as a result of stronger property related taxes and insurance taxes, and an increase in the net operating surplus for non-commercial public trading enterprises of $70 million. To accommodate the change in the timing of capital expenditure while maintaining a balanced budget across the forward estimates period, the government has, in addition to prepaying interest expense, deferred the receipt of contributions from the South Australian Asset Management Corporation and the South Australian Government Financing Authority. The improvements in revenues more than offset the negative effect of the deferral of these distributions.

During 2002-01 the government received gross proceeds of $1.3 billion from the disposal of electricity assets, including the assumption of $43 million of unfunded superannuation liabilities. After deducting $43 million for the costs of disposal, $1.2 billion was applied to the reduction of net debt. As a result, net debt as a percentage of GSP declined from 10.5 per cent at June 2000 to 7.1 per cent at June 2001. Growth in state final demand was 1.3 per cent in real terms, compared with the budget forecast of 2.25 per cent. The lower than expected state growth was still higher than growth in the national equivalent domestic final demand, which increased by just 0.3 per cent. Goods exports growth was also stronger than nationally, rising by 34 per cent (in nominal terms) compared to 23 per cent Australia wide. The slowdown in construction activity experienced in late 2000, early 2001, has since abated due to the introduction of the first homeowner's grant.

In concluding, I would like to offer my thanks to the employees within government, in the various agencies and also, I might interpose, my ministerial colleagues who have assisted the government to achieve this sound result in 2000-01.

QUESTION TIME

WESTERN DOMICILIARY CARE SERVICE

The Hon. CAROLYN PICKLES (Leader of the Opposition): I seek leave to make a brief explanation before asking the Minister for Disability Services a question about the Western Domiciliary Care Service.

Leave granted.

The Hon. CAROLYN PICKLES: The opposition has been told that the investigation by Mr Dunn into allegations about the management of Western Domiciliary Care was given information relating to overseas trips by management and other staff at Western Domiciliary Care. The opposition has been told that that travel includes trips by the Executive Officer and the Corporate Services Director to Los Angeles and San Diego in December 1998, a trip to Malaysia by the Director of Nursing in 1998, trips by a junior officer to Korea in 1999 and the USA in 2001, and a month long trip to Canada this year by the Director of Home Support. My questions are: will the minister say what the findings of the Dunn inquiry are in relation to these allegations and, if not, why not; who approved this travel; and how much did these trips cost?

The Hon. R.D. LAWSON (Minister for Disability Services): It is true that the Dunn report has been referred to the Crown Solicitor for inquiry and report. I am expecting an interim report on these matters by 7 December. The report refers to some overseas travel. Mr Dunn notes that he sought—and, I gather, obtained—information relating to the authorisation of attendance at a number of overseas confer-

ences by members of the staff of Western Domiciliary Care over a number of years.

There is no prima facie illegality or impropriety in a member of the Public Service attending a conference outside of Australia. Many public servants attend conferences for the purpose of gaining information, knowledge and experience about overseas developments to enhance the performance of our service delivery in this state. There is no impropriety in that.

The honourable member asks whether the report refers to 'trips'. The report does not refer to 'trips'; it refers to 'attendance at overseas conferences', of which apparently there were a number. The question, of course, is whether or not those trips were appropriately authorised because, if they were, there can be no suggestion of impropriety. This is an issue which I am sure the Crown Solicitor will examine when he prepares his advice on this matter.

I think it is deplorable that an opposition with nothing better to do takes up what are basically management and personnel issues at one of the services which provide support to our community. Ernst & Young, the external accountants, were called in earlier this year at the request of the board. They indicated that there was no criminality evident and that there was no need at that time to call in the police in relation to any alleged misappropriation. However, a report has been prepared by Mr Dunn and it is now being investigated by the Crown Solicitor.

I assure the Council that this government does not condone any workplace bullying or any impropriety or misuse of public funds. If that is detected, appropriate action will be taken. This government will come down like a tonne of bricks on any perpetrators of offences under the Public Sector Management Act or any breach of instructions.

POLICE, YORKE PENINSULA

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Police, a question about police numbers on Yorke Peninsula.

Leave granted.

The Hon. CARMEL ZOLLO: The Labor candidate for Goyder, Ian Fitzgerald, has brought to my attention correspondence in which a Yorke Peninsula Neighbourhood and Rural Watch area coordinator raises the matter of police numbers on Yorke Peninsula. The coordinator is concerned that the small number of police officers based on Yorke Peninsula are overworked due to the lack of relief staff. In this letter, the coordinator cites the example of a two police officer station which becomes a one police officer station when an officer takes sick/stress leave which, in turn, puts pressure on the remaining officer. If a single officer station loses that officer for a similar reason, the neighbouring two-officer station also becomes a one-person station because of relief duties elsewhere.

There are also claims that, following a meeting earlier this year, residents were led to believe that there would be new recruit offers available to take up the shortfall of officers required at the stations on Yorke Peninsula, with a view to maintaining adequate police staffing numbers to the areas needed at the time. I understand that these promises have not yet eventuated. Claims made to residents that immediate relief officers would be stationed on the peninsula also have not eventuated. The constituent summed up the matter by saying:

> Neighbourhood Watch are ready to assist police in appropriate ways. It becomes hard to support our police when there are little or no police to support. As a community we have real concerns.

Following the concerns I raised last year in this chamber over the lack of police in Edithburgh, the problem of low police numbers appears to have spread across the peninsula. Given the commitment made earlier this year to increase numbers overall, as well as addressing the issue of relief staff, I ask the minister:

1. When will recruit offers be available to take up the shortfall of officers required at the stations on Yorke Peninsula and when will relief officers be made available for duty on the peninsula?

2. Will the minister convene an urgent meeting between himself, police and Neighbourhood Watch coordinators to address the urgent real needs and concerns of the community?

The Hon. K.T. GRIFFIN (Attorney-General): There have been quite substantial increases in operational police numbers in this current year's budget and in the previous year's budget and I am sure that they will be appropriately deployed for the purpose of providing a better service to South Australians. That is not to say that the current service is not a good one—it is—but the government has taken the view that it needed to supplement the work and the numbers. In respect of Yorke Peninsula, I am not aware of the particular instances to which the honourable member refers. I will refer them to my colleague in another place and bring back a reply.

GOLDEN GROVE INTERCHANGE

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport a question on the bus interchange at Golden Grove Village and the government's proposed commuter car park.

Leave granted.

The Hon. T.G. ROBERTS: In January this year the minister wrote to my colleague the hardworking member for Wright and advised that a new park and ride commuter facility would be built for Golden Grove. Construction was scheduled to start in March 2001, and I refer to the minister's letter, as follows:

> When completed in June 2001, the park and ride will include state-of-the-art security features. Video surveillance will provide improved security for parked cars as well as commuters.

Six months later the community is still waiting for the much publicised facilities.

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: My questions to the minister are:

1. When will the state-of-the-art security facilities, as promised by the minister, be installed?

2. Can she confirm that, in recent weeks, at least six motor vehicles have been subject to vandalism and that possible growth in commuter numbers has been prevented by the current insecure car parking facilities?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): The commitment has been made for 180 car parks at Golden Grove and my advice is that the public transport facilities were due to be completed in July 2001, so the honourable member is right in the sense that I certainly have not been alerted to any press release, statement or visit I should make—

The Hon. T.G. Roberts: Or ribbon cutting.

The Hon. DIANA LAIDLAW: Or ribbon cutting. So, I would assume that the honourable member's remark that they have not been completed may well be right, which would be disappointing in terms of an undertaking that I gave. I will have to get some immediate information on this matter.

The honourable member would be aware that, because of safety and security issues (and I raised that matter earlier this week in answer to a question from the Hon. Ms Pickles about the proposed Bedford Park interchange), these are really critical factors in determining whether the balance of people will leave their cars and take public transport or insist on bringing their cars all the way into the city and pay for car parking. There are real factors as well as those driven by perceptions. Some years ago on a trial basis Transport SA and the Passenger Transport Board established a secure paid car parking facility at Modbury and just last month opened a similar facility at Noarlunga.

The paid secure facility at Modbury has proven highly successful. It is staffed from about 6 a.m. to 7 p.m. and it is about 97 per cent full. I am loath to advertise here that there are no security problems, because as soon as I say that it will probably encourage people to go out and cause trouble. So, we do not talk with glee about some of these successes, because it is like a red rag to a bull; some people in the community want to prove you wrong. It has proven highly successful and we are getting repeat business.

On those two instances where there have been secure paid car parks that have been fenced and staffed, free car parking is always available as well, and in terms of equity that is a very important factor for the government. I will certainly check further for the honourable member about the status of the Golden Grove interchange, which is designed as a free, unsupervised car park, and get an answer back to the honourable member as soon as possible.

KALLIOS, Mr J.

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Leader of the Government in the Council and Treasurer, the Hon. Robert Lucas, a question about a constituent complaint.

Leave granted.

The Hon. L.H. DAVIS: I have a copy of a letter from a John Kallios addressed to the Hon. Mike Rann MP, Leader of the Opposition, Parliament House, North Terrace. It is dated 20 November and it reads as follows:

> Dear Mr Rann,
>
> I am writing to inform you of my meeting with your shadow attorney-general, Mr Atkinson MP. Mr Steve Georganas—

who was the Labor candidate for Hindmarsh in the recent federal election—

> referred me to Mr Atkinson's office regarding a complaint I had with the Passenger Transport Board. I was accused of a criminal offence and charged by police. I subsequently had my permit to operate a taxi revoked by the PTB. My meeting with Mr Atkinson was regarding why I was not given any right of appeal by the PTB. I wanted to be informed by Mr Atkinson if indeed I was entitled to an appeal. Mr Atkinson was rude, offensive and dismissive. He was not at all interested in my story and said 'people like me do not deserve anything, we should spend the money you want on hospitals and schools.' He was very angry and didn't even offer to shake my hand, he claimed 'that [I think f****** does the trick] Bolkus had sent me here.' I couldn't believe the language. He said his office was not for people outside his electorate. My concern was that I had not asked for compensation simply for advice. I then called your office—

that is, Mr Rann's office—

> and a Patricia answered the call and inquired into my situation. When I detailed my complaint of Mr Atkinson, she said she would get back to me. I waited for about 10 days and had no response. When I called your office again, Patricia answered the phone again and I asked if she had made an appointment with you for me. Her response to me was, 'Go and see your local member.' Then hung up the phone.
>
> Mike, you gave your office number about two years ago and told me to call you if I needed your help. Mr Rann I have been a Labor member in the past and have helped the party from Dunstan, Whitlam to you. I would never have believed that you or any of your staff or shadow ministers would have treated a member of the public so appallingly. We have spoken many times, and you have been friendly and warm towards me and even wrote me a letter giving me your office details to call if I needed help. I do not understand why you or Mr Atkinson have treated me with such behaviour.
>
> Mike, I have had the charges against me dropped and have had my taxi permit returned to me. I am innocent of all charges. A female passenger accused me of rape. Imagine if a member of the public had briefly met with you then accused you of rape. I prepared my defence and was ready to go to trial to clear my name. The DPP then dropped the charges and all I wanted to know from Mr Atkinson was, could I have appealed my suspension from taxi driving to the PTB given I had criminal charges laid against me. Not an unreasonable question for the shadow Attorney-General. I was without my taxi permit for over a year while the charges were laid. I was forced to receive unemployment benefits for over a year. I had never received any welfare before in my life.
>
> Mike, I would like to meet with you in person if you can spare the time. If you do not want to meet with me I would like to know your reasons. I demand an apology from Mr Atkinson for his behaviour. If Mr Atkinson apologises to me in person or by telephone the matter will end. If he fails to apologise to me I will be forced to go public and to the media with my story and lack of help from you and Mr Atkinson.
>
> I have had a long association with the party, as a member then as a volunteer, you would remember all the work I have done. I believe that after my long association with the party I deserve an answer from you. I did not go to my local MP, Tom Koutsantonis, because Steve Georganas referred me to Mr Atkinson because of the legal nature of my inquiry. Thank you for taking the time to read this letter, I eagerly await your response.
>
> Yours hopefully, John Kallios.

A copy of that letter was sent to Ian Hunter, ALP state secretary. My two questions to the leader of the government (Hon. Rob Lucas) are:

1. What does this letter say about Mr Michael Atkinson's fitness to hold office in the South Australian parliament?

2. What does this say about Mr Rann's ability to manage key members of the parliamentary Labor Party?

The Hon. R.I. LUCAS (Treasurer): I must say that it does give a whole new perspective to 'Labor listens', the oft quoted war cry of Mike Rann that the Labor Party, and Mr Rann in particular, are always prepared to listen to the concerns of constituents. I am intrigued to note from the Hon. Mr Davis' reading of the letter references to Mr Bolkus and Mr Hunter, the state Labor secretary. I am sure, Mr President, that you are probably aware that the halls of parliament are rife with rumours that Senator Bolkus is about to pull the plug and that there is a bit of a battle going on between Mr Conlon and Mr Hunter as to who will go into the Senate position—Mr Hunter, evidently, has his nose in front.

The Hon. R.K. Sneath interjecting:

The Hon. R.I. LUCAS: Stay tuned, the Hon. Mr Sneath.

The Hon. L.H. Davis: Just like he made up that rubbish about George Weatherill standing down for one Bob Sneath about 1½ years before it happened, Bob.

The Hon. R.I. LUCAS: Exactly. Stay tuned. We are told that Mr Hunter has his nose in front of Mr Conlon. Parachute Pat is not too keen on the prospects in his electorate early next year, and evidently he also has his eye on the position, although, as I said, rumour has it that he is a little behind Mr Hunter in the betting stakes at the moment. To answer the

honourable member's question, the reading of the letter, I think, is proof positive of the answer of the question without my having to say too much more. Indeed, if any constituent approaches a shadow attorney-general seeking some simple legal advice, having been referred by Mr Bolkus (and I had not realised that his first name started with F; I thought that it started with N), one would have hoped that there would be—

The Hon. L.H. Davis interjecting:

The Hon. R.I. LUCAS: I am sorry; I apologise. Mr Georganas referred the gentleman to Mr Atkinson. I would have hoped that due courtesy could have been paid to the gentleman, even if Mr Atkinson was unable to assist in this particular event. I guess that in all of these cases it will be interesting to hear the other person's side of the story. Mr Atkinson may or may not agree with the nature and detail of the letter, but nevertheless—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Well, the Attorney would at least treat them with courtesy. A Labor candidate sent the constituent to the shadow attorney-general because he was going to get some assistance, and I can assure the Hon. Mr Holloway that if the Attorney-General—even when he was the shadow attorney-general—ever had a meeting with any constituent, he would have treated them with due courtesy and respect, even if he was politely declining the offer to provide legal advice. That is the nature of the Attorney-General and my ministerial colleagues. In conclusion, I guess it gives the lie to the claim by the Labor Party—

Members interjecting:

The Hon. R.I. LUCAS: Yes, there are tensions in the machine.

Members interjecting:

The PRESIDENT: Order, the Hon. Paul Holloway!

The Hon. R.I. LUCAS: Tensions in the machine. The Hon. Mr Holloway is demonstrating the tensions that there are—

The Hon. R.K. Sneath interjecting:

The PRESIDENT: Order, the Hon. Mr Sneath!

The Hon. R.I. LUCAS: —within his own party on a variety of issues. As I said, it gives the lie to the claim from the Labor Party, Mr Rann in particular, that 'Labor listens' when in fact this constituent would appear to have been treated in this way by Mr Rann and by Mr Atkinson.

FOSTER CARE

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Transport and Urban Planning, representing the Minister for Human Services, a question about foster care services.

Leave granted.

The Hon. SANDRA KANCK: For some time I have been expressing concern about the alternative care system that we have in South Australia. We are facing a serious shortage of foster carers at a time when there is an increase in children entering foster care with more complex needs than ever before. One of the few positive steps forward the government took was to support a longitudinal study undertaken by Flinders University. The research that tracked children entering foster care in this state was unprecedented in Australia.

According to a letter I received from the Child and Family Welfare Association, the Department of Human Services has withdrawn funding support for the study. I have been informed that this was under the direction of Ms Roxanne Ramsey, Executive Director of the Country and Disability Division. Sector workers now inform me that the Department of Human Services is actively obstructing the study. Researchers are prevented from speaking to the children who were part of the study, FAYS workers have been prevented from speaking to the researchers, and carers are not allowed to talk about the wellbeing of the children with researchers.

It has also emerged that the government commissioned consultants from New South Wales to undertake a review into alternative care in South Australia. These consultants failed to contact Flinders University regarding its research findings despite the fact that it was the longest tracking study of children in alternative care in Australia, and the second longest in the world.

Further, I am informed that a private company called Life Without Barriers from New South Wales has been advertising for foster carers since August 2001 in South Australia. This advertising began just one month after the contract for foster care had been extended by 12 months to current service providers. Yet foster carers are being approached by Life Without Barriers and asked to defect from the existing provider for more money.

A *Sydney Morning Herald* article in June this year revealed that Life Without Barriers received favoured treatment in a tender process with the New South Wales government, and that a government department is now being investigated by the New South Wales Independent Commission Against Corruption. In September, the Minister for Human Services wrote to service providers saying, 'Between now and 3 October 2001, 30 service providers, including Life Without Barriers, will be invited to prequalify for registration to join a provider panel to tender for provision of individual care packages for these young people.'

Sector workers inform me that Life Without Barriers principal, Ray Dunne, flew in from New South Wales to discuss the provision of individual care packages for young people as early as July. I have been informed that Ms Roxanne Ramsey and Mr Ray Dunne are former work colleagues and that Ms Ramsey is keen to move services from existing providers to Life Without Barriers. My questions to the minister are:

1. Why was funding to the Flinders University terminated?

2. Why is the Department of Human Services actively obstructing the research of Flinders University, which could assist in improving the lives of children in foster care?

3. Why do the consultants reviewing alternative care in South Australia not make contact with the researchers at Flinders University?

4. Why is Life Without Barriers advertising for foster carers when the contract has already been awarded to existing service providers?

5. Has the government provided any contracts to Life Without Barriers in either alternative care or disability services? If so, what tender process was entered into and what probity checks were undertaken?

6. Does the minister think it appropriate for the government to engage Life Without Barriers when a tender it was involved in in New South Wales is being investigated for corruption?

7. Has Life Without Barriers been provided with any information about foster carers in South Australia? If so, what level of detail, and how many names?

8. If information has been provided by DHS, have any aspects of privacy laws been broken?

9. If the information was not provided by DHS, will the minister institute a police investigation to ascertain how Life Without Barriers obtained the information?

10. What is the connection between Ms Roxanne Ramsey and Life Without Barriers?

11. What is the connection between Ms Ramsey and Mr Ray Dunne?

The PRESIDENT: Order! Question time is for a question, not 11 questions.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I was just wondering what was the inference of the last question, whether it was personal or professional. Did you want to clarify that in the question?

The Hon. Sandra Kanck: No.

The Hon. DIANA LAIDLAW: I think that is unusual. I, nevertheless, will refer at least the first nine questions to the honourable minister to bring back a reply.

WESTERN DOMICILIARY CARE SERVICE

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for the Ageing a question concerning the Western Domiciliary Care Service.

Leave granted.

The Hon. CAROLINE SCHAEFER: In the past few days there have been a number of allegations raised in this place by the ALP, and an article in this morning's *Advertiser* raises a number of questions and allegations against staff of the Western Domiciliary Care Service. My questions are:

1. Have the staff against whom these allegations have been raised had an opportunity to put their side of the argument and to respond?

2. Is the minister concerned about the effect on clients and staff morale of the western domiciliary area and the publicity surrounding them?

3. What action can be taken to ensure that people's rights are preserved and the interests of the clients of the Western Domiciliary Care Service are not adversely affected?

The Hon. R.D. LAWSON (Minister for the Ageing): I thank the honourable member for her perceptive question, which looks at the possible effect of the publicity that the Labor Party is seeking to generate about Western Domiciliary Care on the frail and elderly, and people with disabilities, who rely upon that service for support. As I indicated yesterday, some 27 out of 140 staff members have given statements to Mr Dunne of the Department of Human Services. As I also said yesterday, those allegations have not been responded to by other staff members in respect of whom those allegations have been made. I think it is appalling that due process is being subverted by the opposition in this matter.

I have indicated that the Crown Solicitor will investigate the issue, and investigations have already commenced. I thought it was interesting that this morning I received quite unsolicited an email from somebody who in the past has suffered at the hands of allegations of this kind.

An honourable member interjecting:

The Hon. R.D. LAWSON: Yes, this is from a person who was associated with the Christies Beach Women's Shelter. She said:

> I read with some concern the article in this morning's *Advertiser*, in which Lea Stevens is reported as having accused members of an organisation of misappropriation of funds. I note this allegation has been made under the protection of parliamentary privilege.
>
> You may recall that some 14 years ago a similar attack was made on the Christies Beach Women's Shelter by John Cornwall. In that instance, absolutely no proper processes were employed to deal with the allegations, and the organisation was de-funded and the workers summarily dismissed. As one of the former workers, I can assure you that—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.D. LAWSON: —this traumatic event totally devastated all our lives, and continues to do so until this day. You may recall we recently sought a right of reply in the Legislative Council, but were denied this opportunity to present our case.

The letter continues:

> I hope that, in dealing with this matter, your government will be cognisant of the requirements of natural justice and that accepted processes of procedural fairness are adhered to.
>
> The announcement by the Liberal government to launch an inquiry by the Crown Solicitor's Office, rather than destroy people on the basis of allegations, seems to be a reasonable step in terms of due process. I will be watching the development of this issue with some interest, and hope that on this occasion a just outcome will be achieved.

This communication is a timely reminder of the responsibility that all members of parliament have to ensure that due process is observed. The government has set up an inquiry and it is being pursued. I have assured the Council—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.D. LAWSON: —that nothing will be swept under the carpet and that anyone who has been found guilty of actions that are contrary to law and proper practice will be duly dealt with. It is fair to say that many of the staff at Western Domiciliary Care have been concerned that their service, which is a terrific service and which has been serving the western suburbs of Adelaide with distinction for 30 years, should be dragged through the mud for political purposes. I assure the Council that we will follow due process. We will be putting in place measures to restore morale at the service whilst these inquiries are undertaken. We will not seek to use the parliamentary or political process for the purpose of destroying reputations before the people involved have had an opportunity to respond.

BICYCLE LANES

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Minister for Transport a question about cars parked in bike lanes.

Leave granted.

An honourable member interjecting:

The Hon. IAN GILFILLAN: No, it's game as usual. In the *Pedal Update* edition of September/October 2001, Michael Noske wrote with some concern an article entitled 'Cars parked in bike lanes.' He asks the following hypothetical question:

> Can one of you fine educated people please give me some suggestions of how to stop cars from parking in bike lanes? Twice in recent months I rang 000 (on a weekend) to report a car in a bike lane on Cross Roads—

Members interjecting:

The Hon. IAN GILFILLAN: I would like it reported in *Hansard* that the crowds were laughing uproariously at my taking up this issue; the minister, on the other hand, was not. The quote continues:

> —and were told that it is—

Members interjecting:

The PRESIDENT: Order!

The Hon. IAN GILFILLAN: —a local council matter, and they would pass the information on. Both times I said I believed it was a traffic infringement and hence a Police matter, but encountered a 'brick wall' so I gave up.

It is especially dangerous on lanes such as Cross Road or Anzac Highway—

and I would like to include Magill Road—

where vehicles have to change lanes to get around a parked car. Any bike coming along has to either join the stream of motorised traffic or ride on the footpath. I have noticed there are usually ample vacant car parking bays adjacent. And most people who drive cars are capable of walking at least 20 metres. I understand the Police are busy/unstaffed, and this matter is certainly not the most urgent call they need to respond to, but if there happens to be a patrol in the area, and they are 'between jobs', an infringement notice might educate the car drivers and maybe save the life of a cyclist. . .

The following questions were asked:

Can you suggest what I should do? Should I continue to call 000 and take the badge number of any uncooperative police officer? Call the council or the Police bike unit? (Who won't be there as it usually happens to me on the weekends).

Members interjecting:

The PRESIDENT: Order!

The Hon. IAN GILFILLAN: It is quite clear that the alleged parklands lover, the Hon. Legh Davis, never rides a bike on the weekend. Mr Noske continues. Should he, he asks:

call someone in BISA [Bicycle Institute of SA] (do we have an 'insider' in the police force?). Leave an informative or threatening note on the windscreen? Let the car's tyres down in frustration? Sometimes I think I should just move to Holland.

I would be pleased to hear—

An honourable member interjecting:

The Hon. IAN GILFILLAN: Well, another member laughs at the reference to Holland. That shows the ignorance of members in this place about cycling.

The PRESIDENT: The honourable member will come to order. I do not believe he has asked the question.

The Hon. IAN GILFILLAN: I did, actually—

The PRESIDENT: What is the question?

The Hon. IAN GILFILLAN: —and you will find that the minister will answer—

The PRESIDENT: You cannot just ask for an opinion: you have to ask a question.

The Hon. IAN GILFILLAN: I did ask a question.

The PRESIDENT: Okay.

The Hon. IAN GILFILLAN: If you read the *Hansard*, you will see that I asked the questions by rephrasing them as they appear in the article.

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): For good reason, Mr Noske and the Hon. Ian Gilfillan refer to Holland. They could equally have referred to Denmark and some other enlightened European nations which cater for safe cycling on roads and do not have an attitude, like many of our motorists, of not caring or having any regard for cyclists. A Ride to Work Day was held on Wednesday last.

The Hon. Ian Gilfillan: I had a puncture and couldn't get there.

The Hon. DIANA LAIDLAW: You had a puncture and couldn't get there? Well, I rode to work and the Lord Mayor rode also, but he only rode from the town hall to Victoria Square—at least he made the effort. When you ride a bike you will see that our city—and I suspect our suburbs also—is planned and engineered for continuous carriageway and ease of access for motor vehicles. I can say that, as a cyclist—and I do not ride as often as I would wish for commuting purposes—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: No, because there are a lot of functions before you actually have to come—

An honourable member interjecting:

The Hon. DIANA LAIDLAW: Yes, and that was a painful experience. It was sealed soon after that.

The Hon. L.H. Davis: You rode it unsealed?

The Hon. DIANA LAIDLAW: Yes—44 kilometres, and I remember every bump.

The Hon. Sandra Kanck interjecting:

The Hon. DIANA LAIDLAW: Yes—it deserved more than that. I was rubbed down with goanna oil by the member for Schubert, and that was an equally memorable experience. I was in so much pain that I accepted his help.

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: Oh yes.

The PRESIDENT: Order! The mind boggles!

The Hon. DIANA LAIDLAW: His wife, Kay, assisted. The Hon. Mr Gilfillan is absolutely right. It is illegal for motorists to park in bike lanes, and I will undertake to speak with the police to find out how we can improve the education of motorists about their selfishness in parking both in bike lanes and clearways. The police and parking inspectors do book people who park on clearways, and I will see whether they would be prepared to do so more diligently in terms of bikeways.

An honourable member interjecting:

The Hon. DIANA LAIDLAW: Yes, and a response number to make contact with the police or council enforcement officers at weekends, because you would not wish to see a triple 0 number being used for these purposes when there could be other, life-threatening emergencies which our emergency officers should be addressing.

I take the matters most seriously because South Australia, our CBD, in particular, and the wider metropolitan area have more dedicated on-road bike lanes for cyclists, so they should be kept clear for that purpose, considering the state's investment. Further, I am very keen to work with councils, and I am meeting with the Lord Mayor and his officers shortly about having continuous linkages in the city, because we have a crazy street pattern where you can ride safely, let us say, up Bank Street, but then you hit the road coming in the opposite direction, which you cannot access. The same applies with Gawler Place. You can cycle from North Terrace up to Grenfell Street but then you cannot cycle further because it is a no-through road, yet they should be safe thoroughfares for cyclists, rather than King William Street with all the other competing traffic.

There are some things that are rather illogical in the planning and engineering of roadworks in the city and it is only when you cycle them that you notice because, if you are a pedestrian, it does not matter, and, if you are a motorist, you are given preference almost every time. We will see whether we can redress the situation and give greater consideration to cyclists.

BUSES, ROAM ZONE

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport ques-

tions regarding a roam zone bus service for the Elizabeth area.

Leave granted.

The Hon. T.G. CAMERON: My office has been contacted by a number of residents from Elizabeth who are seeking the introduction of a roam zone bus service for the Elizabeth area similar to the scheme that operates at Hallett Cove, and I recently asked the minister a number of questions regarding the new Hallett Cove roam zone bus service. I am already on the record as applauding the introduction by the government of a service that gives the people of Hallett Cove access to a bus that drops them to their door, particularly at night. I would urge all members to—

The PRESIDENT: Order! This is an explanation. The honourable member has been given leave to make an explanation, not debate.

The Hon. T.G. CAMERON: In view of the President's ruling, I advise all members that I will forward a copy of the new 'Get up and go on a new roam zone from 30 September' brochure, which has been introduced at Hallett Cove.

The Hon. Carolyn Pickles interjecting:

The Hon. T.G. CAMERON: It is something that all members ought to look at, including the shadow minister for transport. It is an excellent service and it has been warmly welcomed by the people at Hallett Cove.

The Hon. Sandra Kanck interjecting:

The Hon. T.G. CAMERON: The feedback that I have received from Hallett Cove locals indicates—that is not hearsay, it is direct feedback—that they are very happy with their new bus service, in particular, the way it has given older people and mothers with young children—something that I thought the Hon. Sandra Kanck and the Hon. Carolyn Pickles would both support—

The Hon. Carolyn Pickles interjecting:

The Hon. T.G. CAMERON: I accept your interjection. I will withdraw your name and just refer to the Hon. Sandra Kanck. I would not want to upset the Hon. Carolyn Pickles: she might come after me. I would like to go back to the way it has given older people and mothers with young children access to amenities in the area as well as the local train stations. I believe that the people of Elizabeth deserve to be considered for access to a similar service. Local residents have told my office that the current bus service does not meet their needs and that there are occasions when they find it very difficult to move about Elizabeth. Further, the frequency of services, particularly at night and on weekends, is less than satisfactory. My questions to the minister are:

1. Has the Passenger Transport Board undertaken any studies to determine whether the introduction of a roam zone bus service for Elizabeth is feasible?

2. If such a survey has been conducted, what were the results, and will a service be implemented?

3. If no survey has been undertaken, will the minister undertake one, in consultation with local councils and the community?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank the honourable member for his questions and his support for a roam zone. I note the Hon. Caroline Schaefer's interjection indicating that, in addition to older people and parents of children, youth are using the buses in increasing numbers. This is fantastic, both for the peace of mind of parents after hours and also the safety of teenage girls. They are arriving home safely and are not tempted to drive recklessly in vehicles with young boys, as some mothers tell me their daughters were previously doing. The peace of mind for parents is quite considerable. As I recall, it costs about $160 000 to run this service, so the PTB, Southlink and I are working together to see whether we are doing it as well as we can and whether improvements can be made on the basis of community feedback before it is applied to other areas.

The member should be aware that not only Elizabeth has expressed interest but a range of areas across the metropolitan area would be very keen to have such a service. I would be keen to see it. It is a matter of dollars, and it may be a trade-off between some services which are operated at night and which have very few people now but which cost a lot to operate. The community would have to talk through whether they want the continuation of some services with few people at night or whether they would rather that money reinvested in roam zone services working from a collector point.

The Hon. T.G. Cameron: It is a consultation process.

The Hon. DIANA LAIDLAW: It is definitely that, and I can undertake to the honourable member that, based on his concerns, I will ask the PTB either to speak with him and work with a number of the people who have raised this matter with him or generally work through Serco, the local council and Serco's customer forum in the Elizabeth and northern areas of Adelaide.

BUS SA

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about Bus SA.

Leave granted.

The Hon. J.S.L. DAWKINS: In March this year I asked the minister a question about the marketing alliance between the Bus and Coach Association of South Australia and the Passenger Transport Board. I understand that this alliance, known as Bus SA, has done a considerable amount of work since that time to develop unique tourist packages within the various regions of the state. These packages have been developed in conjunction with regional accommodation, hospitality and tourism businesses. Will the minister provide details of these packages and the manner in which they are being promoted?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank the honourable member for his continuing interest in this area. I am pleased to be able to advise that Bus SA, which was the marketing arm of the South Australian Bus and Coach Association, together with the PTB, have come up with the most phenomenal initiative: 'Out and About on Bus SA'. For the first time anywhere in Australia, our regional bus operators are working with local tourism enterprises in various regions.

If one travels to the Murraylands from Adelaide, a person who purchases a ticket on the Murray Bridge passenger service can use that ticket to get great deals on accommodation, entry into the Monarto Zoological Park, dollars off their food bill and entry into Puzzle Park; likewise if you travel to the Limestone Coast in the South-East, the Flinders Ranges and the outback, the Fleurieu Peninsula, Eyre Peninsula, Barossa, Clare Valley, the Mid North and the Riverland.

The Hon. T.G. Roberts: Do you get fly-buys?

The Hon. DIANA LAIDLAW: The Yorke Peninsula is even featured. It is equivalent to fly-buys, I suppose, but this will be sustainable. It does have an investment of $150 000 from the state government through the PTB. I want to applaud the PTB and the bus and coach operators of South

Australia because, at a time when more people are looking to travel in Australia, and particularly South Australians in South Australia, the bus network offers an extensive range of services across South Australia. They are affordable and people taking a holiday within this state as a result of travelling by bus will find that add-on benefits and great deals will arise from showing their bus ticket, which will make for a great holiday, weekend or a week away with some great bargains.

The Hon. T.G. Roberts interjecting:

The Hon. DIANA LAIDLAW: I have just seen another one: the Waikerie Hotel Motel, a good bargain. I do commend the enterprise of all concerned in terms of building up patronage on the buses, helping to ensure the viability of these buses but also tourism enterprises in our regions' longer term.

STATE BUDGET

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

Leave granted.

The Hon. P. HOLLOWAY: In a statement he released earlier today, the Treasurer points out that the budget underlying surplus has increased by $18 million. However, when one examines the documents, at page 5 under the heading, 'General Government Net Operating Balance' (in other words, the accrual position of this state), we find the following position:

> The general government net operating balance for 2000-01 was a deterioration of $297 million, representing a deterioration of $105 million compared to the 2000-01 budget and a deterioration of $76 million compared to the 2000-01 estimated result.

That is just in one month. The document continues:

> These movements can largely be attributed to the following factors:
> · Deferral of the SAAMC and SAFA dividends—

the annual budget fiddle—

> · Increase in the overall level of agency payables and employee entitlements compared to budget.

Partly offset by:

> · Higher than budgeted taxation and royalties revenue.
> · Delays across the general government sector in expenditure on capital projects.
> · Reclassification of certain expenditure reflecting changes in accounting treatment. . .

In view of those comments, particularly those that relate to the increase in the overall level of agency payables and this deterioration in the accrual deficit, does the Treasurer have full confidence that the budget is on track to deliver the surplus projected for this financial year and the next three out years?

The Hon. R.I. LUCAS (Treasurer): Yes, the government is on track in relation to the cash position of the budget. Certainly, in relation to the issues of the accrual deficit—or net operating balances—to which the honourable member has referred, there is a simple solution if governments want to undertake that. Indeed, the challenge will be for the shadow treasurer and the shadow minister for finance—and if one wants to take $300 million out of schools and hospitals in South Australia one can also deliver a balance in the net operating balance.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: No, there is nothing on the Bankcard. You can, if you want, take $300 million out of schools and hospitals in relation to those areas. You can take $300 million out—

The Hon. P. Holloway interjecting:

The PRESIDENT: Order! You have asked your question.

The Hon. R.I. LUCAS: —of the schools and hospitals in SA if one wants to produce that. Let me make a prediction: there will not be such a commitment by the Labor Party in the period leading up to the election. Each budget they have complained about the accrual position of the budget, but I predict that there will not be a commitment to take that level of expenditure out of public services in South Australia. In fact, the Labor Party is promising to spend more money on public services in South Australia than the government has.

The government has managed a cash balance as we indicated that we would in the non-commercial sector. It is a good result, slightly better than we had predicted. The government has indicated for the past few years that, if one looks at the net operating balance, there is still a deficit on the net operating balance, as indeed occurs in a number of other states as well. It is not a situation alone for South Australian finances. If there is a criticism from the shadow minister for finance, let him stand up and say that, if in government, they will run a balance on the net operating balance and they will find the $300 million in savings out of schools and hospitals in South Australia.

TOBACCO SMOKE

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Workplace Relations a question about employees being subjected to environmental tobacco smoke.

Leave granted.

The Hon. NICK XENOPHON: On 15 March 2001 I asked the minister what steps were being taken to protect the health of staff at the casino and poker machine venues from environmental tobacco smoke and the minister responded, in part, by saying that he would check whether any improvement or prohibition notices had been issued at any time in relation to such venues. On 3 May 2001 I again asked the minister about this issue following the decision the previous day of the New South Wales Supreme Court in the case of Mrs Marlene Sharp, who was awarded close to half a million dollars in damages for the laryngeal cancer that she contracted as a result of working as a bar attendant in two Port Kembla venues. The minister's response at that time was:

> The notion in our legislation about the provision of reasonably practicable measures to ensure employee safety is a reasonably elastic concept.

He further stated that he would obtain more detailed advice on his understanding that inspectors did not have the power to make workplaces smoke-free.

On 31 May 2001 I again asked the minister whether any directives had been issued as a result of the Marlene Sharp decision in relation to steps taken to deal with passive smoking in the hospitality industry. The minister did indicate an involvement in a 'round table' on this issue. At that stage the minister said that the full implications of the Sharp decision were still being explored, and that the question of passive smoking and the adoption of an appropriate regime in South Australia is under active and close examination.

Two days ago the minister's response to these questions was that no studies/research have been carried out on the impact on employees in respect of environmental tobacco smoke, that WorkCover Corporation—which shares responsi-

bilities with Workplace Services for OHS&W legislation—notes that employers have a responsibility to arrange any measurement of exposures as part of assessing risks within a workplace, and, further, under OHS&W legislation, the identification of hazards/assessment of risks and the implementation of control measures are the responsibility of the employer. My questions are:

1. Will the minister provide a response as to the issues previously raised, namely, do inspectors have the power to issue notices to deal with passive smoke in the workplace and have they issued such notices?

2. Does the minister consider WorkCover Corporation's response that it is up to employers to arrange measurement of exposure and to deal with this issue is inconsistent with the objects in the occupational health, safety and welfare legislation, and further inconsistent with the objects of section 12 of the WorkCover Corporation Act that the board's job is to reduce, as far as practicable, the incidence of work-related injuries?

3. Will the minister guarantee that any complaint made by an employee in relation to ETS will be dealt with confidentially so as not to jeopardise the employee's employment?

The Hon. R.D. LAWSON (Minister for Workplace Relations): The honourable member's question relates to an important issue. So far as I am aware, no prohibition notices have been issued in respect of these matters to date. The honourable member has already received certain information concerning this issue, and I know his longstanding interest in it. As I previously indicated, this is partly my responsibility (I am responsible for the occupational, health, safety and welfare inspectorate) and, also, the responsibility of the Hon. Michael Armitage, Minister for Government Enterprises, who has ministerial responsibility for the WorkCover Corporation. In view of the long series of questions asked by the honourable member, I will take them on notice and bring back a considered response.

FESTIVAL OF ARTS

In reply to **Hon. CAROLYN PICKLES** (13 November).

The Hon. DIANA LAIDLAW:

1. Mr Peter Sellars' negotiated fee for the current financial year was $100 000. Earlier this year he volunteered to forgo $50 000 of this amount as a donation to the 2002 Festival. Of the remaining $50 000 he will be paid an amount calculated pro-rata to the date of his resignation, and no more.

2. Ms Sue Nattrass is continuing discussions regarding the production *El Nino*.

3. Yes. Members of the public will be reimbursed if the event is cancelled and the ticketing agency has mechanisms in place to do so.

4. The Board has advised that it is not intended to change the duration of the 2002 Festival.

In reply to **Hon. SANDRA KANCK** (13 November).

The Hon. DIANA LAIDLAW: In relation to the production *El Nino*, I am advised that at the point of Mr Sellars' resignation contractual work with each of the participating parties was well advanced, but had not been finalised. The new artistic director, Ms Sue Nattrass, is currently pursuing various matters with all relevant parties.

In reply to **Hon. CAROLYN PICKLES** (14 November).

The Hon. DIANA LAIDLAW: The Chair of the Adelaide Festival, Mr John Morphett, has spoken with Mr Stephen Page regarding the statement that was reported in the *Australian* on 14 November 2001. Mr Page indicated that his comments were taken out of context—he was in Los Angeles at the time and was woken for comment by the reporter from the *Australian* at 2 a.m. Mr Page expressed his regret if any embarrassment had been caused—and Mr Morphett has accepted the apology.

The Festival Board has every confidence that there will be a harmonious working relationship with Mr Page on the 2004 Adelaide Festival.

In reply to **Hon. P. HOLLOWAY** (3 October).

The Hon. DIANA LAIDLAW:

1. The $2 million additional funding provided by the government to the Adelaide Festival is not a bailout but assistance with a budget shortfall caused by:

- Anticipated difficulties in reaching ambitious sponsorship targets, due to the economic downturn and loss of commercial confidence following the events of 11 September.
- Less box office income, due to the large community component and considerably more free access and low cost events.
- Considerably more up-front costs than for previous festivals, due to the community involvement with much of the program.

2. There will be no further assistance from the South Australian government for the 2002 Adelaide Festival. The additional $2 million increases the base funding for general programming for the 2002 Festival to $5.5 million.

3. No programs will be cut. The additional $2 million has been secured principally from carryover money from within the portfolio, and from an accumulation of small surpluses expected to be generated during the year.

4. With the appointment of Ms Sue Nattrass as artistic director, the Festival program is to be reconfigured to provide events with broader appeal. It is therefore not possible at the moment to accurately calculate the specific subsidy per patron for the 2002 Adelaide Festival. This will become clearer once the Festival program has been finalised and audience projections are revised.

Government subsidy ensures the production of the innovative and 'cutting edge' work that has been so critical over the years in establishing the Adelaide Festival as one of the three best in the world. In the case of the 2002 Adelaide Festival, government funding will allow greater community access to the Festival program through a range of free and low cost events. Employment opportunities are also generated by the Festival—for artists, technical staff and administrators.

PASSENGER TRANSPORT BOARD

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

The Hon. DIANA LAIDLAW: In relation to the Auditor-General's Report, the honourable member sought clarification regarding recent Metroticket sales revenue and patronage.

In 1999-2000 initial boardings were 41.1 million, and in 2000-2001 were 42.6 million—an increase of 3.5 per cent. This is a great outcome which represents the first sustained increase in public transport patronage in decades. It also reflects the impact of the fare increase (averaging 2 per cent) effective from July 2000. Normally any increase will lead to a reduction in patronage but improved services and marketing resulted in a patronage increase of 3.6 per cent.

Metroticket fares are subject to 10 per cent GST, which results in 1/11th of the total revenue being remitted to the commonwealth government.

Page 837 of the Auditor-General's report notes that revenue from Metrotickets in 1999-2000 amounted to $47.636 million—and last financial year was $44.968 million. The full picture in fact, is that the total Metroticket revenue for 2000-2001 was $49.464 million, that is an increase of 3.8 per cent, which takes account of a sum of $4.496 million GST which was remitted to the commonwealth government. As the Auditor-General's report does not report separately on the GST, the net fare revenue received by the Passenger Transport Board (PTB) was
$44.968 million as reported.

In regard to the GST, there are various cost savings for public transport mainly through abolition of the wholesales sales tax and rebates for the commonwealth diesel fuel rebate. The payments to metropolitan service contractors reflect these and other savings.

Payments to Metropolitan service contractors reduced from $212.9 million in 2000 to
$197 million in 2001.

The total amount payable to contractors for patronage increases from 23 April 2000 to
30 June 2001 was $1 233 090 comprising:

Serco*	$515 956
Torrens Transit	$402 625
Southlink	$99 514
Transitplus	$34 053
TransAdelaide	$180 942

* Under the terms of the contract between the PTB and Serco Australia Pty Ltd, part of the patronage growth is reinvested in a purpose approved by the PTB. The precise initiatives will be determined in consultation between the PTB and Serco.

BIRDWOOD MOTOR MUSEUM

In reply to **Hon. SANDRA KANCK** (2 October).

The Hon. DIANA LAIDLAW:

1. Neither the History Trust of South Australia nor I, as the Minister for the Arts, has any intention of privatising the National Motor Museum. The government has just invested in a new pavilion, and the History Trust is currently seeking funds for new exhibitions.

2. The History Trust has been reviewing the roles of its Advisory Committees. The Migration Museum has replaced its advisory committee with a foundation, and the South Australian Maritime Museum wishes to pursue a similar option. It is likely that the National Motor Museum's committee will be similarly reconstructed, since the need for an advisory committee has changed.

3. In the early days of its operation the Birdwood Mill Museum had no curatorial expertise and required expert advice. However since the appointment of the curator, then director, Mr Jon Chittleborough, 17 years ago, this has not been necessary—nor is it appropriate. The National Motor Museum has a clearly established collecting policy and acquisition procedure—and this is adhered to. If the museum lacks specific specialist expertise it can call on a range of experts internationally and in Australia. Mr George Brooks, who is mentioned in the honourable member's question, is a regular volunteer at the History Trust, where he is available for consultation should the need arise.

4. Mr Chittleborough, director of the National Motor Museum until 12 October 2001, is an acknowledged expert in the field of motor vehicles and the motoring industry in Australia. He regularly acts as an expert adviser to the commonwealth government's Protection of Moveable Cultural Heritage Program. Mr Chittleborough will continue to act as an honorary expert adviser to the National Motor Museum.

Ms Julie Baird, Curator, National Motor Museum, is an expert curator of motoring, whose standing has recently been recognised by the World Forum of Motor Museums, which have nominated her to their international Committee. Other staff have considerable expertise in motor vehicle restoration and mechanics.

5. The consultants engaged at the National Motor Museum at present are examining administrative processes, staff workloads, staffing classifications and OH&S issues. Their work has nothing to do with the collection of the museum. They are consultants who work from the Office of the Commissioner for Public Employment.

6. None.

7. The advisory committee has no role in the day-to-day administrative affairs of the National Motor Museum, and it would not be at all appropriate for the above-mentioned consultants to speak to them.

8. Privatisation is not threatened and so the question is irrelevant.

I also take this opportunity to point out:

- That the Rainsford collection of Rolls Royces was privately owned by the Rainsford family. Parts of the collection are still on display at the museum. Other individual cars were withdrawn by the family for sale some years ago, as was their right.

  The National Motor Museum continues to house a combination of owned and loaned vehicles, which the Museum rotates to encourage visitor interest and ensure an element of change in displays. If anything, the Museum is embarrassed by the number of cars which continue to be offered.
- That in June 1998, the staff complement at the National Motor Museum was 14.5 FTE. At 30 June 2001, it was 13.3 FTE. Four staff have recently left the organisation having requested and been granted ETVSPs. A number of new appointments will be made in the New Year in line with the government's policy of re-skilling the Public Sector.

WORKPLACE RELATIONS

In reply to **Hon. R.K. SNEATH** (1 November).

The Hon R.D. LAWSON: In addition to the answer given on 1 November 2001, the following information is provided:

The government does recognise the increase of workplace bullying and it treats this issue seriously.

Workplace Services is developing and implementing internal policy, clear operational procedures and specific training for inspectors to assist them to handle bullying complaints more effectively.

In developing the policy and procedures, Workplace Services has liaised closely with the Crown Solicitor's office, psychologists and interstate jurisdictions, particularly the Victorian WorkCover Corporation and Workplace Health and Safety, Queensland.

Bullying and harassment complaints often are crossjurisdictional in nature, hence Workplace Services are liaising closely with the three other key agencies in this state, namely WorkCover Corporation, Office of the Employee Ombudsman and Equal Opportunity Commission. This ensures that the four agencies have a coordinated approach to bullying complaints and a means to identifying which agency should take the lead role in a particular case.

The Equal Opportunity Commission conduct several educational programs including:

- Discrimination & Harassment—targeted to all employees
- The Contact Officer Role—targeted to the workplace harassment contact officer
- Grievance Handling targeted to managers

WorkCover Corporation has funded the Working Women's centre to conduct a 12- month project on issues associated with workplace bullying and its control. The Corporation has published following guidance material:

- Employer Information : Your Rights and responsibilities: 'Bullying in the Workplace' and 'Bullying—What Should I Do'
- New Workers: Rights and responsibilities: 'Bullying in the Workplace' and 'Bullying—What Should I do?'

It is anticipated that in early 2002, Workplace Services will develop (with the Equal Opportunity Commission, WorkCover & the Office of the Employee Ombudsman) further information publications for employees and employers.

GOVERNMENT RADIO NETWORK

In reply to **Hon. CARMEL ZOLLO** (23 October).

The Hon R.D. LAWSON: In addition to the answer given on 23 October 2001 the following information is provided:

The government ICS Unit with the Department for Administrative and Information Services currently is enhancing its information security and network work program to address the issues raised by the report of the Auditor-General. This program will include both short and longer-term strategies and actions to implement improved information security. It will include a new South Australian Government Information Security Management Framework which will contain whole of government policies, standards and control mechanisms.

It is intended to appoint a whole-of-government information security manager.

The main functions of the position will include responsibility for all whole-of-government information and communications services (ICS) security issues, including responsibility for centrally managed information and systems security infrastructure and performing central audit functions.

The appointee will manage the development, implementation and maintenance of the information security framework within government, including associated policies and standards.

There are already safeguards in place in the government network to protect government and personal information from unauthorised access. These safeguards are multi-layered and include physical, technical and procedural components. The level of protection currently implemented depends on the sensitivity and confidentiality of the information stored, processed and transmitted on that component of the network. The level of protection ranges from general access restrictions provided by a central gateway to highly structured security and access controls provided in systems that support sensitive areas relating to justice and health information.The actions described above will further contribute to the safeguarding of confidential government information and the confidential personal information data of South Australian citizens.

ROXBY DOWNS

In reply to **Hon. R.K. SNEATH:** (23 October).

The Hon. R.D. LAWSON: In addition to the answer given on 23 October 2001 the following information is provided:

Workplace Services did conduct an investigation under the authority of the Occupational Health, Safety and Welfare Act 1986, into the 23 December 1999 plant fire that occurred in the Copper—Uranium Solvent Extraction Plant at the WMC Olympic Dam site.

The Departmental investigator, in conjunction with the SA Police, MFS fire investigators and Department of Primary Industries, found the site too devastated to determine the precise cause of the fire.

In accordance with usual practice and the confidentiality requirements contained within Section 55 of the Occupational Health, Safety and Welfare Act 1986, the report of the investigation was not publicly released.

A number of actions were taken in the rebuilding process of this plant as a result of the 1999 incident. This included additional or improved features identified in hazard operability studies (HAZOPS) conducted by WMC:

- Fire protection and alarms for process pump motors.
- HDPE pipe replacements on pump inlets and outlets.
- Fibre reinforced cement used instead of HDPE liners for tanks.
- Holding tanks to have closer fitting covers to reduce misting and evaporation.
- Increased level of monitoring and improved internal earthing of the raffinate tanks.
- Heat sensors in the raffinate tank.

Workplace Services, in association with the MFS & Police, are investigating the cause of the fire that occurred on 21 October 2001. The investigator's report will not be made public. However, any safety related outcomes that may be of relevance to other industries will be disseminated.

The Minster for Government Enterprises has advised that WMC (Olympic Dam Corporation) Pty Ltd has shown a marked reduction in workers compensation claims since it became an exempt employer on 1 January 1999.

Claim numbers as at 31 December 2000, taken from the most recent independent actuarial report submitted by the employer are shown in the following table:

Calender Year	Number of claims	Average worker numbers	Percentage claim frequency
1991	119	684	17.4
1992	128	689	18.6
1993	207	703	29.4
1994	225	719	31.3
1995	225	741	30.4
1996	185	763	24.2
1997	158	832	19.0
1998	163	933	17.5
1999	57	971	5.9
2000	59	1024	5.8

These figures are for workers compensation claims, as distinct from accident and incident numbers. They do not include claims incurred by contractors. This information coincides with the data held by the WorkCover Corporation.

BLACK CASH TRANSACTIONS

In reply to **Hon. T.G. ROBERTS** (24 October).

The Hon. R.I. LUCAS: The honourable member has reported allegations that there is a growth of black cash transactions in avoidance of the GST and other taxes due to both the state and the commonwealth.

Inasmuch as the black economy relates to unreported income and expenditure transactions often conducted in cash with the objective that they be concealed from government regulation or taxation, it is always going to be difficult to quantify any non compliance. Perhaps the most significant part of the black economy relates to payment for the provision of services where no record is made of the transaction. Generally, it has been the Commonwealth tax administered regimes which are affected most by these activities.

In relation to the range of reforms to the tax system which formed part of the commonwealth's a new tax system policy, there was certainly an expectation that these measures would act to restrict the potential for tax avoidance opportunities to be exploited.

In particular, the commonwealth government clearly believed that compliance with income tax laws would be enhanced by the introduction of the Australian Business Number (ABN). The ABN represented a new single business identifier. Companies registered under the Corporations Law, government entities, other entities carrying on an enterprise in Australia and other bodies who are required to register for GST are entitled to obtain an ABN. The explanatory memoranda provided with the ABN legislation stated that:

> 'The introduction of an ABN will assist the ATO to improve tax compliance. Businesses registered for GST will be generally required to issue an invoice quoting an ABN. If the ABN is absent in a business to business transaction, the business receiving the invoice will be required to withhold tax from their payments for goods and services (just as they do for payments to their workers).
>
> The effect of an ABN on the revenue cannot be separated from that of the GST and other tax reform measures it will facilitate. A gain from increased compliance of business with the tax laws from the introduction of the ABN and the GST is estimated to be $800 million in 2000-01, $1.43 billion in 2001-02 and $1.35 billion in 2002-03'.

Thus it would be expected that the introduction of the ABN should have a positive impact on improving compliance within the income tax system. Evidence from the ATO suggests that an analysis of ABN registrations has identified a significant number of businesses which have applied for an ABN which appear to have no previous income tax lodgement history, and that a significant number of entities have registered for an ABN after experiencing a withholding event from another business customer.

With respect to the GST, there are potentially two areas of tax avoidance—namely those entities which have registered for GST seeking to understate net GST liabilities by understating taxable supplies or overstating input credit entitlements, or entities which should be registered for GST operating outside of the system. Like all commonwealth taxes, the Australian Taxation Office has compliance programs which seek to address possible mis-reporting, which are in some instances targeted at high risk areas. The ATO also seeks to manage risks of non-registration, although it should be noted that the number of entities registered for GST has significantly exceeded expectations.

> From a state perspective, pay-roll tax could potentially be affected by cash economy practices, but as pay-roll tax only applies to larger employers (wage threshold is currently $456 000 per annum), a substantial increase in the application of the black economy in the small business sector (where this type of activity tends to be more prevalent) could occur without impacting on pay-roll tax receipts. Pay-roll tax receipts do not indicate any decline consistent with an impact of the black economy.

The honourable member's question mentions, in particular, the black economy as it relates to both the building industry and the fishing industry. The current contractual relationships within the building industry and the operation of the threshold for liability limit the application of the Pay-roll Tax Act to this particular business sector.

In relation to the fishing industry, it is the current practice of some fishing businesses to provide a share of the catch as 'remuneration', which may have some impact from a pay-roll tax perspective. A compliance program, conducted in conjunction with the relevant industry body (SAFIC) to increase awareness amongst the industry of its liabilities in this area is in progress. This will be followed up with further compliance activity, as needs dictate, to ensure that remuneration of this type is appropriately subjected to pay-roll tax.

ELECTRICITY MARKET

In reply to **Hon. SANDRA KANCK** (23 October).

The Hon. R.I. LUCAS:

1. Between the financial years 1997-98 and 2000-01 South Australia received $104.4 million in competition grants. The table below shows the annual breakdown.

	1997-1998 $m	1998-1999 $m	1999-2000 $m	2000-2001 $m	Total $m
SA competition grants	17.0	17.0	34.5	35.9	104.4

In the current financial year, 2001-02, South Australia is estimated to receive $55.5 million in competition grants from the commonwealth government.

The pool of competition grants available for distribution in 1994-95 prices was $200 million in 1997-98 and 1998-99 (the first

tranche), $400 million in 1999-2000 and 2000-01 (second tranche) and $600 million in 2001-02 onwards (third tranche). These amounts are indexed annually by the inflation rate, then distributed to the states on a per capita basis.

2. Competition grants are not divided up into specific amounts for each reform. It is not possible to quantify the portion of South Australia's total competition grant that is related to market reforms of the South Australian electricity industry.

The commonwealth treasurer allocates competition grants on the basis of the National Competition Council's (NCC) assessment of the states' progress against an agreed reform agenda. The agreed reform agenda includes undertaking structural reform of public monopolies where competition is to be introduced or before a monopoly is privatised, and achieving effective participation in the fully competitive national electricity market.

The NCC may recommend that the commonwealth reduce or suspend competition payments to a state or territory if the NCC judges that compliance with the competition policy agenda has been inadequate. When assessing potential penalties, the NCC takes into account the economic impact of the state or territory's failure to undertake a particular reform. The NCC has to date conducted three formal assessments of states' compliance with national competition policy (the first, second and third tranche assessments). South Australia received its full competition grant from the first and second tranche assessments—the commonwealth treasurer has yet to announce his decision in relation to the NCC's third tranche assessment recommendation.

3. The current estimate of competition grants to South Australia from the commonwealth over the period 2001-02 to 2005-06 is $287.0 million. This is slightly lower than the amount quoted in the Auditor-General's Report due to revised population and inflation forecasts.

As discussed in response to the previous question, competition grants are not divided into specific amounts for each reform. The NCC assesses a state or territory's performance based on their overall progress against the agreed reform agenda.

GOODS AND SERVICES TAX

In reply to **Hon. L.H. DAVIS** (23 October).

The Hon. R.I. LUCAS: On 19 October the Federal Australian Labor Party released details of its GST policy proposals. The week before, a package of GST simplification measures for business was announced which would also have had an impact on GST revenue grants provided to the states and territories.

The major proposals impacting on the GST revenue provided to the states and territories included the extension of GST–free treatment to supplies of electricity and gas, long term caravan park and boarding house rentals, cloth and disposable nappies, women's sanitary products and funeral services.

The net impact on GST revenues of the ALP rollback proposals was $1.1 billion in 2004-05. Making electricity and gas supplies GST-free was the most significant component—accounting for $0.95 billion in 2004-05.

The ALP policy announcement also stated that

> 'State and territory governments will not carry any of the cost of taking the GST off some goods and services.
>
> Where GST exemptions reduce the revenue that would otherwise have flowed to the states and territories, the commonwealth will make up the difference with ongoing budget balancing assistance.
>
> It cannot be claimed, therefore, that making the GST fairer reduces the ability of states and territories to provide services.

It is understood that this policy position seeks to confirm that the ALP would have maintained the guarantee arrangements put in place by the federal government. While this would have ensured that the states and territories did not experience reductions in funding as a result of rollback, the reductions in GST revenue would have nonetheless delayed and diminished funding increases that the states and territories were expected to receive under the new financial arrangements over the medium to longer term.

Under the current arrangements, the states and territories are provided with a guaranteed minimum amount level of funding which ensures that they are not financially worse off relative to what they would have received under the previous commonwealth-state funding arrangements prevailing before 1 July 2000. These arrangements were put in place in recognition of the fact that, in the short to medium term, the GST revenues provided to the states and territories would not be sufficient to offset the loss of financial assistance grants and the financial impact of other tax reform measures such as funding the First Home Owners Grants Scheme and abolishing some state taxes. To ensure the states and territories are no worse off, the commonwealth provides temporary 'top-up' grants in addition to the GST revenue grants. Over time, however, growth in GST revenues is anticipated to remove the need for such top-up grants and start delivering net increases in funding to the states and territories over and above what would have been received under the old financial arrangements.

Latest estimates suggest that the South Australian government would be in a financially neutral position from these arrangements until 2006-07 and commence receiving a net financial benefit from 2007-08 onwards—a benefit which would increase over time.

Under the ALP rollback proposal GST revenues would have been permanently reduced—by $1.1 billion in 2004-05 and growing over time. By 2009-10 the annual reduction in GST revenues would have been $1.5 billion.

This would have deferred the point at which the states and territories commenced receiving a net financial benefit from the new arrangements, and diminished the magnitude of those benefits. In South Australia's case the point at which we would start to accrue benefits would have been delayed by one year, to 2008-09, wiping out an anticipated funding gain of $60 million in 2007-08. Over the period to 2009-10 South Australia would have received $296 million less funding if rollback had been implemented, impacting over the period commencing in 2007-08. The states and territories as a whole would have experienced a funding reduction of $4.6 billion over the period to 2009-10.

If the ALP had been elected and implemented the rollback proposals, and if they had maintained what appeared to be a commitment to continue with the guaranteed minimum amount arrangements, there would have been a cost to the federal budget of providing additional budget balancing assistance grants to the states and territories to offset the reduction in GST revenue grants. Over the three years to 2004-05 alone these additional grants would have cost the federal budget around $1.9 billion.

The ALP rollback announcement did not specify how this cost to the federal budget would have been funded.

GAMBLING

In reply to **Hon. NICK XENOPHON** (23 October).

The Hon. R.I. LUCAS: As I stated when the honourable member asked this question, 'estimates' is the wrong word to use and the simple answer is that treasury do not really know the size of the impact that the government's new gambling legislation and various recent initiatives could have on gambling revenue.

Notwithstanding this, I can advise the honourable member that treasury did include a provision in the state budget of a loss of $10 million per annum for the impact the harm minimisation measures potentially could have on taxation receipts. However I must again emphasise that this provision was made keeping in mind the significant level of uncertainty surrounding the potential effects of the harm minimisation measures recently introduced by this government and reflecting the extent to which the impact on gambling taxes are hard to predict.

Further, I note that it will not be possible to accurately measure the final impact of the harm minimisation measures, other than the potential to recognise a substantial decline in gambling taxes in the event that that occurs.

SCHOOL SECURITY

In reply to **Hon. J.F. STEFANI** (2 October).

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

Full time on-site security guards will not be introduced for South Australian public schools on the basis of cost, operational effectiveness and risk management.

The use of static guards at high-risk sites on a short-term basis is a feature of the security contract, which is presently being evaluated by the government. This high risk strategy approach is currently being trialled and enables the department to respond to the incidence of vandalism and arson and to the concerns of site managers who identify problems such as illegal incursions onto school property. It is anticipated that the successful tender will be appointed prior to the 2002 school year.

In addition, a range of other crime prevention/detection mechanisms are employed to protect school buildings, staff and students.

These include: monitored security alarms (smoke and movement detection), security lighting, closed circuit television cameras and fencing.

LIQUOR AND GAMING COMMISSION

In reply to **Hon. NICK XENOPHON** (4 October).

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

1. The Office of the Liquor and Gambling Commissioner does not have any specific budget allocation for this purpose and has not conducted any specific education or publicity campaigns on this issue.

However, section 76(1) of the Gaming Machines Act 1992 provides that a licensee who exercises his right to withhold winnings as a result of a gaming machine dispute must advise the player of his or her right to have the licensee's decision reviewed by the commissioner.

The Responsible Gambling Code of Practice and the Advertising Code of Practice were gazetted on 27 September 2001 and came into operation on 1 October 2001. The resolution of complaints or concerns is addressed in both codes which provide that should a patron have a question or concern relating to either of the codes of practice, he or she should in the first instance contact the management of the venue. If the complaint or concern is unable to be resolved with management, or the patron is unsatisfied with the outcome then the patron should contact the Office of the Liquor and Gambling Commissioner.

The codes are mandatory and it is a provision of each code that a copy of the code is to be displayed in approved gaming areas.

2. Depending on the nature of the complaint the complaint will either be referred to SAPOL for investigation or will be investigated by one of the office's liquor and gaming inspectors or compliance officers. If the complaint is a formal complaint under the act, the commissioner will hold a formal hearing and determine the matter, giving a written decision. If it is a general complaint, the commissioner will consider the complaint and the investigator's report and will then take appropriate action which could include disciplinary action against the licensee or other approved person.

If the subject matter of the complaint is such that it is referred to SAPOL, the Commissioner of Police will determine the appropriate course of action which could include prosecution. If SAPOL proceeds with a prosecution and the licensee or other approved person is found to have offended then SAPOL would refer the matter to the Commissioner for consideration of disciplinary action.

3. Statistics on complaints received under the Gaming Machines Act 1992 were not recorded on the Office of the Liquor and Gambling Commissioner's data base prior to January 2001. The system is undergoing a major upgrade and it was decided to defer this facility.

For the period 1 January to 30 June 2001 there were 15 payout disputes, complaints or queries. All were resolved or conciliated without formal appeal by the complainant to the commissioner.

During the same period there were 4 gaming related complaints:

	Nature of Complaint	Outcome
1	Report of approved employee playing gaming machines on the premises	Cautioned
2	Report of Minor in Gaming area (had to go through the area to access toilets due to locked doors)	Cautioned
3	Patron who voluntarily barred himself, sought to lift the barring order. Licensee refused	Conciliated
4	Report of Manager playing machines	Insufficient Evidence

In addition, the inspectorate received general inquires/complaints which were resolved by phone and not entered onto the data base.

4. The Independent Gambling Authority only came into existence on 1 October 2001 and therefore the Commissioner and the Authority have not developed a new reporting mechanism. However, the Commissioner has had a formal reporting mechanism with the previous Gaming Supervisory Authority covering the casino, racing and the gaming machine industries. These reports are comprehensive covering a range of key reporting areas including:

- inspections
- inspection risk categories
- breaches
- complaints received/investigated
- disciplinary action
- gaming tax defaults
- approvals of games and machines
- race meetings audited
- bookmaker's permits granted/refused
- casino patronage
- barrings
- approval of employees/systems/procedures/rules etc
- patron complaints (casino)
- audit of compliance with accounting and internal control policies and procedures
- game malfunctions

In addition, the Commissioner will provide a report to the authority on any matter of interest under any of the legislation for which he is accountable to the authority.

The commissioner believes that this established reporting process will form the nucleus of his reporting to the new Independent Gambling Authority. Other key reporting areas may be introduced to meet specific requirements of new gambling industries or products and to reflect specific problem gambling initiatives.

SCHOOLS, LEAVING AGE

In reply to **Hon. CAROLYN PICKLES** (5 June).

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

The government has publicly indicated its intention to extend the school leaving age to 16. It is part of the government's draft Education and Children's Services Bill 2001, which is readily available on the department's website.

Public consultations on the draft bill clearly demonstrate community support for this change and it is written into the bill.

The government is always committed to seeking the views of as many interest groups and persons as possible and the intense community interest in all aspects of the draft bill has critically delayed its introduction into parliament.

An attempt by the shadow minister for Education in another place to introduce a different age of compulsion at this late stage in the school year would severely disadvantage some students because of an insufficient lead time for its implementation. This government is not in a mind to disadvantage any student and will not support such a move at this time.

ANSETT AIRLINES

In reply to **Hon. P. HOLLOWAY** (25 October).

The Hon. R.I. LUCAS: The following additional information is provided:

1. This part of the question was answered on 25 October 2001.

2. It is extremely difficult to estimate airline freight capacities because of the number of variables involved. Capacity on any particular flight can vary according to the number of passengers and the amount of mail carried, fuel requirements and the prevailing temperature. Transport SA has estimated the weekly Ansett cargo capacity out of Adelaide prior to Ansett's collapse was about 326 tonnes. Ansett II is not initially carrying any freight to and from Adelaide but, assuming it recommences freight operations, it will add about 48 tonnes per week in each direction.

3. It is also difficult to estimate impacts on the tourism and freight industry at this early stage. The Tourism industry is being affected by world events as well as the Ansett collapse, and negative effects are being offset to some extent by a greater number of South Australians taking their holidays within the state. Operators depending on Ansett packaged products are clearly affected. Both Qantas and Virgin Blue have added flights to their Adelaide routes,

which has mitigated the effects of the loss of Ansett seats. For instance, by the beginning of next month total seat capacity on the Adelaide-Perth route will exceed pre-collapse capacity. Capacity to Melbourne will be at 93 per cent and Sydney 71 per cent respectively of pre-collapse capacity. Overall, on all Adelaide interstate routes, we expect to reach 83 per cent of pre-collapse capacity.

SATC has been active in the market and recently began a three state campaign to raise the awareness of SA as a value for money, accessible holiday destination.

The freight service industry has reported various effects. Overall, more capacity is available on interstate routes now than prior to the collapse because of the implementation by Qantas of widebodied aircraft on Sydney and Melbourne routes. However, some export industries are being disadvantaged because the capacity available may not connect to the requisite markets out of east coast gateways. The most significant example of that is the lobster export industry, where a number of shippers previously utilised Ansett flights to Sydney to connect to Ansett's daily Hong Kong flight. Qantas will carry some of this product, but it has insufficient capacity on early morning flights to Sydney to connect to its Hong Kong flights. Other solutions are being sought such as increased use of Cathay Pacific's flights out of Adelaide, Melbourne and Sydney, and use of Singapore Airlines' flights connecting to Hong Kong in Singapore.

4. Ansett advises that 35 part time staff will be employed at Adelaide airport to handle the flights, although we understand that the TWU will seek to rotate more of its members through these positions. The flights will also provide part time employment for 97 Adelaide based flight crew (Pilots and Cabin Staff).

5. Ansett also advises that 300 staff continue to be employed part time at the Adelaide call centre, which remains as one of only two centres operating. Staff are receiving between 15 and twenty hours work per week. The number of staff working on any day at the centre varies with demand.

GOLDEN GROVE INTERCHANGE

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I seek leave to provide a further answer to a question asked earlier today by the Hon. Terry Roberts on the subject of the Golden Grove interchange.

Leave granted.

The Hon. DIANA LAIDLAW: I am advised by the Passenger Transport Board, subsequent to the question asked by the Hon. Terry Roberts earlier today, that the car park at Golden Grove has been completed and has been functional since 30 September 2001. The bus bays on the roadway are the subject of construction work which commenced this week. This includes shelters on each side of the road. These are scheduled to be completed before Christmas.

In regard to security, the PTB advises that it has heard of a few incidents of car damage. In relation to such damage, the PTB advises that tenders for the installation of video surveillance have been prepared for the car park. The tenders will close on 6 December 2001, and work will commence quickly with an estimated completion date at the end of February 2002. In the interim, the police have been alerted to the need to make regular patrols of the car park, and this has happened since 30 September when the car park opened. I was not asked to open it.

MOVING ON PROGRAM

The Hon. R.D. LAWSON (Minister for Disability Services): I seek leave to make a brief ministerial statement on the subject of the Moving On program.

Leave granted.

The Hon. R.D. LAWSON: Moving On is an important program for young people with intellectual disabilities. It was initiated by this government in 1997. The program is coordinated by the Intellectual Disability Services Council. It fills a gap in services for school leavers who require ongoing support but cannot access other employment or vocational opportunities. Since 1997 almost 400 school leavers have joined the program at a cost of about $4.4 million annually.

An annual 'Post School Options Expo' at the Wayville Showgrounds has demonstrated growth in the size and range as the number of participants in this program has expanded. Opportunities for Moving On participants include recreational activities such as camping, art classes, visits to schools and the like, vocational education through TAFE and other organisations, life skills training, and a wide range of other activities designed to provide stimulation and learning opportunities.

In the past financial year a further $520 000 was allocated to the program, and I am pleased to announce that next year a further $620 000 will be allocated to the program. It is anticipated that up to 70 school leavers will be eligible to join the program from 1 January, and this is good news for all who have been advocating an extension of Moving On next year.

PRICE, Mr P.

The Hon. T.G. CAMERON: I seek leave to make a personal explanation.

The PRESIDENT: On what subject?

The Hon. T.G. CAMERON: A question without notice that I asked on 31 May.

The PRESIDENT: What was the subject, so that members can decide whether or not they will give you leave?

The Hon. T.G. CAMERON: It was a question about urban consolidation development, regarding Mr Peter Price.

Leave granted.

The Hon. T.G. CAMERON: On 31 May this year, in a question without notice regarding urban consolidation development, I made some errors in my preamble. I now seek to correct the facts and place my apology on the public record for any misperceptions that may have resulted from my explanation. While I relied in good faith on information provided to me in this matter, I am now aware of certain factual errors in my preamble in relation to statements made about Mr Price. In the process, Mr Peter Price, of Peter Price Real Estate (a member of the Real Estate Institute of South Australia), was portrayed less than favourably by me in this chamber.

I have since met Mr Price and his wife and I now seek to remove any doubt whatsoever as to the professional integrity and private reputation of Mr and Mrs Price. Mr Price is not, as I previously stated in this Council, a developer, except within the context of the previously mentioned property at Saint Georges, the Price family home. It is also clear that Mr Price is not guilty of any breach of the Planning Act, the Local Government Act, nor any other act that I am aware of. I place on the public record my sincere apology to Mr and Mrs Price for any unnecessary distress I might have caused them or their business as a result of errors contained in my question.

AQUACULTURE BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2866.)

The Hon. T.G. CAMERON: I have another area of concern that I want to raise in relation to the government's approach on aquaculture—and I think every member of this Council recognises the important potential that aquaculture for regional development, exports, etc., provides for South Australia. The government says that it is vitally interested in developing an aquaculture industry in South Australia, yet there appear to me to be significant gaps in its approach. I can only suggest to the government that the Minister for Education, the Hon. Mark Brindal and the Hon. Rob Kerin get together in the next week or two and have a bit of a chat so that they are both on the same wave-length as far as integrating the educational support facilities that are available for this industry in South Australia and what is going on in the industry.

I do not wish to bring into my example the individuals involved. However, an example was brought to my attention of a young man here in the city who wanted to enrol for an aquaculture course. He was informed that no places were available in Adelaide and that, if he wanted to undertake that course, he would have to go to Kadina. That individual was informed that, if he went and enrolled for their certificate 1 course in aquaculture, following negotiations, discussions, planning and so on between TAFE and the government, a sequential set of courses was available for young men and women who undertook these courses. It basically worked along the following lines: you could go along and do various certificate courses at TAFE and if you had successfully completed those—and obviously if you were undertaking those certificate courses—you did not need the normal university entrance requirements to get into the appropriate bachelor degree.

I left school at the age of 16 years and had to spend 12 years at night school, trying to catch up because of my stupidity when I was a teenager at school. However, this individual enrolled for a course at Kadina. He drove up there every week and found accommodation and would come back to the city on the weekend. He did this in the knowledge, having been advised, that when he completed this course, other courses would be available to him. He was advised that not only would the courses be available but also that, having completed the secondary part of the TAFE qualification, he would get entry into a university degree.

What were the facts of this matter? Young men and women from the country were being sent to Adelaide, and from Adelaide they were being sent to the country. However, even before they had completed their certificate 1 course in aquaculture, they were advised that no follow-up certificates were available. It is either the government or TAFE; I have never been able to get to the bottom of the problem, because I have not been able to get hold of ministers such as Buckby or the now Premier Rob Kerin—although I acknowledge that he took the time yesterday to ring me about this problem, and so did Buckby, but I have not had a chance to get back to him yet.

One minister does not know what the other is doing on this matter. If ever I have seen a relationship in a state of absolute disrepair it is that between TAFE and the ministers regarding what educational courses will be offered here. The facts are that people who travel from Adelaide to Kadina to complete their certificate 1 course now have to wait until June/July next year before any other course of study is available to them. Quite frankly, that is a disgrace, and it is an indictment of this government and the ministers responsible for handling it. I am personally disgusted with them, particularly as on numerous occasions when I rang their offices to try to get to the bottom of this matter they did not even have the decency to get back to me.

It is all very well if a minister wants to get on the phone because they require an additional vote or two in the upper house but, when you ring them back when you have genuine inquiries about genuine constituent problems, they do not even have the decency to get off their backsides and return a telephone call. I direct those remarks particularly to the Minister for Education who, despite the fact that I rang him a number of times, had the decency to ring me back only yesterday—probably because one of his compatriots informed him that I was upset about this matter. Young men and women have been sent into the country with the promise that they can continue their education in this field, yet there are no follow-up courses available for them to do so.

I have had discussions with TAFE, and its attitude is, 'The government won't give us any money to run these courses. Yet the government tells us that aquaculture is a future sunrise industry, offering the potential for hundreds of millions of dollars of exports for South Australia.' It is about time the government put its money where its mouth is. If it is going to be genuine and sincere about these things, there ought to be a bit of matching with the rubbishy rhetoric that I have heard from some of the ministers on the potential for aquaculture in South Australia.

We have young men and women going to TAFE and studying aquaculture. When they ring up, they are told that dozens of employment opportunities are available in this industry but that they are looking for qualified people. So young men and women go along and get a qualification, only to find out that no follow-up course is available, because TAFE says it will not run them because no jobs are available for these kids when they complete these courses.

The experience of the constituent I am talking about is that he is unable to find a job. Despite this constituent coming number 2 in the class, he is unable to find a job in the industry in this state. They cannot even get a return phone call when they make telephone inquiries. Yet we have the government stating that they cannot find qualified people to work in the industry. This constituent is prepared to go anywhere in the state—Kadina or Port Lincoln. He does not care where he goes; he just wants to work in the industry because he loves it, and no jobs are available. I am afraid there is no matching between the rhetoric the government is using when it talks about aquaculture and what we see in reality. At the end of the day, that is why I have decided to come down on the side of the Hon. Ian Gilfillan's amendment—because he does not believe the rhetoric of the government either. Through my own experiences, I am convinced not to trust it on this issue either.

It disappoints me to have to speak in this way about this issue in this Council. I am an ardent fan of aquaculture, and it offers significant regional employment opportunities, as well as export opportunities. If the government is fair dinkum about this industry, it is time it got its act together on it. By way of a caution for some of the government ministers, if you are not going to return my phone calls when I ring because I want to speak to you on a matter, do not expect that I will return your phone calls. Over the past few years I have had occasion to ring the Attorney-General a number of times. On not one occasion has he not had the decency to ring me back and, as boring as it must be for him at times, as I am completely ignorant of legal matters (although I do have a bit of gut knowledge), he always has time to explain to me what he

is up to. He does not always get my vote, and he knows that. However, there have been plenty of occasions where, because he has put me in the picture and explained to me what is going on, he has got my vote where he might not have previously.

I say to you, Mr Attorney, the next time you are sitting with your fellow cabinet ministers at a cabinet meeting, you might like to briefly outline to them how you deal with independent members of parliament such as Nick Xenophon, the Australian Democrats, and so on. They could take a leaf out of your book. That is all I will say about the lack of integration between what the government is saying it is doing in terms of offering educational opportunities and the rhetoric it is using compared to what is happening in the real world. I despair when young men and women, full of enthusiasm and zeal, want to get on with a career in their life and they have doors like this slammed in their face.

I would like to raise a couple of other issues regarding Annette Hurley's contribution in another place. I was a little disappointed in her contribution. It seems to me that the Labor Party will roll over once again and have its belly tickled by the government on what I consider to be one of the most important matters to come before this chamber in the six years that I have been here. We are talking here about the protection of our coastal and marine environment. Heaven forbid, have we not learnt some lessons from what we have done to this country of ours over the past 200 years? Let us not make the same mistakes in relation to our costal environment.

Annette Hurley raised the question of subleasing and made the observation that production leases could run for up to 20 years. Whilst, possibly, the leases may have a different nature—we could be talking about oyster farms, tuna, abalone—I really think that we are only starting to scratch the surface in terms of what we can do in this area. It is my understanding that these production leases are up for 20 years, and we are talking about things like portable sea cages. I understand that these leases can be sublet, and I am concerned that we will create some kind of a taxi licensing system with aquaculture leases. In other words, are we going to create a system where somebody can go in, set up an operation, get a lease, sublet it, almost like a landlord-tenant relationship, and then move on to the next lease? I think that we ought to be very concerned if that is the case.

The Premier, in his response to questions from Ms Hurley, confirmed that there would be subleasing. I am concerned about that. I note from other contributions that it has not been raised elsewhere. I do not have any amendments in relation to this area but I am concerned if we are going to create a situation where leases can be just transferred from one person to the other, and I would direct some questions to the government in relation to whether or not they could set out what the conditions are. They do not appear to be in the act, so maybe the government has in mind that it will do something with regulations down the track. If a person can get a lease to develop an abalone farm, for example, get it up and running and then six months later flog it off or sublease it to some overseas interest at twice the expense that is being incurred, then I think that we are entering a very dangerous area.

I am cognisant of the time. There is a hell of a lot more I could say about this Aquaculture Bill. I thank members of the Council for the indulgence that they have shown me so far and, whilst I indicate that I am not finished, I will try to raise some of the other concerns I have during the committee stage.

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their indications of support for this bill. I take up one of the later issues raised by the Hon. Mr Cameron and note his criticism of the availability of courses. He was also critical of the failure of some persons in government to return his calls. I appreciated the complimentary remarks he made about my approach to Independents and others. If any of my colleagues have not returned calls or have not dealt with issues promptly, I apologise on their behalf. In relation to the availability of TAFE courses, I do not have all the detail at my fingertips so all that I can really do is take that issue on notice and, even though this bill is expected to pass, I undertake to provide some responses in due course and away from the parliamentary debate.

The Hon. Ian Gilfillan raised a number of issues and indicated that amendments would be moved, and we will have an opportunity to debate those in detail in a few minutes. The Hon. Paul Holloway raised some issues and, again, they are the subject of amendments and we will give a greater level of consideration to those during the committee stage.

The Hon. Mr Cameron made some observations about aquaculture practice around Australia and suggested that the government should look at the Tasmanian model. In the development of the model that is before us in the bill, the government looked at Tasmania, Western Australia and international models before settling on the one that is reflected in the bill. The bill allows for regional policy or regional management plans, all with comprehensive public consultation occurring, to be promulgated. Access to all marine aquaculture sites will require public advertisement indicating tenure allocation. Individual application will also be advertised.

Of course, the problem in just looking at interstate aquaculture legislation is to try to put that in a broader context. I am told that with Tasmania, for example, its development and planning legislation does not extend to aquaculture, whereas in South Australia we have not only this bill but also the Development Act and, particularly, the coastal waters development plan which extend to provide, in a sense, an umbrella in relation to offshore aquaculture.

The bill integrates all aspects of aquaculture management, environmental management, resource management, fish health and farm management standards, in addition to environmental monitoring. If one looks at the structure of the bill, it is clear that environmental and development or planning issues are very much an integral part of the process leading to the granting of both a lease and also a licence, and also in what occurs thereafter.

It is clear from clause 12(3), particularly paragraph (c), that in the planning strategy any relevant development plan, any relevant environment protection policy and other relevant plans or policies are to be taken into consideration in assessing the consistency of the draft aquaculture policy referred to in that clause.

The Hon. Mr Cameron says he does not believe the bill goes far enough. I would join issue with him on that and assert that it does provide a good balance and ultimately it provides protection for the environment, because no licence can be granted and no variation of a licence can be granted unless the Environment Protection Authority approves. If there are conditions to be attached, the Environment Protection Authority must approve those conditions. In addition, the Environment Protection Authority retains its overriding responsibility in relation to aquaculture to address environmental issues relating to aquaculture practice.

There was a suggestion that the minister has a conflict as both a regulator as well as the promoter of aquaculture development: again I join issue with the Hon. Mr Cameron with respect to that. The structure of this bill provides the best of all worlds with the minister ultimately having the authority to grant the leases and licences, or not grant them as the case may be, but always, in the end, subject to what is effectively a power of veto by the Environment Protection Authority.

The only other rather controversial statement made by the Hon. Mr Cameron—although it was more a rhetorical question I think than a statement—was that we might be sending a message to the community that we are gutting the EPA. He asserted that we have removed it from the processes. I would vigorously deny that and, as we work through the committee considerations of this bill, I would hope that that would become clearer: the EPA is very much a part of all of these processes. In fact, as I said a moment ago, the EPA ultimately has what is effectively a power of veto.

The model which is proposed in this bill does not allow the degradation of the marine environment: instead it has a very strong emphasis on conservation, sustainable development and protection of the environment. There will undoubtedly be other issues which will be raised in the course of the committee consideration of this bill and I will do my best to address them as and when they are raised. I thank the honourable members for their support of the second reading.

Bill read a second time.

In committee.

Clauses 1 to 7 passed.

Clause 8.

The Hon. IAN GILFILLAN: I move:

Page 9, line 6—Leave out paragraph (b) and insert:

(b) to balance proposals for aquaculture development with competing demands for the use of or access to marine resources; and

As I noted in my second reading speech, this bill has as its exclusive objects development, optimum utilisation and efficient and effective regulation of only that one industry. We believe that it is important to balance this with consideration of other possible uses of the resource. By amending these objectives the minister will be more able to consider these issues in his deliberations on leases and licences.

The Hon. K.T. GRIFFIN: The government opposes the amendment. It is considered that the proposed amendment is adequately addressed in clause 8(a), namely, to promote ecologically sustainable development of marine and inland aquaculture. Ecologically sustainable development is defined in clause 4 as follows:

Development which is managed to ensure that communities provide for their economic, social and physical well-being while biological diversity and ecological processes and systems are protected and adverse effects on the environment are avoided, remedied or mitigated.

The Aquaculture Bill provides appropriate mechanisms to recover costs associated with the aquaculture industry and establishes the Aquaculture Resource Management Fund (division 4), which relates to the prescribed percentage of fees (other than expiation fees) paid under the act and rent or any other amount (not consisting of fees) paid under the act for the purposes of any investigations or projects relating to the management of aquaculture resources. Further, the bill provides for the continuation of existing site rehabilitation arrangements, including rehabilitation bonds.

The Hon. P. HOLLOWAY: The opposition does not support the amendment.

The committee divided on the amendment:

AYES (5)

Cameron, T. G.	Elliott, M. J.
Gilfillan, I. (teller)	Kanck, S. M.
Xenophon, N.	

NOES (16)

Crothers, T.	Davis, L. H.
Dawkins, J. S. L.	Griffin, K. T. (teller)
Holloway, P.	Laidlaw, D. V.
Lawson, R. D.	Lucas, R. I.
Pickles, C. A.	Redford, A. J.
Roberts, R. R.	Roberts, T. G.
Schaefer, C. V.	Sneath, R. K.
Stefani, J. F.	Zollo, C.

Majority of 11 for the noes.

Amendment thus negatived.

The Hon. IAN GILFILLAN: I move:

Page 9, before line 7—Insert:

(ba) to allocate environment protection and restoration costs arising from aquaculture equitably and in a manner that encourages responsible use of, and reduced harm to, the environment, with those engaged in aquaculture bearing an appropriate share of the costs; and

The polluter pays principle is attempted in this amendment. Initially, I had wanted to include this proposed new paragraph in the definition of 'ecologically sustainable development'. However, after discussions with parliamentary counsel, we decided that it could be adequately covered in the objects. Section 10(1)(b)(vi) of the Environment Protection Act 1993 addresses the issue of the polluter pays principle, that is, that the costs of environmental restoration be covered in an appropriate manner by those causing environmental damage. The section provides:

To allocate the costs of environment protection and restoration equitably and in a manner that encourages responsible use of and reduced harm to the environment with polluters bearing an appropriate share of the costs that arise from their activities, products, substances and services.

The commonwealth's Environmental Protection and Biodiversity Conservation Act 1999 holds a similar objective. The Democrats believe passionately that this principle cannot be allowed to be excluded from this bill.

The Hon. K.T. GRIFFIN: Mr Chairman, I find I have made an embarrassing mistake in relation to that amendment that we have just won. I have to admit that the explanation I gave for opposing the previous amendment was actually the rationale for opposing this one! So, can I say that—

The Hon. P. Holloway interjecting:

The Hon. K.T. GRIFFIN: I am going to.

Members interjecting:

The CHAIRMAN: Order!

The Hon. K.T. GRIFFIN: I apologise for that. It was obviously a very persuasive argument!

The Hon. Diana Laidlaw interjecting:

The Hon. K.T. GRIFFIN: Yes, we did.

The Hon. R.I. Lucas interjecting:

The Hon. K.T. GRIFFIN: No, we are all on course. It is the outcome which is important. The argument I would have used on the previous amendment was that it is believed that it was adequately addressed in clause 8(a) by reference to ecologically sustainable development as defined in clause 4—much the same rationale for opposing the present amendment.

The Hon. T. CROTHERS: Mr Chairman, I have listened very carefully to the argument that has just been made by Minister Griffin. I commend him on his absolute integrity and

simply say to the committee that it is that integrity which 99 times out of 100 wins me over to the side of justice that emanates from the very basic loins of the honourable minister. I hope he listened to my speech last night in respect of the Coroner, and I rest my case.

The Hon. P. HOLLOWAY: The opposition does not support the amendment. We certainly support the sentiment that there has to be reasonable cost recovery in relation to aquaculture, but we have an industry here that I suppose after 10 years has reached a certain level of maturity. I guess there are parts of that industry that are still to some extent in their infancy. It should be part of government policy in determining these costs that they have to take into consideration those sorts of factors as well, as to what extent the industry needs nurturing.

It is certainly an industry that we all recognise has tremendous potential for the development of the state. In looking at these sorts of questions of cost recovery, the government should take that into account. I do not think that any government in these days of financial stringency will overlook these sorts of issues.

The Hon. T.G. CAMERON: I support the amendment. I must say that I am a little surprised that the government is not prepared to pick up this amendment, but I am mightily surprised that the Australian Labor Party is not prepared to pick it up. I think it bears closer scrutiny. It provides:

> to allocate environment protection and restoration costs arising from aquaculture equitably—

who would quarrel with that—

> and in a manner that encourages responsible use of and reduced harm to the environment.

The amendment further provides:

> . . . with those engaged in aquaculture bearing an appropriate share of the costs;

I have read it three or four times. It talks about environment protection; it talks about the restoration costs arising from aquaculture; and it talks about ensuring that they are allocated equitably and in a manner that encourages the responsible use of and reduced harm to the environment. Here we have the Australian Labor Party, with whatever environmental credentials it had shredded at the last federal election. It would appear that it is hell-bent on shredding any semblance of environmental protection in relation to our marine environment. We have heard no supporting or opposing arguments for this amendment standing in the name of the Hon. Ian Gilfillan, which is a well-intentioned, honest attempt to try to ensure that there are some user-pay principles for people polluting to clear up their mess.

The amendment uses the words 'an appropriate share of the costs'. The provision does not even talk about ensuring that the polluters must pay the full costs. Even the amendment accepts that this is a new industry, etc. I think that the honourable member is being extremely moderate here and that he has used his terminology to try to win over the Australian Labor Party. Like the Hon. Ian Gilfillan, in my contribution I alluded to the enormous profits available in this industry, particularly in the tuna feedlot industry. I do accept that some other areas are still in a reasonably experimental stage, but enormous profits are being generated from this industry.

It is not a mandatory clause: it simply talks about bearing an appropriate share of the costs. What we are talking about here are two resources owned by the people of South Australia: the fish that they catch to use as their feed stock for these feedlots and the pristine ocean waters that belong to all South Australians. Here we have an attempt whereby, if any environmental damage or restoration costs are required, those who created the mess, those engaged in the aquaculture, will bear an appropriate share of the costs. I am just puzzled as to why both the government and the Labor Party are opposing paragraph (ba).

I notice that the Hon. Terry Roberts has not made a contribution on this amendment. I invite him to make a contribution. I have long admired the Hon. Terry Roberts for his concerns in relation to the environment. Mind you, there have been other situations where I have not admired him, but they were in the old days when we were factional warriors having a go at each other. However, be that as it may, I have known him for about 15 to 18 years. I would have loved to be a fly on the wall if this particular amendment was debated in the caucus.

Once can only conclude that this bill was dealt with by Annette Hurley, whose environmental credentials would pale into insignificance compared to the Hon. Terry Roberts. Annette Hurley would have to go out and discover the environment, but the Hon. Terry Roberts has had a 20 year history and concern about it. I invite him to comment on the amendment standing before the committee in the name of the Hon. Ian Gilfillan. I am not inviting him to vote against a caucus position; I know he would not do that. Surely the party has not got him bound and gagged that much these days that he cannot get up and express a personal opinion on an amendment moved by another member in the chamber.

The Hon. K.T. GRIFFIN: I just want to reiterate that division 4 of part 10 establishes the Aquaculture Resource Management Fund, and that is the fund to which I was referring earlier when dealing with the previous amendment as well as this amendment. It is quite clear that a range of moneys are to be paid into this fund, including the rent, or any other amount not being fees paid to the minister; and it provides for the expenditure of the fund for the purposes of any investigations or other projects relating to the management of aquaculture resources or towards the costs of administration of this act. The sentiment of the amendment is more than adequately covered by the commission in clause 79 of the bill.

The Hon. IAN GILFILLAN: I am not revisiting the amendment but point out that we move it in good faith. It improves the effectiveness of the bill and, certainly, I appreciate the strong support given by the Hon. Terry Cameron. I indicate to the Hon. Terry Cameron, if I can get his attention—it is a little difficult to get at the moment.

An honourable member interjecting:

The Hon. IAN GILFILLAN: No, it is a bit hard to get his attention; I can see that. He is riveted to the minister and, under those circumstances—

An honourable member interjecting:

The Hon. IAN GILFILLAN: I will carry on. I get the feeling of Kostya Tszyu in the ring in a prize fight: my second has come into the ring and taken over the battle and sidelined me. I make the observation that many of these issues are very strongly held by the Democrats. Under normal circumstances we would be quite keen to divide. However, I make the point that, because we are conscious of the time and the pressures on this session, it is not my intention to call for a division, but I cannot answer for my second who, as I say, has probably been more active in the ring than Kostya Tszyu, but we both intend to win where we can.

Obviously, the numbers in many of these circumstances are already loaded against us. I cannot speak for other members who may feel differently to me, but there is restraint on my part. I think that had we have had reasonable time to debate these issues, and this may well have been one of those occasions where, if I am unsuccessful on the voices, I would have called for a division. But, having put it into *Hansard* that I am restraining myself in consideration of the chamber, I will be very circumspect and somewhat restrained in my calling for a division.

On the other hand, my second is showing a lot of vigour and he may exercise his right from time to time, and far be it from me not to support that. However, unfortunately, he may have somewhat lately picked up my reference to the analogy of being Kostya Tszyu. I am not sure that I am fully entitled to that analogy, but I appreciate the Hon. Terry Cameron's vigorous support of the amendments.

The Hon. P. HOLLOWAY: We do not need to delay this too long, but it is my understanding that, under this bill, there could be bidding in relation to those development leases and, in that sense, the market sets the return anyway. I add that for the record.

The committee divided on the amendment:

AYES (5)

Cameron, T. G.	Elliott, M. J.
Gilfillan, I. (teller)	Kanck, S. M.
Xenophon, N.	

NOES (15)

Davis, L. H.	Dawkins, J. S. L.
Griffin, K. T. (teller)	Holloway, P.
Laidlaw, D. V.	Lawson, R. D.
Lucas, R. I.	Pickles, C. A.
Redford, A. J.	Roberts, R. R.
Roberts, T. G.	Schaefer, C. V.
Sneath, R. K.	Stefani, J. F.
Zollo, C.	

Majority of 10 for the noes.

Amendment thus negatived; clause passed.

Clause 9.

The Hon. IAN GILFILLAN: I move:

Page 10, line 6—Leave out 'for the efficient and effective regulation of the aquaculture industry' and insert:
to achieve the objects of this Act

This is aimed at efficient administrative practices. In keeping with my first amendment to the objectives, clause 9(1) should be amended to direct the relevant ministers to follow the objectives in the administration of the act. Clause 9(1) of the bill, which directs the minister, specifically singles out clause 8(1)(c) which provides that it is an objective of the bill:

(a) to promote ecologically sustainable development of marine and inland aquaculture.

This is only part of the objectives of the act. My amendment would expand this to include all of the objectives of the bill.

The Hon. K.T. GRIFFIN: The government opposes the amendment. It is considered that the wording of clause 9 in the bill is appropriate. It refers to the practices to integrate and expedite administrative processes under this act and other relevant acts. If one supports the amendment, it has to be recognised that such an amendment unduly restricts the effect of the clause in a manner which is inconsistent with the intention of the bill.

Clause 8(2) requires that the minister 'in the administration of this act, have regard to, and seek to further, the objects' of the act. It should also be recognised that, as a matter of statutory interpretation, the objects in a bill act as the foundation upon which the provisions of the legislation are interpreted so that they underpin the legislation rather than being—as would seem to be suggested by the amendment—otherwise pushed to one side. So, the amendment is unnecessary. It is in fact restrictive, and the government opposes it.

The Hon. T.G. CAMERON: Rather than call for a division again, I indicate SA First's support for the Democrats' amendment.

The Hon. T. CROTHERS: Independent Labour wants to take some issue, in generic terms, with the sort of tactics confronting the committee at this stage. First, I pay very considerable tribute to the Australian Labor Party which, in the interests of the Australian public—at a time when an election is not far hence—is doing the right thing by the people in this state in respect of the Aquaculture Bill. I notice that a number of people oppose this. Certainly the Democrats have always been very environmentally conscious, but others have been environmentally unconscious. I suspect that the motivation that drives some people to be in opposition to this is the forthcoming election fiesta. I hope and trust that my forebodings are entirely wrong, because I hate casting aspersions on other people. But let me reiterate that I have nothing but admiration for the Labor Party and its stand on this matter at a time so close to the election (which may be damaging for it), and I think it is a shining example for any political party or political entity to follow in the interests of the people of this state.

Amendment negatived; clause passed.

Clauses 10 and 11 passed.

Clause 12.

The Hon. IAN GILFILLAN: I move:

Page 12—Before subclause (1) insert:
(a1) This section sets out the normal procedure to be followed in making aquaculture policies.

The point of this amendment is more a drafting point than anything else. As the bill stands, it identifies that a minister may make aquaculture policies (this is done under clause 11). Clause 12 sets out the procedure for making draft policies. However, the relationship between the two is somewhat questionable. My intention is to make it clear that aquaculture policies cannot be made unless the procedure described in clause 12 for making draft policies is followed. The amendment picks up the same wording as exists in the Environment Protection Act 1993 and, therefore, should be unexceptionable.

The Hon. K.T. GRIFFIN: We have moved on a bit since 1993 in terms of drafting. The government does not support the amendment. I submit to the committee that it is unclear what value the proposed amendment would add to the bill because the procedure set out in clause 12 is the only procedure for making an aquaculture policy under the bill. The bill does not set out any alternative process or leave open the option of developing policy recognised under the legislation in any other way.

That is in contrast with the Environment Protection Act, which provides for a simplified procedure for making certain policies and a normal procedure to be followed for making policies. So, there is a clear distinction in drafting between this provision of the Aquaculture Bill and, on the other hand, the much older Environment Protection Act which provides different ways by which policies can be made. This bill does

not, and that is why the amendment would be confusing if it were to get up. That is why I indicate opposition to it.

The Hon. IAN GILFILLAN: This is a constructive amendment. Members should realise that the draft policy is the only policy upon which the public have the right to consult. There should be an obligation on the minister to prepare a draft aquaculture policy before firming up a final policy. This amendment would put, as much as one can, the obligation on the minister to prepare a draft aquaculture policy before moving to a final policy or ignoring the obligation to prepare a draft policy at all, which would virtually deprive the public of any opportunity of consultation on the policy.

Amendment negatived.

The Hon. IAN GILFILLAN: I move:

Page 12, after line 33—Insert:

and

(c) stating that the submissions will be available for inspection by interested persons as provided by subsection (5a).

(5a) Where written submissions are made in response to an advertisement published under subsection (5), a copy of those submissions must be made available for inspection by interested persons during ordinary business hours at a place determined by the minister from the end of the period specified for the making of submissions until the completion of consultation under this section.

This amendment will cause submissions made by members of the public in the process of developing aquaculture policies under clause 12(5)(b) of the bill to be available for inspection by the public. It compares with section 28(6)(c) of the Environment Protection Act 1993. I am not sure whether the Attorney was casting aspersions on the year 1993 when he referred to it before. The point that I make is that what was good for the goose in the Environment Protection Act is arguably good for the gander in the Aquaculture Act.

The Hon. K.T. GRIFFIN: I am not sure that sexist remarks—when he refers to the goose and the gander—will assist the honourable member. As far as the government is concerned, it is not clear what benefits such a provision would provide. It would certainly impose a further administrative burden.

The Hon. T.G. Cameron interjecting:

The Hon. K.T. GRIFFIN: Well, we do not have to do everything that is in the Environment Protection Act—I will talk about that later—but the Environment Protection Authority will have some say in relation to conditions attaching to licences as well as variations of those conditions and it will have a general environmental approach to aquaculture, which is another issue. The government does not support this amendment.

The committee divided on the amendment:

AYES (4)

Cameron, T. G.	Elliott, M. J.
Gilfillan, I. (teller)	Xenophon, N.

NOES (16)

Crothers, T.	Davis, L. H.
Dawkins, J. S. L.	Griffin, K. T. (teller)
Holloway, P.	Laidlaw, D. V.
Lawson, R. D.	Lucas, R. I.
Pickles, C. A.	Redford, A. J.
Roberts, R. R.	Roberts, T. G.
Schaefer, C. V.	Sneath, R. K.
Stefani, J. F.	Zollo, C.

Majority of 12 for the noes.

Amendment thus negatived; clause passed.

Clauses 13 to 16 passed.

Clause 17.

The Hon. IAN GILFILLAN: I move:

Page 15, line 5—Leave out 'minister' and insert 'EPA'.

It is my intention to treat this as a test clause for a string of amendments. Members may have wondered why my amendments are in two clusters. This amendment deals with this particular stream of amendments. If I am unsuccessful with this first one as a test, I will not proceed with the others.

One of the great disappointments of this bill is that it will set up a situation where the one minister is both the promoter and regulator of the aquaculture industry. This group of amendments will establish the Environment Protection Agency as the licensing authority under the bill and not the minister. The manner of licensing is consistent with the manner in which the environmental authorisations are granted under the Environment Protection Act and the manner in sections 45 and 46 of the Environment Protection Act in which these authorisations can be altered by the EPA. The minister for fisheries will be consulted by the EPA in this process. However, the EPA will have the power to vary licence conditions unilaterally if it perceives that material and environmental harm is a risk. Naturally, the EPA would first need to give notice in writing to the licensee. The EPA would also need to give notice to the minister and give public notice, plus receive and consider submissions, including submissions from the minister, before so acting. Again, that mirrors the same requirements as those contained in sections 45 and 46 of the Environment Protection Act.

I note that my amendments seem to be consistent with the recommendation of the Environment, Resources and Development Committee in its 38th report, looking at tuna feedlots at Louth Bay. Recommendation 4 states:

> The committee recommends that sea-based aquaculture should be included in schedule 1 of the Environment Protection Act to enable the Environment Protection Authority to impose and monitor licence conditions.

This amendment will have the additional effect of curtailing the minister's dual role as both the regulator and promoter of aquaculture. In my view, this is important to prevent a conflict of interest for the minister. I urge honourable members to support my amendment. I indicate that, on this amendment, if I am unsuccessful on the voices I will call for a division.

The Hon. T.G. CAMERON: I rise to support the amendment. I will not run through my argument on the matter; I adequately covered that in my second reading contribution. I cannot see how we can place the minister in a position of conflict such as this, where he is responsible for not only setting out the regulations for the industry but also for promoting it. It is a recipe for disaster at some stage in the future.

The Hon. T. CROTHERS: I well understand the necessity for calling for a division on this amendment, as the Hon. I. Gilfillan has indicated that he will regard this as a test case for a series of following amendments. However, another person whom I shall not name at this stage has indicated to me, in a fit of pique and petulance, that he will call for a division on every amendment, irrespective of their substance. I find that degree of petulance absolutely disturbing, given that we are here to do the best we can for the people of the state and not be driven by any further petulance but rather by the substance of the matter. On this occasion, I support the

calling of a division for the reasons I have previously outlined.

The Hon. K.T. GRIFFIN: The government opposes this and the following amendments which are related to it for one very good reason, and that is that, with the aquaculture industry, we are trying to avoid the mistake that has been made in a number of other areas of endeavour and industry of having so many people with their fingers in the pie and no one coordinating it that nothing ever gets done. The policy position in relation to aquaculture is that we would have the minister as the person responsible for granting the leases and the licence which attaches to the lease, but the environmental issues would be properly addressed. If you look at the provisions of the bill, you see that no licence can be granted unless the Environment Protection Authority agrees. It has to also agree to the conditions which are attached to it. The EPA has to agree to any variation in the conditions.

The EPA retains the responsibility which it has been given under the Environment Protection Act to deal with environmental issues as they affect aquaculture. So, there is no diminution in the responsibility or authority of the Environment Protection Authority. However, we have one focal point to ensure that citizens are not running all over the countryside to a variety of different agencies seeking a licence for this, a licence for that, and finding that they are absolutely frustrated by the system.

With respect to the Hon. Mr Gilfillan, I would have thought that he would be very much supportive of trying to, in a sense, more effectively deal with the bureaucracy so that we do not have citizens who are frustrated by having to go to this one, to that one, for this licence or for that approval. It is all being done through one agency. It is not the first time that we have dealt with, for example, development projects by appointing a minister or agency that has the primary responsibility for ensuring that all the regulatory requirements are properly addressed.

There are a number of examples, going back to the days of Roxby, when there was one agency which had the responsibility for coordinating all the approvals and dealing with all the issues that had to be brought together to ensure that ultimately we could expeditiously deal with the licensing arrangements in that development. The same applies in relation to aquaculture. In those circumstances, as I said, there is no diminution in the authority of the EPA. There is no reason at all why this model should not be supported, and there is every reason why the Hon. Mr Gilfillan's amendments should be resisted.

The Hon. P. HOLLOWAY: I would like to use this opportunity to put on record our opposition to this raft of amendments. Essentially, if these amendments were carried we would return to some of the draft issues that were being discussed over 18 months ago. I remind the committee that there has been extensive consultation on this bill—probably unprecedented for this government—over the past four years. So, there has been an enormous amount of consultation. In an issue like this, you have to reach a delicate balance of the interests involved. There are commercial, environmental, recreational, fisheries and local government interests, as well as economic development issues. There is a raft of issues, and we have to reach a delicate balance between all of them. That is what has happened as a result of the consultation process. Obviously, the individual groups involved will want to get a little more if they can, but a compromise has come out of it.

If we were to accept these amendments at the last moment, we would basically upset that whole balance, and the bill would presumably then almost have to be reconsidered. We should make the point that the EPA role in aquaculture is being extended as a result of this bill. That was a key issue for the Labor Party. We would not have accepted this bill unless the EPA was to have a more prominent role in aquaculture, and that is exactly what is happening. That role has been negotiated between all the parties over some time. As a result of this, I note in the other House that the Premier indicated that extra resources are to be provided to the EPA; about four staff will be added to the EPA. At present, the EPA does not have a great deal of expertise in relation to aquaculture matters. It will develop that over the coming years when it gets these additional staff resources.

I would have thought the last thing we would want is to put unrealistic expectations upon the EPA. That is what has happened in so many other areas now. We have seen the disappointment of people. They think the EPA can solve all of their problems in relation to quarries, foundries, noise control—all those sorts of things. The trouble is that the EPA is a body of limited resources. Just the fact that you put the EPA there does not mean it can handle all of these issues. The last thing we would want is unrealistic expectations.

We are pleased that more resources are going into the EPA. We are very pleased that the EPA will have a role in this, and we would like to see that role developed. The opposition has taken a different view in respect of this. We have an amendment in my name that provides for a five year review of this act so we can see how this new developing role for the EPA has gone. If it is necessary to redress that, we can do that at the time. We believe that that is an appropriate way to proceed.

In relation to the environment—and I have made this point in previous speeches—aquaculture, like any other form of development, particularly intensive agriculture, will have an impact on the environment. None of us should pretend that you can have aquaculture without having any impact on the environment. What we have to do is ensure that the impact that this industry has on the environment is at acceptable levels. That is the task and challenge before us. It is no good pretending that it will not have any impact at all.

My fear is that, if we were to carry this raft of amendments proposed by the Hon. Ian Gilfillan, it would put a whole lot of impediments and processes in the way, and the only way it would achieve environmental objectives would be by blocking all development, so there would be no development at all. If you argue that that is a preferable environmental situation, then I guess you would come from that position.

As far as the opposition is concerned, if we have a well-managed aquaculture industry, if we have the proper management, you can have minimal damage to the environment and also considerable economic development jobs and all the things that come from it. It is a matter of getting the balance right. We believe that that balance has been achieved by the negotiations. That is why we accept the position in the bill and reject the amendments.

The Hon. T. CROTHERS: I want to pick up something further, having thought the matter through in greater depth than most in respect of this matter.

The Hon. T.G. Cameron interjecting:

The Hon. T. CROTHERS: The Hon. Mr Cameron laughs. It is quite obvious he has not thought it through, quite obvious to me. I want to make this point—

The Hon. T.G. Cameron: I beg your pardon! Look, I take a point of order, Mr Chair.

The Hon. T. CROTHERS: Well, you—

The Hon. T.G. Cameron interjecting:

The CHAIRMAN: Order!

The Hon. T.G. Cameron interjecting:

The CHAIRMAN: Order, the Hon. Mr Cameron!

The Hon. T.G. Cameron: How dare you—

The CHAIRMAN: The Hon. Mr Crothers will resume his seat. If the Hon. Mr Cameron wants to make a point—

The Hon. T.G. Cameron interjecting:

The CHAIRMAN: Okay. The Hon. Mr Crothers.

The Hon. T. CROTHERS: As I said, I have thought this matter through much more considerably than some of my colleagues. The Hon. Mr Holloway has said that the EPA should handle this matter here because it will be able to make better decisions in respect of pollution and matters that are normally of concern. The EPA has in general terms been an organisation dealing with land-based problems. It has not had the problem of dealing with these problems that will emerge from the aquaculture industry. I speak now as an old ship's carpenter who knows a little about tidal currents. If you have a look at the number of islands we have off our coast, including Kangaroo Island, right through those straits there is an enormous tidal current because of how close Kangaroo Island is to the mainland. So through that gap the tide rushes through.

The impact of that, which is well known, is that it cleanses the sea bottom. One of the reasons Australia has so many lengthy and vast sand beaches is these currents. Likewise, we have the Althorpe Islands and all of those islands out in the gulf, including Thistle Island, and so on, which also could be utilised by an aquaculture industry. Because nothing was known, when you consider the tuna industry and the suffocation of the fish because of the excreta that was being dropped in the pond by the tuna—

The Hon. R.R. Roberts interjecting:

The Hon. T. CROTHERS: Yes, I thought you would recognise that! I repeat the word 'excreta', being dropped by the tuna in the tuna ponds, and the ponds were not being shifted. Then the tuna suffocated and that cost people such as Jeffries and others who were operating those ponds. They were catching the wild tuna part grown and then fattening them up so that they could turn them into sashimi tuna which has the highest price tag of any tuna in the Japanese market. Sashimi tuna would be worth $1 000, whereas the same tuna sold just as canned tuna might be worth $150. That is the enhancement of that type of aquaculture which, I think, was one of the first introduced here.

The consequence of that was that the industry, because of its loss in respect of that matter, has now learnt to move the cages about much more often in an endeavour to avoid the suffocation that was inflicted on those tuna. Further, I make the point that, if you have this mishmash where you have the EPA responsible in part for portions of this bill, then you have a real problem. The EPA is not a very flexible body. It is fairly time consuming when it comes to making decisions. It is not a balanced body that can make policy. It is a body that can make recommendations. However, when you have a minister handling this matter, as the government correctly says, then you have someone who has the authority—overnight virtually—to change, to frame, to formulate policy and to change tactics: you have the best of all worlds.

This is a fledgling industry about which, particularly with the different currents on our coast, very little is really known. I have thought this matter pretty well through, but I do not think we have the numbers to get it up, which is unfortunate, because it may well have strength. This is an industry which will employ many people in our rural areas, which will earn many millions of export dollars for our balance of payments problem and which, in the main, is basically owned by small Australian investors and even by some larger Australian investors. The facts are that any profits raised will stay in this country, unlike the way our other industries are being gobbled up by overseas investors and the profits are lost to this nation because they are expatriated overseas, even though some of the industries are now further investing in this country to take away the capacity of people to put them under the thumb of some righteous and just criticism.

Let me give one example of this matter which occurred several years ago. People were importing four-wheel drives to the value of $2 billion per year. Yet Australia, in a small way, in Western Australia made its own four-wheel drives, but people still imported them. That cost Australia and its balance of payments $2 billion in the financial year three or four years ago. That led to the overseas owned companies having to produce four-wheel drives here. It took four years to happen, though. The position I am making is this: it is right, proper, expeditious and beneficial not only to the industry but to the people of the state for a minister to be in charge. It is a fledgling industry about which not enough is known and it is better that the minister is responsible, not the Environment Protection Board, simply because he or she can change policy or make policy and, if there is negligence by the operators of aquaculture situations, they can withdraw their licences.

I remind members that aquaculture is not just a marine pursuit, it is also undertaken on the mainland of South Australia. As I said earlier, in Western Australia, because the underground water is so saline, it enables them to grow marine type fish in the dams which they have set up. There is the rub.

The statements I have made I believe more than justify the position that the government has taken. If you have the minister responsible for most of this, then suddenly, in a John-amend-all clause, you make the EPA responsible, you have hamstrung the act, in spite of your telling us to the contrary that, in the main, you support the government. As I said, I do not think the numbers are there. However, I am supporting the government.

I wanted to put those matters on the record because they will come back to haunt this chamber in the not too distant future relative to the inability of the EPA to cope with problems, whereas the minister has the expedition, the power and the speed to make the necessary adjustments much more quickly, and I am sure he or she would, whether it be the Labor Party or the Liberal Party in power. I rest my case.

The Hon. IAN GILFILLAN: The EPA will have to vet virtually every licence and every variation of the licence because it has the power of veto. This legislation is giving it the power of veto. If we are to entrust it with the power of veto, surely we are thereby recognising it has the capacity to assess the ability to award a licence or variations on a licence. To argue that the EPA is incompetent to take on this role is illogical in the balance of the rest of the legislation; and, further to that, it is quite critical that we have acceptance by the community at large of the licences being properly assessed, at arm's length from the gung-ho attitude that some minister in some government may have to granting licences to a particular aquaculture project. It is that sort of attitude which has resulted in the near disastrous reputation that the tuna boat owners had from their abuse of Louth Bay.

This amendment is constructive on two fronts. First, that the EPA is a competent body to issue the licences. Secondly, someone in some area will have to have adequate resources to assess the application for a licence but, if the minister is going to do it in his or her office, the resources will have to be there. If it is the EPA that does it, it is a matter of adjusting the resources from one agency to another. The arguments against having the EPA do it are spurious and fall to the ground and with that we lose the opportunity of giving the licences an integrity which the public will be able to trust. I urge the committee to support my amendment.

The committee divided on the amendment:

AYES (5)

Cameron, T. G.	Elliott, M. J.
Gilfillan, I. (teller)	Kanck, S. M.
Xenophon, N.	

NOES (15)

Crothers, T.	Davis, L. H.
Dawkins, J. S. L.	Griffin, K. T. (teller)
Holloway, P.	Laidlaw, D. V.
Lawson, R. D.	Pickles, C. A.
Redford, A. J.	Roberts, R. R.
Roberts, T. G.	Schaefer, C. V.
Sneath, R. K.	Stefani, J. F.
Zollo, C.	

Majority of 10 for the noes.

Amendment thus negatived; clause passed.

Clauses 18 to 21 passed.

Clause 22.

The Hon. IAN GILFILLAN: I move:

Page 16, lines 28 to 30—Leave out subclause (5) and insert:

(5) The Minister must set out in writing the Minister's reasons for a decision to grant or refuse an application for an aquaculture lease and, at the request of the applicant, give the applicant a copy of the reasons.

This amendment, as with a number of other amendments that I have filed to this bill, will require the minister to give reasons for his decisions on aquaculture leases and licences. The amendment deals with the minister giving reasons for decisions relating to applications for leases. It is envisaged by later amendments I will move that these reasons given by the minister will be recorded on the public register.

The Hon. K.T. GRIFFIN: This is opposed. There are a number of other amendments that follow on the back of this. It is consistent with the practice in similar areas of legislation. It would impose a significant administrative burden with limited identifiable value to stakeholders. The practice proposed here is consistent with the practice in the Development Act.

Amendment negatived; clause passed.

Clauses 23 and 24 passed.

Clause 25.

The Hon. IAN GILFILLAN: I move:

Page 17, after line 16—Insert:

(3) An aquaculture lease may not be renewed or its term extended unless the matter has been referred to the EPA under Part 8 and the EPA has approved the renewal or extension.

The Democrats believe that power over the approval of aquaculture licences should rest with the EPA. However, I note that that amendment was previously lost in this place. What I propose here is a compromise solution that we would be happy with and one that I hope the government and the opposition can bring themselves to support. This amendment will create the requirement for the EPA to be consulted over renewals and extensions of leases and licences. This goes beyond the current scope of the bill where the EPA is consulted only on variations.

The Hon. K.T. GRIFFIN: The government does not support the amendment. It is not proposed that the lease will have any relationship to the management of potential impacts associated with aquaculture. Those matters will be appropriately dealt with under the provisions of the licence. Renewal of aquaculture leases is subject to the provisions of the bill (clauses 29, 35 and 38, and there are a number of others), and also the provisions of the lease.

In relation to renewal of aquaculture leases, clause 50 provides that the minister may decide that a lease will be granted containing specified conditions if the matter has been referred to the EPA and the EPA has approved the granting of the licence. Clause 52 provides that the conditions of an aquaculture licence may be varied by the minister at any time if the matter has been referred to the EPA and the EPA has approved the variation.

Clause 59 sets out matters to be referred to the EPA and provides that the minister may, at the request of or with the consent of the EPA, vary the matter referred. Thus, prior to the minister granting or varying an aquaculture licence, the approval of the EPA is required and the EPA has the ability to require that specified conditions are included in the licence prior to approval. Those specified conditions may relate to a wide range of matters, including referral to the EPA for review prior to renewal.

From what I said earlier, the EPA ultimately has a very significant and wide-ranging power. It effectively has the power of veto. That is ultimately what everybody has wanted, that the authority of the EPA is not undermined. We retain the focus for getting things done, that is, the focus is with the minister, but all these other things have to be done before the licence can be granted. I think there are adequate safeguards in the bill.

The Hon. T.G. CAMERON: I indicate my support for the amendment.

Amendment negatived; clause passed.

Clauses 26 to 49 passed.

Clause 50.

The Hon. IAN GILFILLAN: I move:

Page 24, after line 12—insert:

(5) The minister must set out in writing the minister's reasons for a decision that a corresponding licence will be granted, or a decision to grant or refuse an application for an aquaculture licence.

Previously, on behalf of the Democrats I moved an amendment to compel the minister to give reasons for the decisions regarding leases. This amendment attempts to do the same in regard to applications for aquaculture licences.

The Hon. K.T. GRIFFIN: The amendment is opposed. It is similar to an amendment to clause 22, which has been defeated. For similar reasons, I oppose this amendment.

The Hon. P. HOLLOWAY: I move:

Page 24, after line 12—insert:

(5) The minister must, at the request of a person who has made a written submission to the minister under section (1) or (3), give the person a written statement of the minister's reasons for the decision made by the minister in relation to the matter on which submissions were invited.

This amendment is along the lines of the amendment moved by the Hon. Ian Gilfillan. It is a little more restricted, but I believe that that is necessary in relation to protecting confidentiality, and so on. I believe that the amendment in my name is a more practical approach to ensuring that there is

some accountability for the minister's decisions, but specifically they are related to matters under subsections (1) or (3) and they are given to the person who is the subject of the submission.

The Hon. K.T. GRIFFIN: I indicate that the government is prepared to agree with that amendment moved by the Hon. Paul Holloway on the basis that it is a request that is responded to and not an automatic production of reasons on every occasion where, in many instances, it will not be necessary.

The Hon. T.G. CAMERON: I indicate my preference for the amendment standing in the name of the Hon. Ian Gilfillan but, in the event that it fails, which it will, I indicate that I will be supporting the amendment moved by the Hon. Paul Holloway.

The Hon. T. CROTHERS: Independent Labour would indicate that it supports the Hon. Mr Holloway's amendment. Like most things that emanate from this good soul's mouth it makes sound commonsense.

The Hon. Mr Gilfillan's amendment negatived; the Hon. Mr Holloway's amendment carried; clause as amended passed.

Clause 51 passed.

Clause 52.

The Hon. IAN GILFILLAN: I move:

Page 24, after line 27—insert:

(ia) except in the case of a proposed variation of a kind prescribed by regulation, the minister—

(A) has caused public notice of the proposed variation to be published in a newspaper circulating generally in the state and invited interested persons to make written submissions on the proposed variation within the period allowed in the notice; and

(B) has taken any such submissions into account; and

This clause provides for public consultation in the process of varying licence conditions where those variations are not prescribed by regulations. We believe that it is important to extend the public consultation regime to include the variation of licences, as well as the initial applications. This amendment directly translates the government's subclause relating to public consultation in clause 50 and inserts it in clause 52.

The Hon. K.T. GRIFFIN: The government opposes the amendment. It is inconsistent with practice in similar areas of legislation, including the Development Act. It would impose a significant administrative burden with limited identifiable value to stakeholders. It has to be noted that the minister is required to place details of each application for the conversion of an aquaculture lease from one class to another, or for an aquaculture licence, and the terms and conditions of each aquaculture lease and aquaculture licence issued under this act on the public register. It is for those reasons that the amendment is opposed.

The Hon. P. HOLLOWAY: We oppose the amendment.

Amendment negatived.

The Hon. IAN GILFILLAN: I move:

Page 24, after line 29—insert:

(2) The minister must set out in writing the minister's reasons for a decision varying the conditions of an aquaculture licence.

This amendment would cause the minister to give reasons for a decision relating to the variation of an aquaculture licence. It seems rather bizarre to me that a government and an opposition, which have been so insistent on the Auditor-General supposedly being answerable to decisions, should be welshing on a minister being required to give written reasons for varying conditions of an aquaculture licence. It is a quite feeble excuse to say in this and the previous amendment that this is adding an undue burden. Of course, what it is doing is creating the position for even more public distrust and criticism in the application of decisions made by the minister.

The minimal amount of extra effort that would be involved to comply with this would go a long way to assuring people that nothing is being done underhand, behind closed doors or as a result of palsy-walsy arrangements with entrepreneurs and developers. It seems to me a pity that the government and the opposition appear to be more bent on protecting ministers from complying with what I believe is their public duty than actually making the situation accessible for the public at large and those of the public who are particularly concerned about it.

The Hon. K.T. GRIFFIN: The government opposes the amendment, for the same reasons we have opposed similar earlier amendments.

The Hon. P. HOLLOWAY: We oppose the amendment.

The Hon. T.G. CAMERON: I rise to lend some support to the Hon. Ian Gilfillan in his quest for proper transparency and accountability in relation to the granting of these licences. Time and again we have heard the words 'transparency' and 'accountability' hurled across from this side of the chamber to the other, and yet when the Labor Party actually has an opportunity to support an amendment that would provide for proper transparency and accountability what does it do?

I suspect that the narcotic of the prospect of winning the next election has somehow or other fogged their judgment on this one in particular. The Hon. Ian Gilfillan is exactly correct when he asks: how on earth are we going to have public confidence in the granting of these licences when both the government and the opposition oppose the reasons for the minister's decision to vary the conditions of an aquaculture licence being kept secret? The Hon. Ian Gilfillan was talking about the prospect of cosy deals being done. We all know that there are enormous amounts of money related to the issuing of these licences. If you talk to people in the industry, the obtaining of a tuna licence is, most emphatically, a licence to print money. How are we going to overcome a suspicion by members of the public that there has not been some cosy little deal between the minister, the government and the licence applicant? One of the first conclusions that people will come to is, 'Money has changed hands here. What has been going on?' You have a situation where the mere granting of a licence can trigger a financial bonanza—a veritable gold mine for the individual concerned. This fortune is largely made from using coastal environments owned by the public—blue fin tuna (not so much yellow fin tuna, as I understand it) which are caught in Australian waters are, again, a public resource. I do not cite that in relation to the importation of yellow fin tuna and blue fin tuna from South-East Asian waters.

But if we are going to create a system here, we know from the Louth Bay incident, and a range of other incidents, that there is a suspicion in the minds of a lot of the members of the public that there are cosy deals being done between the industry and the government, and that view will only be exacerbated if this particular clause is knocked off. It is hardly an onerous clause for the government to consider. It only requires the minister's reasons for a decision to vary the conditions of an aquaculture licence. Yet, the government—and, least of all, the opposition, which you would think would have mounted at least a token opposition on some of these matters—is not prepared to support it. It is a sad day for the bill because it will be passed and there will be residual

distrust in the community on the basis that there is no transparency.

The Hon. P. HOLLOWAY: The opposition supported the amendment which required notification in relation to the issuing of a licence. If, however, we were to have written responses to every variation of licence condition, there would be hundreds of letters. Anyone who looks at the *Government Gazette* knows that the fisheries regulations or changes to fishing conditions make up a huge proportion of the *Government Gazette*. Every week there are piles of them. You have them in your office and they are piled high, and half of that pile would be amendments to fishing licence conditions.

The Hon. T.G. Cameron interjecting:

The Hon. P. HOLLOWAY: Exactly, and that is what happens in the gazette. All the time there are small and minor amendments that are necessary to be made to fisheries licences and it would be impractical and incredibly costly to have to do it.

The Hon. T.G. Cameron interjecting:

The Hon. P. HOLLOWAY: Yes, variations to the licence. The amendment that I just moved requires notification of the issue of it. But there is often the need for minor variations and, as I said, anyone who looks at the state gazette would see hundreds of pages of variations, and that is why we oppose the amendment.

Amendment negatived; clause passed.

Progress reported; committee to sit again.

TRAINING AND SKILLS DEVELOPMENT BILL

Received from the House of Assembly and read a first time.

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

That this bill be now read a second time.

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

Leave granted.

Introduction

A highly skilled workforce is a prerequisite for achieving a prosperous and sustainable economy, and a training and education system that is responsive to the skill development needs of industry and commerce is essential if businesses are to survive and grow.

For this reason, skills development is regarded by governments, employers and employees worldwide as an investment in the future, not a cost.

In the same way, adult community education is seen as an investment in the health of local communities and society at large, by improving the life skills, social engagement and employment prospects of individuals of all ages and circumstances.

It is chiefly through vocational education and training, adult community education and the State's 3 universities and other providers of higher education, that the skills and qualifications valued by employers, prospective investors and the community at large are developed. This Bill aims to support the development of a post secondary training and education sector in South Australia that is forward looking, flexible, responsive to the needs of the community and with a national reputation for high quality.

The name of the Bill reflects these objectives—it is the *Training and Skills Development Bill*. The Bill is about the promotion and development of training and education and also about the development of skills.

The Bill is not, however, just about narrow skills training. Instead, it calls for a larger vision. It is about establishing a learning culture in the State that permeates the workplace and the neighbourhood, where businesses see the advantages of investing in training and where every citizen comes to value and continue in learning wherever, whenever, and in whatever circumstances, the learning occurs.

Training and Skills Commission

The Bill will do this by establishing a new authority to be known as the Training and Skills Commission (the Commission). The Commission will be the primary reference point for the community on matters of policy, planning, funding and quality in vocational education and training, including the apprenticeship and traineeship system, adult community education, and non university higher education.

Specifically, the Bill will bring together in one peak advisory body, responsibilities for—

- planning and funding for vocational education and training and adult community education;
- quality assurance in vocational education and training and higher education, including education offered to post secondary overseas students in Australia;
- advocacy and promotion of training and education; and
- the development of pathways between the 4 sectors of education and training—schools, vocational education and training, adult community education and higher education.

Members of the Commission will be appointed on the basis of their expertise and ability to contribute to the Commission's functions. It is a critical role.

The Bill provides for the establishment of expert reference groups to assist the Commission in the performance of its functions and it enables the Commission to delegate its functions with the Minister's approval. These provisions will enable the Commission to focus on matters of policy and strategic importance while acquitting its more 'operational' responsibilities, for example, in the regulatory area.

Commission's planning role

The Commission will be responsible for preparing an annual plan for vocational education and training that will be the basis for negotiations between the State and the Australian National Training Authority over funding for vocational education and training in the State. More broadly, the Commission will advise the Government on strategies and priorities for increasing the State's skills base so that South Australia is able to capitalise on opportunities for investment and employment growth as they arise. This advice will complement the Government's *Smart Growth Strategy*.

In developing the annual plan and in its other advice to the Government on training needs and strategies, the Commission will consider not only the need for existing skills at the enterprise (or micro) level and the broader industry, regional, and whole of State, levels, but also the need to anticipate the demand for emerging skills that may not be generally apparent.

Commission's advisory role

The Commission will have responsibilities for advising on strategies and priorities for the recognition of skills gained by people outside of Australia who have an important contribution to make to the growth of the State.

The Commission's role in advising on funding will extend beyond the funds provided to the State through the Australian National Training Authority to include other public funds that are directed to vocational training and education and adult community education. The Commission will have a key role in developing a whole-of-government understanding of the scope of publicly funded vocational education and training and adult community education activity in the State and will report on those matters to the Parliament through the Minister.

Commission's role of promotion and advancement of training and education

The development of a learning culture will be a key role of the Commission and the name of the Bill signifies that—it is a Bill for the Training and Skills Development Act. The Commission will provide leadership for business and the community generally on training matters. It will recognise the significant contribution currently made by industry and by individual enterprises to the skilling and up-skilling of the workforce and will encourage still greater involvement and investment.

The Commission will listen. It is required to consult with industry stakeholders, and relevant government and community bodies in the performance of its functions and to consult with the State's universities in matters involving degree courses and qualifications.

The Commission's ability to comprehend and take account of community views and concerns will be increased through the establishment of expert reference groups to assist and advise on particular matters. The Bill provides for the establishment of 2 such reference groups in the first instance. These are to advise the Commission in relation to its functions under Part 3 (Registration

and Accreditation) and Part 4 (Contracts of Training) of the Bill and in relation to its functions relating to adult community education.

The Bill builds on the foundation laid by the *Vocational Education, Employment and Training Act 1994* (the current Act) which it will replace. That Act is now 7 years old and there have been a number of significant developments in the training and education arena that call for the Act to be updated. The Bill does that.

Introduction of national standards for registration and accreditation

Chief among those changes is the introduction of new national standards for vocational education and training and higher education in Australia. The new standards aim to improve the quality of training and education in Australia and to implement a nationally consistent approach to the regulation of post secondary training and education. All of the States and Territories are committed to legislating the new standards in 2002 but South Australia will be the first to do so through this Bill.

The Bill will contribute to the development of a national training market in Australia and ensure South Australia's participation in that market. In particular, the Bill will ensure that competencies and qualifications gained by South Australians through training organisations registered under proposed Part 3 will be recognised throughout Australia. It will also reduce red tape for training organisations registered in South Australia that want to compete in the national training market by offering their services in other States and Territories.

The Bill creates greater flexibility in the apprenticeship and traineeship area. It continues to recognise trades and declared vocations that have, for many years, been at the heart of structured employment based training in this country. But the Bill also heeds the call for the expansion of the contract of training system into new industry areas that have not had ready access to that form of training, and accommodates the increased diversity in industrial arrangements under which apprentices and trainees are employed. The Bill embraces these challenges while enhancing the protection available to apprentices, trainees and employers under the current Act.

The Bill will provide protection for consumers of education and training services. It will enable the community to distinguish between training and education that meets national quality standards and training and education that do not. This will be achieved by requiring organisations that would claim to have authority to issue nationally recognised qualifications, or to call themselves universities, to be registered under Part 3, or to be declared to be a university under Part 1. This will protect both the integrity of the national qualifications system, and consumers of education and training services.

Finally, the Bill establishes the Grievances and Disputes Mediation Committee to receive and deal with complaints from consumers of education and training services, and disputes between employers and their apprentices.

Conclusion

In these several ways, it will be clear to Members that the Bill is about the development of a high quality, user focussed, responsive, training and education sector that will equip the State to move forward with confidence into the twenty first century.

I commend the bill to the house.

Explanation of clauses

PART 1: PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This clause contains definitions of words and phrases used in the measure. In particular, post-compulsory education is defined as education (not being primary or secondary education) directed wholly or primarily at persons who have completed their primary and secondary education or are above the age of compulsory school attendance, and includes adult community education.

Clause 4: Declarations for purposes of Act

The Minister may make a declaration by publishing a notice in the *Government Gazette* declaring—

- an institution to be a university; or
- declaring an occupation to be a trade or a declared vocation,

for the purposes of this measure. The Minister must, when declaring an institution to be a university, apply the *National Protocols for Higher Education Approval Processes* (the National Protocols) relating to quality assurance for the higher education sector in Australia, endorsed by the Ministerial Council on Education, Employment, Training and Youth Affairs in March 2000.

PART 2: ADMINISTRATION

DIVISION 1—STATE TRAINING AGENCY

Clause 5: Minister to be Agency

The Minister is the State Training Agency contemplated by the *Australian National Training Authority Act 1992* of the Commonwealth (the Commonwealth Act).

Clause 6: Functions of Minister as Agency

The functions of the Minister as the State Training Agency relate to providing advice to, and developing plans in conjunction with, the Australian National Training Authority established under the Commonwealth Act (ANTA) in respect of vocational education and training and adult community education needs and the funding implications of those needs and the management of the State's system of vocational education and training and adult community education.

Clause 7: Delegation by Minister

The Minister may delegate to the Commission, or any other person or body, or to the person for the time being occupying a particular office or position, a function of the Minister as the State Training Agency or any other function or matter that the Minister considers appropriate.

DIVISION 2—TRAINING AND SKILLS COMMISSION

Clause 8: Establishment of Training and Skills Commission

The *Training and Skills Commission* (the Commission) will be established by this measure and will consist of not more than 9 members appointed by the Governor on the nomination of the Minister.

The Commission will include persons who together have the abilities and experience required for the effective performance of the Commission's functions, of whom at least 2 will be nominated, after consultation with State employer associations, to represent the interests of employers and at least 2 will be nominated, after consultation with the United Trades and Labor Council, to represent the interests of employees.

Clause 9: Commission's functions

The Commission's general functions will be—

1. to assist, advise and make recommendations to the Minister on the Minister's functions as the State Training Agency and other matters relating to the development, funding, quality and performance of post-compulsory education, training and skills development; and
2. to regulate vocational education and training and higher education.

The Commission's functions will include—

- promoting and encouraging the development of, investment, equity and participation in, and access to, vocational education and training and adult community education; and
- advising and making recommendations to the Minister about various matters under the measure; and
- registering training organisations and accrediting courses under Part 3; and
- performing the functions assigned to the Commission under Part 4; and
- monitoring vocational education and training and adult community education in the State; and
- reporting annually to the Minister on vocational education and training and adult community education in this State, including the expenditure of public money in these areas; and
- developing guidelines required for the purposes of the measure; and
- promoting pathways between the secondary school, vocational education and training, adult and community education and university sectors; and
- entering into reciprocal arrangements with appropriate bodies with respect to the recognition of education and training; and
- monitoring, and making recommendations to the Minister on, the administration and operation of this measure; and
- performing any other function assigned to the Commission by the Minister or by or under this measure or any other Act.

The Commission must, when carrying out its function of registering training organisations and accrediting courses under Part 3, have regard to the standards for State and Territory registering/course accrediting bodies (*see clause 3*).

For the purpose, or in the course, of performing its functions, the Commission may establish committees (which may but need not consist of members of the Commission).

Clause 10: Ministerial control

Except in relation to the formulation of advice and reports to the Minister, the Commission is, in the performance of its functions, subject to control and direction by the Minister.

Clause 11: Conditions of membership

A member of the Commission will be appointed for a term of up to 2 years and on conditions specified in the instrument of appointment, and will, at the expiration of a term, be eligible for reappointment.

Clause 12: Commission's proceedings

This clause sets out the proceedings for meetings of the Commission.

Clause 13: Disclosure of interest

It is an offence if a member of the Commission who has a direct or indirect pecuniary interest in a matter under consideration by the Commission does not disclose the nature of the interest to the Commission and takes part in any deliberations or decision of the Commission in relation to that matter, the penalty for which is $10 000 or imprisonment for 2 years.

It is a defence to a charge of such an offence to prove that the defendant was not, at the time of the alleged offence, aware of his or her interest in the matter.

Clause 14: Validity of acts

An act or proceeding of the Commission or a committee of the Commission is not invalid by reason only of a vacancy in its membership.

Clause 15: Immunity

A member of the Commission or a committee of the Commission incurs no liability for anything done honestly in the performance or exercise, or purported performance or exercise, of functions or powers under this measure. A liability that would, but for this clause, attach to a member attaches instead to the Crown.

Clause 16: Minister to provide facilities, staff, etc.

The Minister must provide the Commission with facilities and assistance by staff and consultants as reasonably required for the proper performance of the Commission's functions.

Clause 17: Report

The Commission must, on or before 31 March in each year, present to the Minister a report on its operations for the preceding calendar year and the Minister must, within 6 sitting days after receipt of the report, cause copies of it to be laid before each House of Parliament.

DIVISION 3—REFERENCE GROUPS

Clause 18: Establishment of reference groups

The Minister must establish—

- a reference group to advise the Commission in relation to the performance of the functions assigned to the Commission under Parts 3 and 4; and
- a reference group to advise the Commission in relation to the performance of its functions relating to adult community education.

The Minister may establish other reference groups as the Minister considers necessary to advise the Commission in relation to the carrying out of its functions or particular matters relating to its functions.

DIVISION 4—GRIEVANCES AND DISPUTES MEDIATION COMMITTEE

Clause 19: Establishment of Grievances and Disputes Mediation Committee

The *Grievances and Disputes Mediation Committee* will be established as a committee of the Commission with the functions assigned to the Committee under Parts 3 and 4.

The Commission must appoint a member of the Commission with appropriate expertise in mediation to chair proceedings of the Committee and the Committee will be constituted of the member appointed to chair proceedings and at least 2 but not more than 4 other persons selected in accordance with Schedule 1.

The Committee is not subject to control or direction by the Commission and, subject to proposed subsection (7), the Commission has no power to overrule or otherwise interfere with a decision or order of the Committee under Part 4.

Proposed subsection (7) provides that if the Commission, acting at the direction of the Minister, requests the Committee to review a decision or order of the Committee under Part 4, the Committee must review the decision or order and may, on the review—

- confirm, vary or revoke the decision or order subject to the review; or
- make any other decision or order in substitution for the decision or order.

The Committee may, at any one time, be separately constituted in accordance with this clause and Schedule 1 for the performance of its functions in relation to a number of separate matters.

PART 3: REGISTRATION AND ACCREDITATION

Clause 20: Application for registration

The Commission may, on application or of its own motion, register a person as a training organisation—

- to deliver education and training and provide assessment services, and issue qualifications and statements of attainment under the policy framework that defines all qualifications recognised nationally in post-compulsory education and training within Australia entitled *Australian Qualifications Framework* (the AQF), in relation to higher education or vocational education and training, or both; or
- to provide assessment services, and issue qualifications and statements of attainment under the AQF, in relation to higher education or vocational education and training, or both.

The Commission may, on application or of its own motion, register a person as a training organisation for the delivery of education and training to overseas students.

An application for registration or renewal of registration must be made to the Commission in the manner and form approved by the Commission and be accompanied by the fee fixed by regulation.

An applicant must provide the Commission with any information required by the Commission for the purposes of determining the application.

Clause 21: Determination of applications for registration and conditions

The Commission must, in determining an application for registration or renewal of registration, apply—

- the standards for registered training organisations; and
- any applicable guidelines developed by the Commission and approved by the Minister.

The standards for registered training organisations are—

- in relation to a training organisation for higher education—the criteria for registration of training organisations under the National Protocols;
- in relation to a training organisation for vocational education and training—the standards for registration of training organisations under the policy framework entitled *Australian Quality Training Framework* (the AQTF);
- in relation to a training organisation for education services for overseas students—the standards determined from time to time by the Minister.

Registration of a training organisation is subject to—

- the condition that the organisation will comply with the standards for registered training organisations; and
- if guidelines have been developed by the Commission and approved by the Minister—the condition that the organisation will comply with the guidelines; and
- the conditions determined by the Commission as to what is authorised by the registration (the scope of the registration); and
- any other conditions determined by the Commission.

Without limiting the grounds on which the Commission may refuse an application, the Commission may refuse an application for registration or renewal of registration of a training organisation if the organisation, or an associate of the organisation, has previously been registered, either in this State or in some other State or Territory, and had its registration cancelled or suspended for non-compliance with the requirements under this measure, a previous enactment, or legislation relating to vocational education and training of the State or Territory where the organisation was registered.

Clause 22: Application for accreditation

The Commission may, on application or of its own motion, accredit a course or proposed course, or renew the accreditation of a course, as a course in higher education or vocational education and training.

An application for accreditation must be made to the Commission in the manner and form approved by the Commission and be accompanied by the fee fixed by regulation.

An applicant must provide the Commission with any information required by the Commission for the purposes of determining the application.

A course of vocational education and training that is accredited in some other State or Territory is not required also to be accredited as a course of vocational education and training in this State.

Clause 23: Determination of applications for accreditation

The Commission must, in determining an application for accreditation or renewal of accreditation, apply—

- the standards for accreditation of courses; and
- any applicable guidelines developed by the Commission and approved by the Minister.

The standards for accreditation of courses are—

- in relation to higher education—the criteria for accreditation of courses under the National Protocols;
- in relation to vocational education and training—the standards for accreditation of courses under the AQTF;
- in relation to education services for overseas students—the standards determined from time to time by the Minister.

Accreditation of a course is subject to—

- the condition that the course will comply with the standards for accreditation of courses; and
- if guidelines have been developed by the Commission and approved by the Minister—the condition that the course will comply with the guidelines; and
- any other conditions determined by the Commission.

The Commission must consult with the State universities before determining an application for accreditation of a course in relation to which a degree is to be conferred.

Clause 24: Duration and renewal

Subject to this measure, registration or accreditation is for a maximum period of 5 years and may be renewed by the Commission, on application or of its own motion, for further maximum periods of 5 years.

Clause 25: Grievances may be referred to Committee

A person with a grievance relating to—

- the delivery of education and training, provision of assessment services, or issue of qualifications and statements of attainment under the AQF, in relation to higher education or vocational education and training; or
- the provision of education and training to overseas students,

by a registered training organisation, may refer the grievance to the Grievances and Disputes Mediation Committee for consideration.

The person and the registered training organisation must provide the Committee with such information as the Committee may reasonably require.

The Committee must inquire into a matter referred to it under this clause and may, if it thinks fit, make a recommendation to the Commission about what action (if any) the Commission should take as a result of the inquiry.

Clause 26: Review

The Commission—

- may, at any time; and
- must, at the request of the Grievances and Disputes Mediation Committee,

review the accreditation of a course or the registration of a training organisation.

The Commission may review the operation in this State of—

- a training organisation registered in some other State or Territory; or
- a course accredited in some other State or Territory,

after consultation with the registering body, or course accrediting body, of the State or Territory in which the training organisation is registered, or the course accredited (as the case requires).

For the purposes of such a review, the holder of the registration or accreditation must provide the Commission with such information as the Commission may reasonably require.

Clause 27: Cancellation, suspension, etc.

The Commission may, on contravention of or failure to comply with this measure or a condition of the registration or accreditation—

- impose or vary a condition of the registration or accreditation; or
- cancel or suspend registration or accreditation.

The imposition or variation of a condition, or cancellation or suspension, of registration or accreditation must be imposed by written notice to the holder of the registration or accreditation and may have effect at a future time or for a period specified in the notice.

The Commission must not cancel or suspend registration or accreditation unless the Commission first—

- gives the holder of the registration or accreditation 28 days written notice of its intention to do so; and
- takes into account any representations made by the holder within that period; and
  - notifies the registering body and the course accrediting body in each State and Territory of the intention to do so.

Clause 28: Cancellation of qualification or statement of attainment

The Commission may cancel a qualification or statement of attainment issued by a registered training organisation (the issuing registered training organisation) if the Commission is satisfied that the qualification or statement of attainment was issued by mistake or on the basis of false or misleading information.

Cancellation must be imposed by written notice to the holder of the qualification or statement of attainment and the issuing registered training organisation.

The Commission must not cancel a qualification or statement of attainment unless the Commission first—

- gives the holder of the qualification or statement of attainment and the issuing registered training organisation 28 days written notice of its intention to do so; and
- takes into account any representations made within that period by the holder of the qualification or statement of attainment and the issuing registered training organisation.

Clause 29: Appeal to District Court

An appeal to the Administrative and Disciplinary Division of the District Court (the Court) may be made (by a person within 1 month of the making of the decision appealed against) against a decision of the Commission—

- refusing an application for the grant or renewal of registration or accreditation; or
- imposing or varying conditions of registration or accreditation; or
- suspending or cancelling registration or accreditation; or
- cancelling a qualification or statement of attainment.

Clause 30: Offences relating to registration

A person must not claim or purport to be a registered training organisation in relation to higher education unless registered as a training organisation under Part 3.

A person must not issue, or claim or purport to issue, qualifications or statements of attainment under the AQF in relation to a course in higher education unless

- the person is a State university; or
- the person is registered as a training organisation under Part 3 and is operating within the scope of the registration of the organisation.

Subject to subclause (4), a person must not—

- claim or purport to be a registered training organisation in relation to vocational education and training unless registered as a training organisation under Part 3; or
- issue, or claim or purport to issue, qualifications or statements of attainment under the AQF in relation to a course in vocational education and training unless the person is registered as a training organisation under Part 3 and is operating within the scope of the registration of the organisation.

A training organisation that is registered in relation to vocational education and training in some other State or Territory is not required to be registered under this Part in relation to vocational education and training unless it operates in this State outside of the scope of its registration.

The penalty for an offence against this clause is a fine of $2 500.

Clause 31: Offences relating to universities, degrees, etc.

A person must not claim or purport to be a university unless the person is a State university, an institution declared to be a university under clause 4, an institution or institution of a class prescribed by regulation or the person has been exempted from the operation of this subclause by the Minister.

A person must not offer or provide a course of education and training in relation to which a degree is to be conferred unless the person is registered as a training organisation, and the course is accredited as a degree course, under Part 3.

A person must not offer or confer a degree unless the person is registered as a training organisation under Part 3 and the degree is in relation to successful completion of a degree course accredited under Part 3.

The penalty for an offence against any of the provisions of this clause is a fine of $2 500.

Subclauses (3) and (4) do not apply to—

- a State university; or
- an institution declared to be a university under clause 4 that is authorised by the Commission to provide such a course or confer such a degree; or
- an institution or institution of a class prescribed by regulation.

PART 4: CONTRACTS OF TRAINING

Clause 32: Interpretation

This clause contains definitions for the purposes of Part 4 and for certain notices in the *Gazette*.

Clause 33: Training under contracts of training

An employer must not undertake to train a person in a trade except under a contract of training (maximum penalty: $2 500). However, that does not apply in relation to the further training or re-training of a person who has already completed the training required under a contract of training, or who has an equivalent qualification.

An employer may undertake to train a person in any other occupation under a contract of training.

An employer must not enter into a contract of training unless the employer is an approved employer (*see clause 35*) or the contract is subject to the employer becoming an approved employer. (Maximum penalty: $2 500.)

A contract of training—

- must be in the form of the approved contract (*see clause 32(2)*); and
- must provide for the employment of the apprentice/trainee under an award or industrial agreement specified in the contract; and
- must specify the probationary period for the contract; and
- is subject to the obligations specified in the approved contract; and
- must require the apprentice/trainee to be trained and assessed in accordance with a training plan to be agreed between the employer, the apprentice/trainee and a registered training organisation chosen jointly by the employer and the apprentice/trainee; and
- is subject to the obligations specified in the approved contract; and
- is subject—
  (1) in the case of a contract in respect of a trade or declared vocation—to the conditions stated by the Commission for the trade or declared vocation;
  (2) in any other case—to the conditions specified in the contract that have been agreed between the employer and the apprentice/trainee after consultation with the relevant registered training organisation.

An employer under a contract of training must comply with the employer's obligations specified in the contract (maximum penalty: $2 500).

An apprentice/trainee under a contract of training must comply with the apprentice's/trainee's obligations specified in the contract.

An employer must permit an apprentice/trainee employed under a contract of training to carry out his or her obligations under the contract (maximum penalty: $2 500).

No person is disqualified from entering into a contract of training by reason of his or her age.

Clause 34: Minister may enter contracts of training

The Minister may enter into a contract of training, assuming the rights and obligations of an employer under the contract, but only on a temporary basis or where it is not reasonably practicable for some other employer to enter into the contract of training.

Clause 35: Approval of employers in relation to employment of apprentices/trainees

The Commission may, on application or of its own motion, grant approval of an employer as an employer who may undertake the training of an apprentice/trainee under a contract of training.

An approval—

- may be granted to an employer in relation to the employment of a particular apprentice/trainee or apprentices/trainees generally; and
- may be subject to conditions determined by the Commission.

The Commission may, by notice served on an employer, withdraw an approval if—

- there has been a contravention of, or failure to comply with, a condition of the Commission's approval; or
- the circumstances are such that it is, in the Commission's opinion, no longer appropriate that the employer be so approved.

Clause 36: Conditions for contracts of training—trades and declared vocations

The Commission may, by notice in the *Gazette*, state the conditions that must be included in a contract of training for a specified trade or declared vocation, including—

- the term of the contract; and
- the qualifications available for a person in the trade or declared vocation; and
- any other condition considered necessary by the Commission.

Clause 37: Registration of contracts of training

An employer must, within 4 weeks after the employment of a person under a contract of training, apply to the Commission for registration of the contract (maximum penalty: $2 500).

The employer must provide the Commission with any information required by the Commission for the purposes of determining an application for registration of a contract of training.

The Commission may decline to register a contract of training if—

- the contract is not in the form of an approved contract; or
- the employer is not an approved employer; or
- the contract is not accompanied by the training plan for the contract; or
- the employer will be unable, in the opinion of the Commission, to fulfil the employer's obligations under the contract; or
- a term of the contract is, in the opinion of the Commission, prejudicial to the interests of the employer or the apprentice/trainee; or
- for any other proper reason, the Commission is of the opinion that the contract should not be registered.

The Commission must notify the employer and apprentice/trainee in writing of the date of registration of the contract of training.

Clause 38: Alteration of training under contract of training to part-time or full-time

The Commission may, on the application of all parties to a contract of training, alter a contract of training so that it provides for part-time training instead of full-time training, or full-time training instead of part-time training, if to do so is consistent with the award or industrial agreement under which the apprentice/trainee is employed.

Clause 39: Termination of contract of training

A contract of training may not be terminated or suspended without the approval of the Commission. However, a party to a contract of training may, after the commencement of the term of the contract and within the probationary period specified in the contract, terminate the contract by written notice to the other party or parties to the contract.

If a contract of training is terminated during the probationary period, the employer under the contract must, within 7 days of the termination, notify the Commission in writing of the termination (maximum penalty: $2 500).

Clause 40: Transfer of contract of training to new employer

A change in the ownership of a business does not result in the termination of a contract of training entered into by the former owner but, where a change of ownership occurs, the rights, obligations and liabilities of the former owner under the contract are transferred to the new owner. If a contract of training is transferred or assigned from one employer to another, the employer to whom the contract is transferred or assigned must, within 7 days of the transfer or assignment, notify the Commission, in writing, of the transfer or assignment (maximum penalty: $2 500).

Clause 41: Termination/expiry of contract of training and pre-existing employment

If a contract of training is entered into between an employer and a person who is already in the employment of the employer, the termination, or expiry of the term, of the contract of training does not of itself terminate the person's employment with the employer.

Clause 42: Issuing statements of competency

The Commission may, for the purposes of Part 4, assess by such means as the Commission thinks fit the competency of persons in relation to a trade or declared vocation and, in appropriate cases, grant, or arrange for or approve the granting of, statements certifying that competency.

Clause 43: Disputes and discipline

If a dispute arises between parties to a contract of training, or a party to a contract of training is aggrieved by the conduct of another party, a party to the contract may refer the matter to the Grievances and Disputes Mediation Committee.

If the Commission suspects on reasonable grounds that a party to a contract of training has breached, or failed to comply with, a provision of the contract or this Act, it may refer the matter to the Grievances and Disputes Mediation Committee.

The Grievances and Disputes Mediation Committee must inquire into a matter referred to it under this clause and may, if it thinks fit, by order, exercise one or more of the following powers:

- it may refer the matter for consideration by some other body that is, in the opinion of the Committee, more appropriate to deal with the matter;
- it may make recommendations about various matters to the Commission;
- it may reprimand a party in default;
- it may suspend a person from his or her employment under a contract of training for a period not exceeding 4 weeks commencing on a date specified in the order;

- it may confirm or revoke a suspension imposed under this clause and, in the event of revocation, order the employer to pay any wages that would, but for the suspension, have been payable under the contract;
- it may extend or reduce the term of a contract of training;
- it may cancel a contract of training as at the date specified in the order;
- it may order a party to the contract to pay wages or take other action that, in the opinion of the Committee, he or she is required to pay or take under the contract or under Part 4;
- it may excuse a party to the contract from performing one or more of his or her obligations under the contract;
- it may order that, for the purpose of computing the period of training that has been served by an apprentice/trainee, a specified period or periods be excluded;
- it may withdraw the approval granted by the Commission to an approved employer under Part 4; or
- it may order an employer not to employ any apprentices/trainees in addition to those named in the order without the approval of the Committee;
- it may make any consequential orders that the Committee thinks necessary or expedient.

The withdrawal of approval of an employer by the Grievances and Disputes Mediation Committee may relate to a particular apprentice/trainee or to all apprentices/trainees employed by the employer.

If the Grievances and Disputes Mediation Committee orders one party to a contract of training to pay a sum of money to another party to the contract, that sum may be recovered by the other party as a debt.

If an employer has reasonable grounds to believe that an apprentice/trainee employed by the employer under a contract of training is guilty of wilful and serious misconduct, the employer may (without first obtaining the approval of the Commission) suspend the apprentice/trainee from employment under the contract and must, in that event—

- immediately refer the matter to the Grievances and Disputes Mediation Committee; and
- within 3 days of the suspension—confirm the reference in writing.

(Maximum penalty: $2 500.)

A suspension under this clause must, unless confirmed by the Grievances and Disputes Mediation Committee, not operate for more than 7 working days.

Notice must be given by the Grievances and Disputes Mediation Committee to the Commission of the termination of a contract of training under this clause.

The Grievances and Disputes Mediation Committee may consult with industry training advisory bodies before exercising its powers under this section and may, at any time, vary or revoke an order made by it.

It is an offence for a person to contravene, or fail to comply with, an order of the Grievances and Disputes Mediation Committee under this clause, the penalty for which is $2 500.

Clause 44: Relation to other Acts and awards, etc.

This measure prevails to the extent of any inconsistency over the *Industrial and Employee Relations Act 1994* and any regulation, award or other determination, enterprise agreement or industrial agreement made under that Act or an Act repealed by that Act.

Despite subclause (1), a provision of an award or other determination, enterprise agreement or industrial agreement made under the *Industrial and Employee Relations Act 1994* or an Act repealed by that Act requiring employers to employ apprentices/trainees under contracts of training in preference to junior employees remains in full force.

Clause 45: Making and retention of records

An employer who employs a person under a contract of training must keep records as required by the Commission by notice in the *Gazette* (maximum penalty: $2 500).

An employer must retain a record kept under subclause (1) for at least 2 years after the expiry or termination of the contract of training to which the record relates (maximum penalty: $2 500).

PART 5: MISCELLANEOUS

Clause 46: Register

The Commission must maintain a public register containing the following information:

- the training organisations registered under Part 3 and the scope of the registration of the organisations;
- the courses accredited under Part 3;
- the institutions declared to be universities under clause 4;
- the State universities;
- the occupations declared by the Minister to be trades or declared vocations;
- the qualifications under the AQF in respect of which the Commission will not register a contract of training under Part 4;
- any other information (other than commercially sensitive information) the Commission considers appropriate to the public register.

The public register—

- may be kept in the form of a computer record; and
- is to be available for inspection, without fee, during ordinary office hours at a public office, or public offices, determined by the Commission.

The Commission must ensure that copies of material on the public register can be purchased for a reasonable fee at the public office, or public offices, at which the register is kept available for inspection.

The Commission may determine that the public register can be inspected at a website determined by the Commission.

Clause 47: Provision of information to other State and Territory registering/course accrediting bodies

The Commission may, from time to time, provide a registering body and the course accrediting body in a State or Territory with a copy of the whole, or a part, of the register maintained by the Commission under this Part.

The Commission may provide the registering body and the course accrediting body of each State and Territory with any information about a training organisation obtained by the Commission in the course of carrying out its functions under this measure.

The provision of information under this clause may be subject to such conditions as the Commission thinks fit.

Clause 48: Powers of entry and inspection

For the purposes of Part 3 or 4, a member of the Commission, or a person authorised by the Commission to exercise the powers conferred by this section, may—

- enter at any reasonable time any place or premises in which education and training is provided; and
- inspect the place or premises or anything in the place or premises; and
- question any person involved in education and training; and
- require the production of any record or document required to be kept by or under this measure and inspect, examine or copy it.

A person exercising a power under this section must—

- carry an identity card in a form approved by the Commission; and
- produce the identity card at the request of a person in relation to whom the power is being exercised.

It is an offence for a person to hinder or obstruct a person in the exercise of a power conferred by this clause, refuse or fail to answer a question put under this clause or, without lawful excuse, fail to comply with a requirement made under this clause for which there is a penalty of $2 500.

A person is not obliged to answer a question under this section if the answer would tend to incriminate the person or make the person liable to a penalty.

Clause 49: False or misleading information

A person who makes a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information provided under this measure is guilty of an offence and liable to a penalty of $2 500.

Clause 50: Evidentiary provision relating to registration

In proceedings for an offence against Part 3, an allegation in the complaint that—

- a training organisation was or was not at a specified time registered; or
- the registration of a training organisation was at a specified time subject to specified conditions; or
- a registered training organisation was at a specified time acting outside the scope of the registration of the organisation,

will be accepted as proved in the absence of proof to the contrary.

Clause 51: Gazette notices may be varied or revoked

A notice published in the *Gazette* by the Commission under this measure may be varied or revoked by the Commission by subsequent notice in the *Gazette*.

Clause 52: Service

A notice or other document required or authorised to be given to or served on a person under this measure may be given or served personally or by post.

Clause 53: Regulations

The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this measure.

SCHEDULE 1: Grievances and Disputes Mediation Committee

This Schedule provides for the constitution of the Grievances and Disputes Mediation Committee for the purposes of Part 3 or 4 of the measure.

SCHEDULE 2: Repeal and Transitional Provisions

This Schedule provides for the repeal of the *Vocational Education, Employment and Training Act 1994* and for various transitional matters consequent on the repeal of that Act and the passage of this measure.

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

STATUTES AMENDMENT (MOBIL OIL REFINERIES) BILL

The House of Assembly agreed to the bill with the amendments indicated by the following schedule, to which amendments the House of Assembly desires the concurrence of the Legislative Council:

Amendment of the Indenture

4. The Indenture in the Schedule to the principal Act is amended

(a) by striking out clause 5;

(b) by striking out from clause 10(1) 'A charge' and substituting 'No charge';

(c) by striking out subclauses (2), (3) and (4) of clause 10;

(d) by inserting in clause 10A(1) after paragraph *(b)* the following paragraph:

(c) crude oil or condensate loaded by Mobil at the Company's marine installations.;

(e) by striking out subclauses (2), (3) and (4) of clause 10A.

Consideration in committee.

The Hon. R.I. LUCAS: I move:

That the House of Assembly's amendment be agreed to.

The bill is supported by both houses of parliament. Because this is a money clause, we have to go through this process.

Motion carried.

JOINT COMMITTEE ON IMPACT OF DAIRY DEREGULATION ON THE INDUSTRY IN SOUTH AUSTRALIA

The House of Assembly agreed to the resolution without any amendment.

STATE SUPPLY (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly agreed to the bill without any amendment.

RETAIL AND COMMERCIAL LEASES (CASUAL MALL LICENCES) AMENDMENT BILL

The House of Assembly agreed to the bill without any amendment.

STATUTES AMENDMENT (LOCAL GOVERNMENT) BILL

The House of Assembly agreed to the bill without any amendment.

JOINT COMMITTEE ON TRANSPORT SAFETY

The House of Assembly agreed to the resolution without any amendment.

AQUACULTURE BILL

In committee (resumed on motion).

(Continued from page 2891.)

The Hon. IAN GILFILLAN: It may be useful if I indicate that I will not be proceeding with my amendments to clauses 55, 56, 57 and 59 because they are consequential. I do not intend moving them, so there is no point in holding up the passage of those clauses.

Clauses 53 to 59 passed.

Clause 60.

The Hon. IAN GILFILLAN: I move:

Page 28, lines 4 and 5—Leave out, 'Administrative and Disciplinary Division of the District Court' and insert 'Environment, Resources and Development Court.'

This amendment seeks to amend the processing of appeals under Part 9 of the bill to replace the District Court with the Environment, Resources and Development Court. The ERDC is a specialist court designed to handle disputes over planning, environment and resources issues. The Democrats believe that it is more appropriate to deal with appeals raised in this court rather than the District Court which does not have particular expertise in relation to the environment or aquaculture.

The Hon. K.T. GRIFFIN: The government opposes the amendment very strongly. It is considered that, in terms of appeals, the District Court is the appropriate court to hear matters of an administrative nature. It should be noted that the EPA has rights of appearance in relation to a number of the issues which might be the subject of an appeal. They are not necessarily issues of an environmental nature; they are very largely issues of an administrative nature.

The Hon. P. HOLLOWAY: For the reasons given by the Attorney, we oppose the amendment.

The Hon. T.G. CAMERON: In this instance, I indicate support for the government's position.

Amendment negatived.

The Hon. IAN GILFILLAN: I indicate that I will not proceed with my further amendments to clause 60 which are consequential.

Clause passed.

Clauses 61 to 64 passed.

Clause 65.

The Hon. IAN GILFILLAN: I move:

Page 30, line 2—Leave out '10' and insert '11'.

This amendment may sound rather cryptic to the committee, but I assure members that it links in with amendments that I seek to move to the advisory committee in various forms. I indicate that, if I am not successful with this amendment, I will still proceed with my other amendments.

The Hon. P. HOLLOWAY: I oppose all the amendments which the Hon. Ian Gilfillan proposes to clause 65. Clause 65 applies to the membership of the AAC. We support the approach of the government of having people appointed on the basis of their expertise rather than representing particular organisations. There is one exception which relates to local government. That is appropriate because local government has to manage development applications which, of course, come under local government. Regarding the others, there is

a whole range of people whom one might wish to have, but we believe it is better to pick people according to their expertise rather than as representatives of particular groups. That is why we reject all these amendments.

The Hon. K.T. GRIFFIN: I oppose all the amendments. I could not have put it any more forcefully or articulately than the Hon. Paul Holloway, so I adopt his reasons for opposing these amendments.

The Hon. T.G. CAMERON: I rise to support the amendments of the Hon. Ian Gilfillan. Regarding the membership of the AAC, if one looks at paragraphs (a) to (g), it will be seen that there must be four persons nominated by the minister who have, in the opinion of the minister, appropriate practical knowledge of and experience in the aquaculture industry. The Hon. Ian Gilfillan is attempting to provide the industry (through the South Australian Fishing Industry Council and the Conservation Council) with a dedicated person to be a member of this committee.

The terminology which the honourable member uses is familiar. It is found in standard clauses where we see, time and time again, that one member must be a person chosen by the minister from a panel of three persons nominated by the United Trades and Labor Council. That union always gets a guernsey despite the best efforts of the government to stop it.

Let us look at the comments of the Hon. Paul Holloway which were so enthusiastically endorsed by the Attorney. The effect of the Hon. Paul Holloway's amendment is to exclude a person nominated by the Conservation Council of South Australia, notwithstanding the fact that environmental concerns are one of the paramount reasons for this bill.

The Hon. P. Holloway interjecting:

The Hon. T.G. CAMERON: You said that one must be a person nominated by the minister who, in the opinion of the minister, has appropriate practical knowledge of and experience in environmental conservation. What the Hon. Paul Holloway and the Labor Party have done is once again demonstrated that they are the second arm of government, that they are not really acting as an opposition, and that they have jumped into bed once again with the government. Is this the principle that you are adopting from now on into the future: that whenever a conservative government gets up you will support clauses such as 'four must be persons nominated by the minister and have, in the opinion of the minister, appropriate practical knowledge'? You are not creating some kind of a precedent here?

The Hon. P. Holloway interjecting:

The Hon. T.G. CAMERON: Well, you want one rule for the South Australian Fishing Industry Council and you want another rule for the United Trades and Labor Council. I have always supported the United Trades and Labor Council being represented on appropriate committees as the official—

The Hon. P. Holloway interjecting:

The Hon. T.G. CAMERON: You don't even have an amendment to give them a guernsey on this one. There are very few trade union members in the industry, but that is another subject.

The Hon. R.K. Sneath: I'm sure the minister will put the AWU man on it.

The Hon. R.K. Sneath interjecting:

The Hon. T.G. CAMERON: How many members do you have in the industry? Five?

The Hon. R.K. Sneath: A few.

The Hon. T.G. CAMERON: I've never heard a more correct statement from you than 'a few'. It would be a few.

The Hon. R.K. Sneath: More than anyone else.

The Hon. T.G. CAMERON: Well, you've got constitutional coverage; you should have the lot. I would always have supported a clause which gave the UTLC appropriate representation on a body where it is entitled to be represented. I would have thought that the South Australian Fishing Industry Council and the Conservation Council of South Australia would be entitled to be members of this committee.

I appreciate that the wording of the clause which the government and the opposition support does not necessarily mean that an individual, whose name may have found itself on a panel nominated by the South Australian Fishing Industry Council, is precluded—I accept that—but what you are doing here is specifically precluding the South Australian Fishing Industry Council perhaps from having any representation on this body. Sure, I understand that you may pick up someone under paragraph (d), but we very well could have a situation where there is no industry representative and no representative of the Conservation Council.

I ask the Hon. Mr Gilfillan whether he copied paragraph (g) and used it as his model for paragraphs (c), (a) and (f), because they read exactly the same except for the fact that instead of 'nominated by the Local Government Association' he says 'the South Australian Fishing Industry Council'. So, under paragraph (g) it will be okay for the Local Government Association of South Australia to nominate three people, and the government will or must accept one of those three people.

The employer body—the fishing council—wants the same right that members opposite are prepared to accord to the Local Government Association, and they have knocked it back. I can understand why the Labor Party might knock back giving the South Australian Fishing Industry Council—the employer body—representation on this advisory committee. The government has refused to give the peak council body that represents the industry the right to nominate one person it would like to sit on this body to provide advice. If it is good enough for members opposite to do it for the Local Government Association, why is it not good enough for them to do it with the South Australian Fishing Industry Council?

The Hon. T. CROTHERS: I wish to support, in a commonsense way, the position of the Australian Labor Party and the government. On many occasions in this Council I have taken issue with the state government. One of the first things it did when it got into office was to remove from all industry boards and so on representatives of the Trades and Labor Council. The workers compensation board is an outstanding outlandish case in respect of this, and I could continue to take issue with the government. However, on this occasion I do not. What the government is doing with the support of the opposition is very wise, given that this is a fledgling industry and that it is endeavouring to adapt policy to suit the needs of the industry so that it can be sustainable. It is essential that you put on to these advisory boards technical or scientific people, or people who have a practical knowledge of the industry. Perhaps in three or four years—perhaps in several years—

The Hon. T.G. Cameron interjecting:

The Hon. T. CROTHERS: Don't nod your head; it might fall off. It's that empty now; it's a bit light. It may well be that, given the absolutely essential requirement for a policy to be developed along proper scientific lines so as to render aquaculture and its associated industry sustainable, once that has been set in place, representatives who have an interest in the industry but who have no scientific or technical expertise cannot be put on the board. Again, it is a courageous attempt by the ALP with respect to the forthcoming electoral fiesta—

and it is an equally courageous attempt by the government—to try in this fledgling industry to do the best it can, not to render this industry sustainable in the near and distant future. I support the position of the government.

The Hon. CAROLINE SCHAEFER: As with a lot of things, times do move on. There is and has been for some six to eight months a South Australian aquaculture council. Therefore, if any employer or industry based body were to be represented in this bill, I certainly do not support the amendment. The aquaculture council would be appropriate rather than the South Australian Fishing Industry Council.

Amendment negatived.

The Hon. IAN GILFILLAN: I move:

Page 30—

Line 9—Leave out '4' and insert:

3

After line 10—insert:

(ca) 1 must be a person chosen by the minister from a panel of 3 persons nominated by the South Australian Fishing Industry council; and

Lines 14 to 16—Leave out paragraph (f) and insert:

(f) 1 must be a person chosen by the minister from a panel of 3 persons nominated by the Conservation Council of South Australia Incorporated; and

As the committee has recognised, this amendment is part of an attempt by the Democrats to adjust the advisory committee to be a truly independent and valuable advisory committee rather than just a line-up of stooges chosen by the minister not to be an embarrassment to him or her. That may sound like savage language, but already before I have indicated that, with due respect to whoever currently holds the position, it is essential that appropriate legislation to plan the future of aquaculture into the next century has to have as its basis one upon which the public as well as the industry can have confidence that it is properly established. I listened with interest to the Hon. Caroline Schaefer indicating that the aquaculture council may be a body that could nominate someone to be on the advisory committee, and that may well be true. However, if the advisory committee comprises only those who have an economic vested interest, it will be advice from one limb of what we have been attempting to do—certainly I have, and I have been supported by the Hon. Terry Cameron and the Hon. Nick Xenophon—to broaden the perspective and base of this legislation so that it does not come in as a vested interest piece of legislation, and it can be trusted to look after a commercial activity which is taking place on common property. The proprietors of aquaculture—certainly marine aquaculture—do not buy the actual asset upon which they are conducting their business. As we have said before, it is common property.

My amendments—which I intend to move but not to speak to any further—are an attempt to place on this advisory committee people who have been nominated from a group of organisations, all of whom, it can be said, do have a vested interest in the proper implementation of aquaculture. A panel of three should be chosen so that the minister has some right of personal selection. Honourable members may have noticed that I have added the Recreational Fishing Advisory Council as one other body that ought to be represented. Obviously, hundreds of thousands of South Australians are involved in recreational fishing through the course of 12 months. They see it as their right and common property to be able to use the sea, and certain aquaculture projects can quite dramatically interfere with that right. So, they are also entitled to be involved in the composition of this committee.

I reflect again on the very pertinent point made by the Hon. Terry Cameron that paragraph (g), as it exists in the bill, provides exactly the same formula for a representative from the Local Government Association of South Australia. It certainly defied my logic and I have heard no-one else attempting to justify why the Local Government Association should be the one body that is entitled to put forward people independent of the personal preference of the relevant minister.

The Hon. K.T. GRIFFIN: The amendments are opposed on the basis that the Hon. Caroline Schaefer has referred to, particularly in relation to representatives of the industry. I make the point that a range of bodies are representative of environmental groups. There are a range of bodies—the Seafood Council, Aquaculture Council, Oyster Growers, Tuna Boat Owners and others—in the aquaculture industry representing the interests of those who are carrying on the business activity. It just seemed impossible to name them all—

The Hon. Ian Gilfillan interjecting:

The Hon. K.T. GRIFFIN: That is the opportunity to give us some flexibility.

The Hon. T.G. CAMERON: I indicate my support for the amendment to increase the composition of this committee from 10 to 11 and to select someone from a panel of three nominated by the South Australian Recreational Fishing Advisory Council. Paragraph (c) provides:

one must be a person engaged in the administration of the Environment Protection Act 1993 nominated by the minister responsible for the administration of that act.

Where would that person come from?

The Hon. K.T. GRIFFIN: It is likely to be a person under the minister responsible for the Environment Protection Act, someone responsible for environmental issues involved in the administration. So it is likely to be a public servant involved with the EPA.

The Hon. T.G. CAMERON: There is no way, is there, that that clause would allow a minister to appoint someone on his or her staff who may be working in an advisory capacity?

The Hon. K.T. GRIFFIN: I do not believe so. I believe it is a person involved in the administration of the EPA Act, not on the minister's personal staff, because that person is not engaged in the administration of the EPA Act.

The Hon. T.G. CAMERON: I thank the Attorney for his answer, but where would that person come from? Would it be someone involved in the administration of the EPA Act, from the EPA, or elsewhere?

The Hon. K.T. GRIFFIN: They could come from three areas—the EPA, the Environment and Heritage Department, or from the Environment and Heritage Policy Unit which is in the department.

Amendments negatived; clause passed.

Clauses 66 and 67 passed.

Clause 68.

The Hon. T.G. CAMERON: I am a little concerned about the wording of the clause. If members read the clause, it sets out a procedure for the AAC to follow if there is a direct or indirect pecuniary or personal interest in the matter under consideration. I do not have any quarrel with the procedure that is set out in the act—and it may well be set out somewhere else—but I note that subclause (3) provides:

A disclosure under this section must be recorded in the minutes of the AAC.

I have not tripped across anything which requires the AAC to notify the minister of a conflict of interest or a direct or indirect pecuniary or personal interest. I would have thought that, for reasons of transparency and probity and so on, the AAC should advise the relevant minister.

The Hon. K.T. GRIFFIN: The functions of the Aquaculture Advisory Committee are to advise the minister on any matter relating to aquaculture that should, in the opinion of the AAC, be brought to the minister's attention and then to advise the minister on administration. The normal practice with these committees is for the minutes to be available as a matter of course to the minister, but they will generally come through the agency.

The Hon. T.G. CAMERON: I would have thought that a particular conflict should be brought to the attention of the minister—perhaps by way of the minutes. I am not seeking to have the act changed.

The Hon. K.T. GRIFFIN: Minutes have to be accurate. My experience with the minutes of these sorts of committees is that they are brought to the attention of the minister and, if they do not read them all, generally they have their attention drawn to particular issues by their personal staff. I know that is what happens in my office. I have a number of advisory committees—some established by statute and some not—and the minutes always come across my desk.

The Hon. T.G. CAMERON: The Attorney has put his finger on the nub of my concern. If I had confidence that every government minister would run their office in the way in which the Attorney runs his, I would not be pressing for this, but I do not have that confidence. We all know how busy ministers get. If this conflict is not specifically drawn to their attention, it will just get lost. I can see situations where someone will get hold of the minutes of the AAC where some particular member has had a personal or a direct interest. There will be a bit of a blue on the AAC and the minutes citing this conflict of interest will turn up in the opposition's hands (or more likely the Hon. Ian Gilfillan's hands) and it will all be raised in parliament.

It would be reassuring if the Attorney could give me a little more assurance than he has already given; that is, it works well in his office (and it would), but I am afraid that all the government's ministers' offices do not work as well as the Attorney's—that is from personal experience.

The Hon. K.T. GRIFFIN: I am conscious of the point that the Hon. Mr Cameron makes—and it is an important point—and I am very conscious of the hour. While I am sympathetic to an amendment which ensures that the point is made, I do not want to make it on the run. We are coming back in February. If this bill passes in a few minutes—whether or not it does, I am not sure—I will undertake to raise with the minister responsible for the act the point that the honourable member has made and, subject to giving consideration to the logistics of it, I will possibly—and I can only say possibly—give consideration to a short amending bill in the next session which picks up that particular point. That is the best offer I can make in the circumstances. I am prepared to diligently ensure that it is addressed and, if it is appropriate for an amendment to be made, I will endeavour to ensure that it is done in the next part of the session.

The Hon. T.G. CAMERON: I thank the Attorney-General.

Clause passed.

Clauses 69 to 71 passed.

Clause 72.

The Hon. P. HOLLOWAY: When this clause was debated in another place, the Premier, who carries this bill as Minister for Primary Industries, stated:

> Under the new system with its competitive allocation, the tenure board basically does an assessment of the various applications for tenure. It is then for the minister to make a determination.

That can be found on page 2786 of *Hansard* for the House of Assembly. We moved an amendment based on the assumption that it was the minister who made the determination. I have been told subsequently that the minister does not have that sort of discretion, that the recommendations of the ATAB apply. If the minister can confirm that, it will be unnecessary for me to move my amendment and I will not do so.

The Hon. K.T. GRIFFIN: The answer is yes. The process used to allocate the tenure must be approved by the ATAB.

The Hon. P. HOLLOWAY: I will not proceed with my amendment.

Clause passed.

Clauses 73 to 79 passed.

Clause 80.

The Hon. Ian Gilfillan: I move:

Page 35, after line 12—Insert:

(ea) details of any lease or licence suspension or cancellation; and

(eb) details of any prosecution or other enforcement action under this act; and

(ec) details of receipts and expenditure from the Aquaculture Resource Management Fund; and

This amendment also relates to the public register. It addresses three matters raised by the Environmental Defenders Office (SA) Incorporated. It stated in its proposed amendments to the Aquaculture Bill 2001 that:

> The public register is supported. However, it needs to include sufficient information to provide the public with confidence that good decisions are being made about the use of ocean resources.

What an excellent sentence that is. It continues:

> The requirement to provide reasons for decisions and to make those reasons publicly available will improve public confidence and provide for more accountable decisions. Including details of enforcement action will give the public confidence that the act is being properly administered. Including details of the fund will show the various proportions of expenditure going to support environmental or industry research.

We could not put it any more lucidly and effectively than that. I support those comments as being the justification for this amendment.

The Hon. K.T. GRIFFIN: The government does not support the amendment. The matters to be dealt with in the public register are wide. They are set out in clause 80, and specifically paragraph (f) provides that any other information considered appropriate may be held on the public register.

The Hon. P. HOLLOWAY: We do not support the amendment.

Amendment negatived; clause passed.

Clauses 81 and 82 passed.

New clause 82A.

The Hon. IAN GILFILLAN: I move:

After Part 10—Insert:

PART 10A
CIVIL ENFORCEMENT

Civil enforcement

82A. (1) Any person may apply to the Environment, Resources and Development Court for an order to remedy or restrain a breach of this Act (whether or not any right of that

person has been or may be infringed by or as a consequence of that breach).

(2) Proceedings under this section may be brought in a representative capacity (but, if so, the consent of all persons on whose behalf the proceedings are brought must be obtained).

(3) If proceedings under this section are brought by a person other than the Minister or the EPA, the applicant must serve a copy of the application on the Minister and the EPA within three days after filing the application with the Court.

(4) An application may be made ex parte and, if the Court is satisfied on the application that the respondent has a case to answer, it may grant leave to the applicant to serve a summons requiring the respondent to appear before the Court to show cause why an order should not be made under this section.

(5) An application under this section must, in the first instance, be referred to a conference under section 16 of the Environment, Resources and Development Court Act 1993.

(6) If—

(a) after hearing—

(i) the applicant and the respondent; and

(ii) any other person who has, in the opinion of the Court, a proper interest in the subject matter of the proceedings and desires to be heard in the proceedings,

the Court is satisfied, on the balance of probabilities, that the respondent to the application has breached this Act; or

(b) the respondent fails to appear in response to the summons or, having appeared, does not avail himself or herself of an opportunity to be heard,

the Court may, by order, exercise any of the following powers:

(c) require the respondent to refrain, either temporarily or permanently, from the act, or course of action, that constitutes the breach;

(d) require the respondent to make good the breach in a manner, and within a period, specified by the Court, or to take such other action as may appear appropriate to the Court;

(e) require the respondent to pay to any person who has suffered loss or damage as a result of the breach, or incurred costs or expenses as a result of the breach, compensation for the loss or damage or an amount for or towards those costs or expenses;

(f) if the Court considers it appropriate to do so, require the respondent to pay to the Minister an amount, determined by the Court, in the nature of exemplary damages.

(7) In assessing damages under subsection (6)(f), the Court must have regard to—

(a) any detriment to the public interest resulting from the breach; and

(b) any financial or other benefit that the respondent sought to gain by committing the breach; and

(c) any other matter it considers relevant.

(8) The power conferred under subsection (6)(f) can only be exercised by a Judge of the Court.

(9) The Minister or the EPA is entitled to appear, before a final order is made, and be heard in proceedings based on the application.

(10) If, on an application under this section or before the determination of the proceedings commenced by the application, the Court is satisfied that, in order to preserve the rights or interests of parties to the proceedings or for any other reason, it is desirable to make an interim order under this section, the Court may make such an order.

(11) An interim order—

(a) may be made on an ex parte application; and

(b) may be made whether or not the proceedings have been referred to a conference under subsection (5); and

(c) will be made subject to such conditions as the Court thinks fit; and

(d) will not operate after the proceedings in which it is made are finally determined.

(12) Where the Court makes an order under subsection (6)(d) and the respondent fails to comply with the order within the period specified by the Court, the Minister or the EPA may cause any work contemplated by the order to be carried out, and may recover the costs of that work, as a debt, from the respondent.

(13) Where an amount is recoverable from a person by the Minister or the EPA under subsection (12)—

(a) the Minister or the EPA may, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person, and, if the amount is not paid by the person within that period, the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid; and

(b) the amount together with any interest charge so payable is until paid a charge in favour of the Minister or the EPA on any land owned by the person.

(14) The Court may, if it thinks fit, adjourn proceedings under this section in order to permit the respondent to remedy any default.

(15) The Court may order an applicant in proceedings under this section—

(a) to provide security for the payment of costs that may be awarded against the applicant if the application is subsequently dismissed;

(b) to give an undertaking as to the payment of any amount that may be awarded against the applicant under subsection (16).

(16) If on an application under this section the Court is satisfied—

(a) that the respondent has not breached this Act; and

(b) that the respondent has suffered loss or damage as a result of the actions of the applicant; and

(c) that in the circumstances it is appropriate to make an order under this provision,

the Court may, on the application of the respondent (and in addition to any order as to costs), require the applicant to pay to the respondent an amount, determined by the Court, to compensate the respondent for the loss or damage which the respondent has suffered.

(17) The Court may, if it considers it appropriate to do so, either on its own initiative or on the application of a party, vary or revoke an order previously made under this section.

(18) The Court may make such orders in relation to costs of proceedings under this section as it thinks fit.

(19) Proceedings under this section may be commenced at any time within 3 years after the date of the alleged breach or, with the authorisation of the Attorney-General, at any later time.

(20) An apparently genuine document purporting to be under the hand of the Attorney-General and to authorise the commencement of proceedings under this section will be accepted in any legal proceedings, in the absence of proof to the contrary, as proof of the authorisation.

This will be here in *Hansard* for students to see what opportunities we missed down the track. It is the final amendment to this bill that I move. It deals with the issue of civil enforcement. It is important that members of the public have confidence in the regulatory regime relating to aquaculture. To quote the Environmental Defenders Office again:

> An important aspect of accountability is for members of the public to be able to insist on the law being applied properly and to insist that aquaculture operators comply with all legislative tenure and licence provisions.

This amendment has used as its model section 85 of the Development Act 1993, a very pregnant year I might remind the committee for sensible precedents for making this legislation effective. We believe that the primary responsibility for enforcement under the act should fall to the government. However, it is essential for the community to have the ability to apply to the court in regard to a breach of the act.

I take this opportunity to conclude my remarks in general on the bill because I do not expect to take further time in its other processes. We support the second reading and we will support the third reading and final passage of the bill because at least it establishes some legislation in a separate vehicle to deal with that remarkable, potentially valuable and important area of activity, the aquaculture industry. I forecast that we will continue to have a series of protests, complaints and dissatisfaction from members of the public who feel that activities undertaken in aquaculture, decisions made to

implement aquaculture, are being done in an unsatisfactory way, either in secret or certainly not guidelines that they would like to have followed.

It is unfortunate, because I believe that the amendments that I have moved and which have been supported almost entirely by the Hon. Terry Cameron and the Hon. Nick Xenophon would have marginally increased the actual effort required to properly implement the bill but monumentally reduced public suspicion and disquiet. In fact, it may even have achieved a piece of legislation which would have given the aquaculture industry a shoulder-high ride in public popularity so proposals coming forward would be welcomed rather than looked on with suspicion by members of the public who have felt that there has been conniving and unfortunate practices with aquaculture in the past.

I believe it is an opportunity that has been missed. It may before very much longer be revisited, in which case I can guarantee the committee and the House that the Democrats and other people who feel similarly to ourselves will be urging reform along the lines in which we have been unsuccessful in this attempt. The attempt is there, the message is there, and I hope that the parliament, in any further deliberation on this legislation, will realise it was an opportunity missed to create a piece of aquaculture legislation which embraced the whole community in its evolution and support, rather than being portrayed as a sectional, commercial vested interest enabling piece of legislation, which is bound to engender resentment in certain sections of the community.

The Hon. K.T. GRIFFIN: I indicate opposition to the amendment. The relevant civil enforcement provisions relating to environmental harm, nuisance and general environmental duty and development matters covering the range of possible civil enforcement actions relevant to aquaculture are available under the Environment Protection Act and the Development Act respectively, and it is important to remember that. They are already available and the provisions in this bill—

The Hon. Ian Gilfillan interjecting:

The Hon. K.T. GRIFFIN: No, because the provisions in those two acts are not affected by this bill. It is unnecessary to have additional civil enforcement provisions in the Aquaculture Bill: they are already covered in the Development Act and in the Environment Protection Act.

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

That standing orders be so far suspended as to enable the Council to sit beyond 6.30 p.m.

Motion carried.

The Hon. P. HOLLOWAY: For the reasons given by the Attorney, we oppose the amendment.

The Hon. T.G. CAMERON: I indicate my support for the civil enforcement provisions standing in the name of the Hon. Ian Gilfillan. Whilst I may quarrel with a couple of the subclauses in the provisions that he set out, I will not go into those tonight because it is quite clear that his amendment will be lost. Whilst I note the Attorney's comments, and I do not know whether or not they are correct, I believe that it would have been more appropriate to set out this civil enforcement issue under this act. I support the amendment standing in the name of the Hon. Ian Gilfillan because it is vital that this bill, for this important interest, have the confidence of the public, and the public will not have confidence in the act or the government's administration of it if there is not proper transparency and accountability.

I will not repeat the speech just made by the Hon. Ian Gilfillan but, like him, I suspect that, whilst this is a move in the right direction and it is an improvement, we could have done so much more to encourage public confidence. We had a wonderful opportunity here to get this bill right but, unfortunately, I think the model that we are now putting forward is deficient in comparison to what is operating in Tasmania and what has recently been introduced in Western Australia, and I think that is a pity for South Australia and the aquaculture industry.

New clause negatived.

Remining clauses (83 to 91) passed.

New clause 92.

The Hon. P. HOLLOWAY: I move:

Page 38, after clause 91—insert:

Review of Act

92. The minister must, within five years after the commencement of this act or any provision of this act—

(a) cause a report to be prepared on the operation of this act; and

(b) cause a copy of the report to be laid before each house of parliament.

This amendment provides for a review of this act after five years, and I indicated my reasons for that earlier.

The Hon. K.T. GRIFFIN: I am prepared to indicate that we will support the amendment.

The Hon. T.G. CAMERON: I indicate my support for the amendment standing in the name of the Hon. Paul Holloway because I do not have any choice. Considering the amendments that are being knocked out, I do not think that a review of this act five years down the track is appropriate. I would have thought that a review should take place within two or three years. However, I do not have an amendment in place, so I will have to support the five years put forward by the Hon. Paul Holloway and keep a close eye on the administration of this act over the next few years.

The Hon. IAN GILFILLAN: I indicate support for the amendment on the basis that I do not think it can do any harm, which is about the best thing I can say for it. It is unfortunate that the only amendment that gets virtually unanimous support is one so innocuous. I agree, as I have almost embarrassingly frequently this evening, with the Hon. Terry Cameron that the relevant review of the way in which this legislation is working will be within 12 months, 18 months, and to have to wait for five years to get some sort of tailored piece of written material and say, 'Well, that has done the job', I think, is the ultimate in unrealistic optimism, but I support the amendment.

New clause inserted.

Schedule passed.

Title passed.

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

That this bill be now read a third time.

I thank members for their preparedness to deal with this bill so quickly. It has not been easy to do it on the last day of the session, but the cooperation which members have shown, at least on my part, has been very much appreciated.

Bill read a third time and passed.

FREEDOM OF INFORMATION (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly agreed to the bill without any amendment.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly agreed to the bill without any amendment.

ADJOURNMENT DEBATE

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

That the Council at its rising adjourn until Tuesday, 12 February 2002.

I wish everyone well for the Christmas season. I repeat the remarks of the Attorney-General in response to the third reading of the Aquaculture Bill. I thank members not just in relation to the Aquaculture Bill but for a productive period of work over the past few weeks in particular. A reasonable number of pieces of legislation have passed through parliament, and the remaining bills can be considered in the two week session in February.

We have had two extended sessions of private members' business in the past two or three weeks and on the Wednesday we did not consider any government business at all so, hopefully, we might have broken the back of some of the private members' business so that in the remaining couple of weeks we can quickly complete the government program, and also the remaining elements of the private members' program (that which members want to see completed, anyway), in the remaining two weeks of this parliamentary session.

I thank the leaders of the parties for their cooperation. I thank the whips, in their absence, for their cooperation in coordinating business. I thank all members for their cooperation generally during the proceedings of the parliament (the Legislative Council in particular). I thank you, Mr President. I am sorry to have delayed your evening engagement, but it looks as if you might still get there. I thank Jan, Trevor and all the table staff for their work. I am delighted that the clerk is at least able to have a birthday celebration not with her members of parliament and other members of staff but, perhaps, with those with whom she might choose to have her birthday celebration this evening. Wherever that may be, Jan, have a happy evening and we join with the President in congratulating you on your birthday.

I thank all the other staff, without going through them individually, in parliament who assist us in the smooth operation of the Legislative Council. I conclude by wishing all members the best for the Christmas season ahead. It will be a busy period, given that we are only four or five months from a state election. It will be a busy period for all of us but, nevertheless, I hope that members get a brief opportunity, anyway, to share time with friends and family over the Christmas-New Year break, and we will see members in the New Year for the two week sitting in February.

The Hon. CAROLYN PICKLES (Leader of the Opposition): I am happy to second the motion. This has, indeed, been a busy last couple of weeks and I think I will say what I say at this time every year, and that is that, one day, perhaps, parliament will have some sensible standing orders that allow people to go home at a reasonable hour so that they can spend some time with their families. I, too, wish all honourable members the compliments of the season. I hope that they manage to take some time off and reflect and renew, and that they can spend time with their families and friends and get some balance back in their lives after being locked up here for days on end.

I thank you, Mr President, and the clerks—especially Jan and Trevor—for their tolerance, forbearance and patience. They never seem to lose their temper, unlike some of us, myself included. I thank all other honourable members—the Australian Democrats and, particularly, the ministers whom I deal with (the Hon. Diana Laidlaw and the Hon. Trevor Griffin). We have managed to get legislation through, although I regret that an important piece of transport legislation has not yet passed the other house. I hope we can deal with that, because it certainly is a progressive piece of legislation which the opposition supports. I thank the Hansard staff, all the table staff, the clerks and messengers—everybody who works in this place—and wish you all the very best for this season of goodwill to all men and women.

The Hon. M.J. ELLIOTT: I rise on behalf of the Democrats to support the motion. I thank all staff for the wonderful job they do in this place and wish everybody the compliments of the season.

The PRESIDENT: I join with the leaders of the parties in their words of goodwill with Christmas approaching, and in thanking the staff and our colleagues here for all the work that goes into producing a parliamentary session. On behalf of Jan and her staff, I thank the leaders for their good wishes and kind words. I also thank the whips, Caroline and Carmel, for the work that they have done, and the members who have relieved me in the chair, John Dawkins and Trevor Crothers. I thank them very much for doing that and giving me a spell. I also thank those people outside this chamber who contribute so much—the Hansard staff, the library staff and the catering staff—for the work they have done this year. I hope you all have a very happy Christmas and New Year ready for the challenges next year, which will be sad for some of us because we will be here for a only couple of months, I guess, once the New Year starts. I look forward to seeing everyone in the New Year.

Motion carried.

STATUTES AMENDMENT (COURTS AND JUDICIAL ADMINISTRATION) BILL

The House of Assembly agreed to the bill without any amendment.

AQUACULTURE BILL

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

ADJOURNMENT

At 6.53 p.m. the Council adjourned until Tuesday 12 February 2002 at 2.15 p.m.