LEGISLATIVE COUNCIL

Tuesday 25 March 2003

The PRESIDENT (Hon. R.R. Roberts) took the chair at 2.15 p.m. and read prayers.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Agriculture, Food and Fisheries (Hon. P. Holloway)—

- Judges of the Supreme Court of South Australia—Report, 2001
- Report, 2001
- Report, 2002
- Regulations under the following Acts—
  - Chiropodists Act 1950—Annual Fees
  - City of Adelaide Act 1998—Allowances and Benefits
  - Community Titles Act 1996—Remake, Amendments
  - Construction Industry Long Service Leave Act 1987—Long Service Levy
  - Consumer Transactions Act 1972—Hairdressing
  - Liquor Licensing Act 1997—Dry Areas—
    - Dimjalla Skate Park
    - Naracoorte
  - Local Government Act 1999—Revocation
  - Local Government Act 1934—Allowances and Benefits
  - Strata Titles Act 1988—Remake, Amendments
  - Water Resources Act 1997—
    - Marne River, Saunders Creek
    - Tintinara, Coonalpyn Wells Area
  - Workers Rehabilitation and Compensation Act 1986—Practitioners Charges
- Rules of Court—
  - District Court—District Court Act 1991—Ejectment
  - Supreme Court—Supreme Court Act 1935—Corporations
- Rule under Act—
  - Local Government Act 1999—Local Government Superannuation Scheme—Allocated Pensions
- Corporation By-laws—
  - West Torrens—
    - No. 1—Permits and Penalties
    - No. 2—Moveable Signs
    - No. 3—Local Government Land
    - No. 4—Roads
    - No. 5—Dogs
- District Council By-laws—
  - Copper Coast—
    - No. 1—Permits and Penalties
    - No. 2—Boat Ramp
    - No. 3—Local Government Land
    - No. 4—Roads
    - No. 5—Dogs
  - Wakefield—
    - No. 1—Permits and Penalties
    - No. 2—Moveable Signs
    - No. 3—Local Government Land
    - No. 4—Roads
    - No. 5—Dogs
    - No. 6—Bird Scarers
- Legislative Review Committee—Report on Regulations under the Passenger Transport Act 1994—Response by Minister for Transport, Hon. M. Wright, M.P

By the Minister for Aboriginal Affairs and Reconciliation (Hon. T.G. Roberts)—

- Reports, 2001-2002—
  - Australasia Railway Corporation
  - Art Gallery of South Australia
  - South Australian Metropolitan Fire Service
- Regulation under the following Act—
  - Firearms Act 1977—Licences for Primary Production.

QUESTION TIME

UNDERSPENT FUNDS

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the minister representing the Treasurer a question about underspending.

Leave granted.

The Hon. R.I. LUCAS: As some members will know, since July last year, the opposition has been seeking answers to a series of budget-related questions, one of which relates to the extent of underspending by government departments during the last financial year—2001-02—and, just as importantly, what cabinet approved carryovers of expenditure had been approved by the cabinet. Mr President, I will not go into the detail, but you will recall that the government, when in opposition, was often critical of the extent of underspending by departments under the former government in previous years. So, of course, this is an issue of some significant public interest.

As I said, the opposition has been seeking this information since July. As of the end of last month, some aggregated information was provided by the Treasurer and is recorded in the House of Assembly *Hansard* for 20 February. Some members will also know that that is only aggregated information: it provides no specific detail on the particular programs or capital projects that have been underspent, which was the specific question to which an answer was sought. To that end, I lodged 14 separate freedom of information requests, only because we had not received answers to those questions—

The Hon. Diana Laidlaw: You were forced to do it.

The Hon. R.I. LUCAS: —I was forced to do so—and, secondly, I lodged 14 separate questions on notice to individual ministers seeking the detail of individual capital works projects—which school, which hospital—

The Hon. Diana Laidlaw: Which road.

The Hon. R.I. LUCAS: —which road had been deferred and, equally, which particular operating program—which staff, which nurses, which doctors, which particular program, which transport employees, and which particular maintenance service had been underspent for the last financial year.

I received an answer yesterday from the Leader of the Government in this chamber about the 14 questions lodged on the *Notice Paper*. It stated:

> The Premier has provided the following information:
>
> A response to these questions has been printed in the House of Assembly *Hansard* dated Thursday 20 February 2003, pages 2404-2405.

I invite those members who are interested in the extent of the underspending by this government to look at the answers given on those pages to see that no detail has been provided on any particular school, hospital or road project, for example, in those areas.

I refer members to the aggregated information which shows, for example, in relation to the health portfolio, total underspending of $42 million last year, and a cabinet approved carryover of just over $18.8 million. What the Treasurer and the government have done is to rip out of the health portfolio some $23.1 million in aggregate—

The Hon. Caroline Schaefer: Just hospitals, not schools.

The Hon. R.I. LUCAS: That is just hospitals. Because it is question time, time does not permit—

The Hon. J.F. Stefani interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Stefani says that is why some hospitals do not have beds to open. That is a pertinent interjection. When one goes through that list, one can look in aggregate terms at the extent of the underspending. I add two further points. One is that, as a deliberate matter of policy, in March last year the new government took a moratorium on all new and existing spending in a number of government departments and agencies. It was a deliberate policy to freeze expenditure in a number of areas, and the education portfolio is one that has been highlighted significantly in terms of capital works. Secondly, some ministers have indicated to their departments that all approvals for expenditure over a very low level—in one case, in education, $1 000—have to go through to the minister's desk, which has led to significant delays in important programs.

As this table demonstrates, if the money was not spent by 30 June, in over $120 million worth of cases the money has been ripped out of portfolios such as health and education by the Treasurer and Premier, and one does not know what has happened to that money since then. My question is simply: will the Leader of the Government in this chamber say why the Premier and Treasurer are continuing to refuse to provide answers to specific questions as to which particular capital projects and operating programs have been underspent in the last financial year, particularly when the Leader of the Government knows, as do the other ministers, that their departments have prepared answers to these questions and they are refusing to provide those answers in this council and, when requested under freedom of information, they have been refused on the ground that it infringes parliamentary privilege?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): In relation to the latter point, my understanding is that, in relation to my department, I have provided the Leader of the Opposition with some correspondence that was prepared on that matter. However, that information was not sent to Treasury. As I understand it, Treasury prepared whatever information was provided for estimates, and sought by the leader in previous questions, from the budget bilateral information. In relation to information that was provided to me as far as my department is concerned, I believe that the leader has that information.

The leader is asking about underspending. Of course, this is the period from 6 March last year to 30 June. It is scarcely over one quarter of the financial year to which the Leader of the Opposition is referring: the other three quarters of the year was the period in which the leader was treasurer. It is scarcely surprising, since there had been a change of government at that time and obviously the new government was assessing its priorities—as indeed one would expect it to do after a change of government—that in that short period of between three and four months there should be some reassessment. Let us get this into perspective and let us get the leader's comments into perspective. We are talking about a small proportion of a year in which the leader was treasurer for, by far, the greater part of that year.

In his preamble the leader made a number of comments about education and health. Certainly, it is my understanding, from what I read in the newspaper, that under the previous government in relation to education there were schools for which commonwealth funding had been received in 1999—if one can believe one media report—that the previous government had still not spent. It is my understanding that that is causing some problems at the moment in relation to the capital budget of the Education Department, because the previous government had not committed to those projects for which apparently—if one reads the media reports—it had received funding from the commonwealth for some years ahead.

The Leader of the Opposition also referred to beds in hospitals. I make the comment that one of the problems this government faced when coming to office was the lack of nurses. Unfortunately, we cannot train qualified nurses overnight. In this state we need skilled nurses and it does take a number of years, rather than months, to train nurses. Of course, that is one of the reasons why there has been so much pressure on beds in hospitals.

The Hon. G.E. Gago interjecting:

The Hon. P. HOLLOWAY: The Deputy Leader of the Opposition in another place is very keen to attack the Minister for Health in relation to that matter, but I think every South Australian is aware that those problems in relation to the nurses' shortage did not arise overnight. In relation to the specific questions, I will look at the detail of the honourable member's question to see whether there is anything further I can add, but I think the Leader of the Opposition is certainly greatly overstating the case. Whatever happened in the 2001-02 financial year, for almost three-quarters of that year the Leader of the Opposition was treasurer in the previous government.

PRISONS, PELICAN POINT

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about the Pelican Point prison.

Leave granted.

The Hon. R.D. LAWSON: On 10 March, Colin James revealed in the *Advertiser* the minister's plan to establish a 700-bed prison at Pelican Point on LeFevre Peninsula. Subsequently, the local member and Treasurer, Kevin Foley, said that there were no present plans for a prison at Pelican Point, and he sought to allay local fears by saying that one would not be built. However, in a bold step the minister firmly rebuffed the Treasurer and stated that he 'would not rule out a prison anywhere'. Whether it was because the minister was unavailable for comment or because he was exercising a degree of caution, he did use a spokesperson to make that rebuke of the Treasurer. My questions are:

1. When will the government make an announcement about the location of the new South Australian prison?

2. Will the minister confirm, as stated to Colin James, that the prison will be designed, built and managed by a private company?

3. Will the minister write to his colleague the Treasurer to inform him that the minister will not rule out a prison anywhere?

The Hon. T.G. ROBERTS (Minister for Correctional Services): There is no difference of opinion between me and the Treasurer. The Treasurer's position is the same as my own. His position was—

The Hon. A.J. Redford: You should not grimace when you say that.

The Hon. T.G. ROBERTS: I have no control over the statements that the Treasurer makes but, in relation to my own statements, I have said that a new prison is needed in this state. My understanding is that under the previous government there was preliminary examination of the proposal in, I think, 1994-95, which was ruled out at the time. We certainly had to look at all alternatives—that is, sentencing

alternatives—and whether a new prison would be required in the next decade, and we have drawn the conclusion that a new prison would probably have to be built in this state in the near future, given current trends.

In relation to the honourable member's first question, we are looking at the moment at all options in relation to a new prison. If you are going to build a new prison, you have to have a site. Certainly, the indications are that there should be an urgent assessment of particularly the women's prison, and we have made no secret of the fact that we would like a new women's prison in this state. The siting of both the women's prison and any major men's prison is still being examined. We also have to take into account the fact that we have regional prisons that aggregate smaller numbers of prisoners within the state's boundaries, and we have to work out a design program for any new prison that we may build.

So, the situation is very fluid and alive. From memory. a lot of the statements made in the *Advertiser* article contained facts, but there was speculation in those statements as to the government's position. I can give the honourable member an assurance that it will be a prison managed by our own Correctional Services staff—it will not be a private prison—but we are looking at all options in relation to PPPs.

The Hon. J.F. STEFANI: I have a supplementary question. Will the minister advise the council of the current capacity and occupancy of each of the state's prisons?

The Hon. T.G. ROBERTS: I understand that I supplied those figures in answer to a previous question, but I will give the honourable member a full update in relation to the bed numbers in the new prisons and the occupancy rates, because they are important. As I have mentioned in this chamber before, on one weekend we had no more than six beds vacant in all our state prison institutions, which indicates, I think, that we inherited a situation where all bases were loaded. I will bring back those numbers officially to the honourable member as soon as I can.

AGRICULTURE, PEST AND DISEASE CONTROL

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about pest and disease control in agriculture.

Leave granted.

The Hon. CAROLINE SCHAEFER: Part of the Labor Party's plan for primary industries and regional affairs, as announced during the last election campaign, was: 'A Rann Labor government will give priority to protecting South Australian agriculture from pests and diseases.' Can the minister outline what steps have been taken to honour that promise over the past 12 months?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The Rann government has done a great deal with respect to pest and disease control. In the last budget, which was a very tight budget because of the financial situation that this government inherited, one new area in Primary Industries was animal health, because that is a priority of the government. In a very tight budget situation, one of the priority areas was animal health, and a significant amount of money was allocated to that area. I have provided some of the detail in relation to that project in answers to previous questions.

In particular, we are expanding the capacity of the veterinary laboratories to be able to diagnose diseases. Last year, we had the international Operation Minotaur, which tested the country's defences to foot and mouth disease, BSE and so on. As a result of that exercise and the extra money that was provided by the government, we will be in a position to have not only a much better response but also to be much more proactive in relation to animal diseases. Certainly, this government has nothing to apologise for whatsoever—in fact, far from it because, in a very tight budget situation, this government has increased that commitment.

There have been a number of other pests in the primary industries sector. For example, my colleague in another place, the Hon. John Hill, who has the animal and pest commission under his responsibility, has been very successful in increasing the amount of effort that the government has undertaken in relation to controlling branched broomrape.

A number of pest outbreaks have occurred throughout the country, such as rust disease in the Northern Territory, where this government is providing approximately $217 000 as part of our share of a program to ensure that that disease is eradicated in the Northern Territory so that it cannot spread to our important viticulture regions in South Australia. We have continued to be vigilant with respect to fruit fly. So far this year we have been extremely fortunate in that we have not had any outbreaks in this region, but significant resources were allocated by the previous government—and maintained by this government—to ensure that those efforts continue. The new sterile fruit fly program has proved to be very successful in addressing that problem.

In relation to the noxious seaweed, Caulerpa taxifolia, in West Lakes, this government was able to announce today a significant contribution to the eradication program, and I will provide some details with respect to that. The state government intends to convert West Lakes from a saltwater lake into a freshwater lake. That will be achieved by pumping fresh water from the River Torrens into the southern end of West Lakes.

The government will set up a pumping station on the River Torrens. That project will require 900 metres of piping. It will hook up with the natural drainage system that will feed, by gravity, into West Lakes at Tapley's Hill Road. The water will be pumped during the winter months from the River Torrens and that will feed into West Lakes. The government is proposing to have dredges in the lake that will ensure that the water is mixed. We believe that when the salinity level in the water is down below 10 000 parts per million that should be sufficient to kill all the Caulerpa within the lake.

The government is going further than that; it is putting a screen across the Port River near the Jervois Bridge to ensure that that part of Port River where there had been an outbreak of this noxious seaweed is taken care of. This project—which will cost in excess of $3 million—will cost the taxpayers of this state a significant amount of money. We have the opportunity to eradicate this noxious seaweed. One of the great advantages of using the new freshwater solution—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: I am pleased that members of the council are so interested in the question that has been asked by the honourable member. One of the benefits of using fresh water is that fish life within West Lakes will have the opportunity to adapt. If we had used the previous treatment we had considered—copper sulphate—there would have been the risk that all fish life within the lake would have been killed along with the Caulerpa. Potentially, that could have created some significant issues in relation to the

environmental impacts. With a freshwater solution, we believe that we are in a much better position to minimise and control those impacts.

Many of the officers of Department of Primary Industries have been heavily involved in this issue of controlling plants. One of the great advantages of the new system in relation to the control of pests and diseases is that we will have the advantage of not only killing the Caulerpa taxifolia but also eradicating a number of other introduced pests, such as fan worm, because of the conversion of West Lakes to fresh water.

The advantage we have with this method, because the infrastructure will be there—most of the cost will be in setting up the infrastructure—is that it will provide the government with the opportunity in the future to convert West Lakes into a freshwater lake at any opportunity. So, if there is any future outbreak of Caulerpa, or any other introduced marine pest in that environment, we will have the capacity to deal with it. That is one of the important side benefits of this issue.

In relation to marine pests generally, the Director of Fisheries has recently been to a meeting and has taken a leading role in raising the profile of marine pests. This is a growing risk to this country. We have seen a number of marine pests introduced in recent years. It is obviously much more difficult to be aware of the presence of marine pests than of land based pests, which are much more visible.

The Director of Fisheries has been working with his interstate colleagues to try to improve the protocols and practices in relation to preventing further outbreaks of marine pests in the environment. In conclusion, whether it is animal diseases, pest and plant diseases or pests in relation to the marine environment, this government has been extremely active and has put its money where its mouth is.

The Hon. CAROLINE SCHAEFER: Given the minister's lengthy commitment to pest and plant control in this state, why then did he last week remove funding as of 1 May for the inspectorate that has run out of the Adelaide Produce Market for the past 15 years? Who does the minister expect to fund this service? Is it yet another impost on primary producers? Is this a hallmark runner or is there worse to come in the budget? Why has the Sheep Advisory Group been asked to become self funding at the end of this financial year?

The Hon. P. HOLLOWAY: In relation to the latter question, the reason why industry boards are asked to be self funded is a continuation of the policy which the previous government had and which this government has. One of the great trends in primary industry in this country is to make the industry take responsibility for major issues. Under the previous government, the Sheep Advisory Group, through industry, has been responsible and has done a great job in relation to the control of OJD, and the cattle advisory group, through its levy, is currently reviewing the situation in relation to BJD. Industry is increasingly accepting responsibility for management of its industry, and that is the trend not just in this state but also right across the board. What was the first part of the question?

The Hon. Caroline Schaefer: I referred to two inspectors being removed from the Adelaide Produce Market.

The Hon. P. HOLLOWAY: The government has been having lengthy discussions for some time in relation to what happens at the Adelaide Produce Market. The market has raised with me on several visits there the issue of improved arrangements in relation to the inspection of fruit. The honourable member said, if I heard her question correctly, that there had been inspections there. There have been discussions for some time about the appropriate way these arrangements could be organised for the benefit of both industry and the department, because I believe there are some benefits in having an improved inspection service, not just from the viewpoint of industry and the markets but also from the viewpoint of its being more effective in preventing disease. There have been ongoing discussions and I will get an update on them from my department.

The Hon. J.F. STEFANI: Will the minister advise the council of the possible proposed route of the pipeline from the Torrens River to West Lakes, and will he indicate whether that route will travel on publicly owned properties or whether it will affect private owners?

The Hon. P. HOLLOWAY: The length of the pipeline that is necessary is about 900 metres. It will need to go from where the Torrens River was previously diverted many years ago. I understand it used to flow into a lagoon system that extended from the Patawalonga right up to the Port River, but the current channel was put there some years ago to divert the river. It is proposed that the pumping station will be somewhere near that point in the Torrens River. The 900 metre pipeline will go to the centre of Tapleys Hill Road. I do not believe that the exact route has been finalised, but almost certainly it will be along public roads.

The Hon. D.W. RIDGWAY: Sir, I have a supplementary question in relation to the pipeline. What diameter will the pipeline be, and what are the pumping costs expected to be?

The Hon. P. HOLLOWAY: The diameter of the pipe will be 600 millimetres. With respect to the operation cost, the pumps will have to be diesel powered, because I believe that, to get the volume of water through, that is the only type of pump to which we will have access at fairly short notice. Of the $3 million for this part of the project, most of it is capital cost, but there will obviously be a cost for the hire of those pumps (and, through the engineers we have working for us, we believe we can do that) and, of course, the fuel for those pumps.

GRANTS FOR SENIORS PROGRAM

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Social Justice, a question about the Grants for Seniors program.

Leave granted.

The Hon. CARMEL ZOLLO: Advertising for this year's round of the Grants for Seniors program will occur in the next two weeks. I understand that substantial grants will be available to seniors clubs, volunteers and self-help groups under new funding criteria. Can the minister advise the chamber what arrangements are being made with respect to this year's Grants for Seniors program?

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for her question and for her interest in seniors throughout the state. I heard, by way of interjection, the honourable member indicating that it was a program set by the previous government—or that was the inference. For many groups, the Grants for Seniors program is the only source of funding—

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: —the member will have to listen to the answer—for practical items that contribute to the quality of life for older people. The equipment and assistance component of the program, for example, provides about $200 000 a year, primarily as one-off grants, for the purchase of small items such as televisions, VCRs and even bocce balls. Averaging about $700 each, the grants go to seniors clubs, voluntary agencies and self-help groups (including ethnic and indigenous groups) to assist older people to participate in a range of cultural, sporting, educational and recreational activities. All those activities, I am sure the honourable member would agree, are worth supporting.

Some $50 000 of this part of the program also has been used annually to support the Council on the Ageing (COTA) in running Celebrate Seniors. The other program component was referred to as development grants. These are available for amounts up to $20 000, mainly to help community agencies undertake innovative projects promoting the citizenship and community participation of older people, and about $200 000 is set aside annually for this component of the program.

While Grants for Seniors has worked relatively well over the years, the government has reviewed its operations and examined the criteria used to allocate the funding in order to ensure that the funds are directed towards the areas and purposes that support the government's social justice agenda. Some changes to the administration and policy orientation in the program are, therefore, being made. These changes will maintain valued features of the current Grants for Seniors program. The changes will also create better alignment between the positive ageing development grants and the national and state ageing policy priorities.

All members (including the honourable member who interjected) are encouraged to draw the new Grants for Seniors and positive ageing development grants to the attention of community organisations within their electorates—and, who knows, the honourable member's father, who is a senior in the Millicent district, may be able to assist in putting some of these programs in place within the region, or at least nominate some priorities within the community where these grants may be of some benefit.

GENETICALLY MODIFIED FOOD

The Hon. IAN GILFILLAN: I seek leave to make an explanation before asking the Minister for Agriculture, Food and Fisheries a question about genetically modified crops.

Leave granted.

The Hon. IAN GILFILLAN: A couple of weeks ago, a group called Network of Concerned Farmers visited South Australia. One of the delegation was a farmer from Canada who brought with him a copy of the Monsanto agreement for Roundup Ready canola seed. I will share with the chamber, especially for the minister's benefit, the first paragraph of that agreement:

> The Grower shall use any purchased Roundup Ready canola seed for planting one and only one crop for resale for consumption. The Grower agrees not to save seed produced from Roundup Ready canola seed for the purpose of replanting nor to sell, give, transfer or otherwise convey any such seed for the purpose of replanting. The Grower also agrees not to harvest any volunteer Roundup Ready canola seed crops.

It appears that the company, Monsanto, wants to keep a tight hold on the use of that product, that is, GM canola. Honourable members and the minister will remember that in earlier communications the Insurance Council of Australia made it plain that it is most reluctant—in fact, I would say almost emphatically refuses—to take on any insurance risk of GM crops. I quote from a letter that the Insurance Council of Australia wrote to Mr Ian Dundas, Committee Secretary, House of Representatives Standing Committee on Primary Industries and Regional Services, on 4 November 1999. It is a letter that any member who is interested ought to read in its entirety because it is very illustrative of the issue. It states:

> General insurers are reluctant to accept incalculable risks where it is difficult to predict what loss scenarios will arise. This is particularly true with risks involving lengthy periods before manifestation of latent injury or damage occurs such as in the case of asbestos.

In other words, they are comparing GM crops with asbestos. The final sentence of that letter reads:

> The unforeseen risk at this stage may be too high.

The web site of the Network of Concerned Farmers states:

> Under the Trade Practices Act, the GM-free labelling requirements must be met. If a product is reported and led to a recall of that product, the liability may be traced back to the farmer who shows contamination in his retained samples. The whole plan of proposed stringent quality assurance programs and identity preservation will enable the buyers to determine who is responsible for the contamination.
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> The implications of this are very serious. Rather than a farmer being liable for his contaminated truckload delivered worth thousands of dollars, he or she may be liable for rejection of a shipment worth millions of dollars or even the recall of a product worth millions of dollars.

In light of that alarming revelation of the liability to farmers who either are growing or choose not to grow GM crops in South Australia, I ask the minister:

1. In the event of commercial planting of GM canola in South Australia and the requirement that non-GM export consignment must be guaranteed GM free, in the minister's opinion, who is responsible for that guarantee?

2. As the insurance industry will not cover this risk, does the minister agree that the liability with the associated costs and damages will rest with the farmer or farmers providing the grain?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): It is probably a reasonable assumption, I would think, from the honourable member's fairly rhetorical question. I am not a lawyer and there are some extremely complex issues at law in relation to all liability issues, but particularly with GM crops. The honourable member has highlighted a number of issues that need to be resolved before we go into the commercial planting of GM crops in this state. I am not sure whether the select committee will look into these matters, but it is one of a number of issues that need to be addressed before that comes about.

In relation to the liability issues, it would be better if I were to seek some advice from my colleague the Attorney-General, to see whether we have any information in relation to legal liability. Again, I make the point that it is just one of a number of issues that any farmer who is considering planting these crops would have to take into consideration.

The Hon. NICK XENOPHON: I have a supplementary question. Given his answer, is the minister conceding that the commercial release of GM crops into South Australia is simply a matter of timing?

The Hon. P. HOLLOWAY: There are a number of complex legal issues, which we have discussed previously. When the Hon. Ian Gilfillan introduced his GM moratorium bill last year, I indicated, with the benefit of Crown Law

advice, that it would be very difficult for this state government ultimately to take any action to prevent the introduction of GM crops into this state that would be acceptable under commonwealth law. Obviously, some other states believe they can because states such as Tasmania and New South Wales are apparently seeking to take action to prevent the introduction of GM crops.

It involves some complex legal issues, but we all know enough about constitutional law to know that commonwealth law will prevail over state law if there is a conflict, unless the state law is backed up by some specific head of power in the commonwealth Constitution. Whether this state could ultimately find a way of preventing the introduction of GM crops that would withstand any legal challenge is a matter for legal conjecture. Certainly, on the advice I have received—

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: Well, I have had the advice. Our advice is that ultimately it would not withstand a legal challenge. The Hon. Ian Gilfillan has been going around the state promising that if we have a moratorium, if we pass legislation, GM crops will not be introduced in this state. I have tried to be more circumspect, given the legal advice I have received, and said, 'Look, we will do what we can to prevent the premature introduction of GM crops into this state,' but I do not want to pretend to anyone that any action we take would necessarily withstand a legal challenge. My advice is that it will be very difficult for us to do so.

We have discussed this issue on a number of occasions in question time, and there is a provision under the commonwealth act that, when the so-called policy principles are established by the gene technology ministers council later this year, it may be possible for the states to have GM and GM-free zones. But, as the Hon. Ian Gilfillan pointed out in his question, there are a number of issues about whether or not one could segregate crops. Certainly, the government, and I believe the select committee in another place, would like some input into that from the major grain handling companies that have particular expertise on this issue. It is a complex issue and, to return to the Hon. Nick Xenophon's question, the reason I have been so circumspect about whether or not we could prevent it is that I am aware of the legal advice to the effect that it will be difficult for our legislation to stand up should there be a challenge to that legislation, unless it is based on these policy principles.

The Hon. J.F. STEFANI: I have a supplementary question. Given the potential liability, does the minister consider the buffer zone of five metres to be adequate and, if so, can he give the council his reasons?

The Hon. P. HOLLOWAY: I assume the honourable member is talking about canola. I leave the scientists involved to advise on that. We do have an Office of Gene Technology Regulator that is supposed to look at the health and environmental impacts of any GM crop to be introduced into the country. To the best of my knowledge, the clock has been stopped in relation to applications for the introduction of GM canola in this country. In other words, the Office of the Gene Technology Regulator, under the commonwealth legislation, has to approve or disallow a crop within a certain period.

As I understand it, the regulator's office has stopped the clock while it is still considering these matters. But the question of buffers, I would have thought, is a matter for the commonwealth regulator to determine. It is the role of the states under the commonwealth-state agreement on gene technology to be involved in marketing issues. There might be some overlap, I suppose one could argue, between the issues of buffers and marketing but, essentially, the role of the state is the more complex part of the equation, and that is to determine these marketing issues and whether, if this state were to introduce GM crops, they would be acceptable to the marketplace.

The Hon. Ian Gilfillan: We don't want a nuclear dump.

The Hon. P. HOLLOWAY: That is right: we do not want a nuclear dump, and it would be pretty silly to introduce commercial GM crops into this state if they were to damage markets. That issue ultimately needs to be decided by not only government, I would have thought, but also by the industries concerned and, obviously, those industries (and, in particular, the grain industry) have been looking very carefully indeed at the implications of these major decisions from their point of view.

That is where it is at present from the state's point of view. Our role is to look at the marketing decisions, but decisions in relation to buffer zones and so on are, I would have thought, matters for the Office of the Gene Technology Regulator to determine in conjunction with the appropriate scientific advice.

HOSPITALS, MODBURY

The Hon. A.L. EVANS: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Health, a question about Modbury Hospital.

Leave granted.

The Hon. A.L. EVANS: On 28 November 2002 I asked a question about Modbury Hospital. My question to the minister was:

> . . . how long [are] members of the public. . . expected to wait to be admitted to Modbury Hospital, particularly those who present for admission on referral from their local GP?

The minister advised that a medical officer examines all patients who attend public hospital emergency departments. He or she assesses the patient's clinical state and, if required, arranges admission to a hospital bed through one of the clinical teams. This includes patients referred to an emergency department by a general practitioner. The GP cannot pre-arrange admission to a public hospital.

The minister advised that, while the information provided by the GP is appreciated by the emergency department medical officers and gives a valuable insight into a patient's condition, it does not replace the clinical assessment of the emergency department medical officer who sees the patient on arrival.

The person who was the subject of my original question had a condition called myelofibrosis which, I have been informed, presents in the body during the early stages of leukaemia and can leave a person very vulnerable because it weakens the immune system. This person waited 13 hours before he was eventually admitted. Given that the patient presented with a life-threatening condition, my question is: is it reasonable for medical officers in emergency departments to disregard the advice provided by the local GP?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer that important question to the Minister for Health in another place and bring back a reply.

FRUIT FLY

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about a proposed fruit fly levy.

Leave granted.

The Hon. T.J. STEPHENS: The citrus fruit industry is an extremely important part of the Riverland economy. However, it has been reported to me that the government is considering reducing its funding of fruit fly eradication programs. The cost would then be passed on to fruit growers in the fruit fly free zones. Given the importance of this industry and its markets to the state, the government would presumably want to ensure that the same strict quarantine measures were maintained. There are rumours coming from the minister's own department that the government wants to place a levy on the fruit growers. My questions are:

1. Can the minister categorically rule out the possibility of attacks on hard-working fruit growers?

2. Will the minister assure the council that the government will guarantee that a reduction in funding for these programs will not lead to a reduction in the effectiveness and success of these programs?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): In the lead-up to the budget, it is inevitable that the opposition will try to float all sorts of forms of speculation and will try to get governments to rule things in and rule things out: I suppose that is all part of the game. However, as I indicated earlier, the fruit fly program has been extremely successful, and this government has certainly never considered it for targeting. Of course, if there are general efficiency cuts, there are always impacts on some programs; however, in relation to the fruit fly program and levy, it appears to be a figment of the honourable member's imagination, and I suggest that he find a more reliable source of rumour.

SOUTH AUSTRALIAN FILM CORPORATION

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Premier, a question about the proposed move of the South Australian Film Corporation.

Leave granted.

The Hon. D.W. RIDGWAY: In October last year, the South Australian Film Corporation turned 30 years old. During its existence, the film corporation has assisted and invested in the production and development of 48 feature films, six mini series, eight series and hundreds of documentary films. These productions have gone on to win national and international awards, including AFIs, a Golden Globe, an Emmy and an Oscar.

Besides assisting in film funding and production, the South Australian Film Corporation provides a vitally important role in the development and training of local crews, writers, actors, directors and producers. In a discussion at the International Film Festival on 11 March 2003, the Premier read out a pamphlet letterboxed by the member for Norwood (Vini Ciccarello) which outlined that she had asked the Premier to relocate the South Australian Film Corporation to Norwood. The Premier duly responded that, since the Hendon lease for the current South Australian Film Corporation premises was due to expire at the end of the year, he would consider the idea. My questions are:

1. Other than the fact that the film industry began in Norwood, why move it to Norwood?

2. Will the supposedly 59 movie-related businesses gain anything from the move?

3. Does the government have any cost projections for the proposed move?

4. Does it even have a site in Norwood yet?

5. Given that the move from the Hendon offices to the Norwood offices would involve the payment of an increased lease, what moneys would the government intend using to pay for the increased rent?

6. Will the lease payment come out of existing South Australian Film Corporation program budgets?

7. What efforts will be made by the government to repair the loss of employment, economic activity and cultural life in the Hendon area, where the South Australian Film Corporation premises are currently located?

8. Are the western suburbs again being passed over by the Premier in favour of an eastern suburbs—and, coincidentally, marginal—Labor seat?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer that question to the Premier. However, as I understood the comments made by the honourable member for Norwood (Vini Ciccarello), one of the reasons why she was calling for the film corporation headquarters to be moved to her electorate was the number of complementary industries that are in that part of town. Certainly, I am well aware that, if one needs those sort of ancillary services—that is, ancillary to the film industry—many are located in the Kent Town and Norwood area. It appears that the suggestion from the member for Norwood makes a lot of sense, and I can well understand why she has made that claim. I will seek a response from the Minister for the Arts as to the specifics of the questions.

SCHOOLS, TECHNICAL STUDIES

The Hon. KATE REYNOLDS: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Minister for Education and Children's Services, a question about technical studies in high schools.

Leave granted.

The Hon. KATE REYNOLDS: An ongoing safety crisis faces technical studies departments in our South Australian high schools. At present, tech studies classes across the state are being crippled by the lack of safe machinery and need urgent maintenance. Many technical studies students cannot complete the practical requirements of their course as equipment is locked out because it has been declared unsafe for use.

This problem was made worse because of parliament's decision last year to force students to remain at school until they are 16 years of age. At the time this legislation was being debated the Democrats raised concerns about adequate resourcing for additional numbers of students and appropriate curriculum development to cater for these students, many of whom require hands-on learning experience. Most schools have enough funds to meet only 5 per cent to 10 per cent of their general maintenance costs and simply cannot afford to meet workshop safety requirements out of their local budgets.

As part of a safety audit of all schools instigated by WorkCover, and often carried out without teaching staff in attendance, all secondary schools tech studies and agricultural studies workshops and grounds equipment were inspected.

Principals have reported to us that the WorkCover safety audit on a typical medium size school revealed on average 80 items that required action. Following the audit, teachers were required to complete a risk assessment exercise on all equipment by the end of week 5 of term 1 this year. All equipment with an extreme safety risk was to be locked out and then fixed immediately, and schools were given only 12 weeks to fix high risk equipment. DECS has provided neither the funds nor the staff release time for either the risk assessment or the consequent repair process. At $350 to replace a plastic stop button on a piece of equipment, most schools simply do not have the funds to fix even the most urgent of problems.

This situation is creating unacceptable stress for teachers who are concerned about both the safety of their students and conflicting departmental advice on liability. Their workload has been significantly increased by the latest action plan requirements which make teachers responsible for assessing the risk of every piece of equipment; calculating the cost of upgrades and repairs; purchasing, constructing, fitting or modifying guards to meet Australian standards; completing high risk upgrades by week 17; developing or modifying standard operating procedures for every piece of equipment; modifying teaching and learning materials to reflect those SOPs; and supervising students and staff using machines and power tools—and all of this must be done on top of their normal teaching loads and must be funded by each school. My questions are:

1. What are the duty of care requirements for teachers in relation to unsafe equipment in tech studies departments across our state high schools?

2. Does the minister agree that DECS has an unrealistic expectation of schools to meet the maintenance requirements of tech studies departments, considering the financial pressures they are already under?

3. Will the minister provide sufficient funding for a properly coordinated statewide safety upgrade carried out by experts, in consultation with teachers, to help schools meet the minimum requirements for technical studies?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer those questions to the Minister for Education and bring back a reply.

MARALINGA

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I table a ministerial statement made by the Premier today in another house.

WORKCOVER

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I table a ministerial statement made by the Minister for Transport yesterday in another house.

PUBLIC FINANCE AND AUDIT (HONESTY AND ACCOUNTABILITY IN GOVERNMENT) AMENDMENT BILL

In committee.

(Continued from 18 November. Page 1358.)

Clause 5.

The Hon. P. HOLLOWAY: When last debating this matter the opposition raised a question about what would happen if a minister were to breach this question. I take this opportunity to put on the record that, if the breach of the Treasurer's instruction by a minister is considered by the Crown Solicitor's Office to be serious enough to warrant prosecution, the government's position is that the minister will be personally required to pay, out of his or her own pocket, any penalty imposed. The penalty, which under the provision is a maximum penalty of $10 000, will not be paid by the minister's department or by the government. I believe that responds to the question raised by the opposition in relation to this clause. I am not sure whether the opposition wants to report progress at this stage.

Progress reported; committee to sit again.

CHICKEN MEAT INDUSTRY BILL

Adjourned debate on second reading.

(Continued from 18 February. Page 1778.)

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I take this opportunity to conclude the debate on the second reading and indicate that we will adjourn the committee stage for another day. I further take this opportunity to thank members for their contributions on the second reading of this bill and will refer to some concerns raised by members during the debate. It may be that there is some confusion between the consultation draft of the bill released at the end of June last year and the bill I introduced into parliament on 4 December 2002. As a result of comments from growers and processors, the bill has changed considerably from the consultation draft. The very purpose of public consultation is to refine and streamline legislative proposals so that the objectives of the proposed legislation can be achieved with the least cost to the public.

To assist debate I make the following comments. Under this bill the registrar has no powers to resolve disputes. In the area of dispute resolution the registrar's only role is to refer disputes to mediation and arbitration. The bill does not establish a chicken meat industry committee and does not prescribe a code of practice, mandatory or otherwise.

In her second reading contribution, the Hon. Caroline Schaefer referred to the bill as a con. She further suggested that the bill fails to protect growers. I advise that the bill must strike a balance between providing commercial flexibility in the industry so it can remain competitive against interstate producers and addressing the bargaining power imbalance between growers and processors. Further, the bill must comply with the state's national competition policy obligations. The bill achieves this balance by giving growers the choice whether to negotiate the terms of their growing agreements with processors collectively or to deal with their processor on an individual basis. Those growers who, because they do not have bargaining power, choose to negotiate collectively are provided with the ability to require compulsory mediation and arbitration of any dispute with a processor.

Because compulsory mediation and arbitration operates to impose a discipline on the dealings between a processor and the members of a negotiating group, the ability to require compulsory mediation and arbitration is also available to processors. Mandatory mediation and arbitration is the feature of the bill that distinguishes it from the alternative, which is

authorisation of collective negotiations by the ACCC. Mandatory mediation and arbitration addresses the take it or leave it style of negotiations that has been reported by growers to both the current and previous governments as the norm during the period of operation of the ACCC authorisations. Compulsory mediation and arbitration has received strong support from growers both through representations made by the South Australian Farmers Federation and in the many submissions received from individual growers in support of the bill.

The scheme introduced by this bill assumes that both growers and processors have a vested interest in achieving commercially sound and efficient outcomes that will benefit the industry in South Australia as a whole. Growers in particular have a direct incentive to raise the standards of their infrastructure and efficiency so the industry in South Australia expands. Thus the bill does not prescribe a code of practice dealing with growing standards. Rather than having the government intervene in this area, the bill rightly leaves those matters to be negotiated between the parties.

The Hon. Caroline Schaefer also suggests that granting growers the choice to negotiate individually with processors will result in the most efficient growers getting the best deals, thereby isolating the smaller growers who will be paid the lowest common denominator price, even though she acknowledges that processors have supported collective bargaining as authorised by the ACCC. I advise that a sound regulatory outcome is one that allows choice. This scheme provides growers with the choice of negotiating either individually or collectively with their processor. If we are to have any faith in market driven outcomes and in the commonsense and ability of growers to make their own sound choices, we must leave it to them to decide whether to deal with their processor individually or collectively.

Clearly a grower who has something special to offer will want to negotiate individually with the processor. The common view is that the great majority of growers want collective negotiations because they believe that that will give them their best outcome. I note that until recently each processor used their own standard form of growing agreement. There was not really any scope for individually negotiated agreements. Further, these standard growing agreements had a performance based price structure that provided incentives for growers to be efficient. We see that as a very appropriate outcome and have specifically provided in clause 22 of the bill a section 51 exemption for collective price negotiation that includes criteria for rating grower efficiency, incentive schemes and periodic reviews of such schemes. That is not a legislative scheme that encourages a lowest common denominator price for growing services.

The Hon. Caroline Schaefer suggests that there appears to be no forward planning in relation to the necessary restructuring of the industry. The government is aware that the South Australian chicken meat industry is presently going through a restructuring phase. This was made abundantly clear when the bill was introduced.

I have asked my department to examine the strategic planning needs of the industry, and it has already begun work in conjunction with industry to see what the government can do to help plan for the changes that will impact in this industry. In particular, the Meat Industry Development Board has placed this issue on its agenda. The Hon. Caroline Schaefer suggests that the primary boycott provision in the section 51 exemption 'is more than a bargaining tool, it is blackmail and, most importantly, if as under this legislation there is already a right to compulsory mediation followed by compulsory arbitration, it is unnecessary'.

The government strongly disagrees with this assertion, for the following reasons. The Crown Solicitor has advised that this exemption should be granted by the legislation because the process of collective negotiation, by its nature, gives rise to a collective boycott, that is, a collective refusal to deal with a particular person on particular conditions—that is, those proposed by the processor during negotiations with growers. This strike issue is a 'straw man' argument, mischievously set up by the processors.

A section 51 exemption does not confer any rights on persons within the industry. Growers are not given any right to undertake primary boycotts. The exemption simply means that the Trade Practices Act will not apply to any such conduct. Growers are still exposed to the operation of the law, contractual or otherwise, and to the usual commercial incentives whether or not to provide their services. Hence, as growers are bound by a contract, a breach of that contract would give rise to an action for damages by the processor. This is the case whether or not the grower is in the course of negotiations for the next contract.

Under clause 28(3) of the bill, a breach of contract by a grower would have significant adverse implications for the grower in any future arbitration under part 8 of the bill. Part 8 applies if a grower is not offered a growing contract in the next negotiating round. The history of contract negotiations before the current round of negotiations shows that negotiations for a new contract will commence before the existing contract has expired. In any event, as soon as there are any birds in a grower's shed, an extension of that contract or a new contract will always be implied by force of law. Thus those birds could not be abandoned, as claimed by the processors, without exposing the grower to a substantial damages claim. I note that processors can always protect themselves by negotiating a clause in their contract that provides for its continuation during negotiations for any further contract with the grower.

There would be very few growers—possibly new growers—who would not have a contract in place during a negotiating round. There would be no commercial incentive for such growers to refuse to deal with a processor during negotiations, unless the growing price is less than the grower's marginal cost of production; that is just an issue of price. In any event, there would be other contracted growers who would be bound to accept new batches over that period. In addition, a collective boycott or strike would not be an effective negotiating tool, as the processor can simply take the growers to compulsory mediation and arbitration on the issues in dispute and obtain a binding ruling. So, why would a grower refuse to deal with the processor when there is nothing to gain? The Hon. Caroline Schaefer stated:

> . . . nowhere in the bill or from what I can see within a contract to establish what is and what is not an efficient grower.

Determining whether or not a grower is efficient is a matter that can be answered only with reference to the facts in each individual case. It is inappropriate for legislation to define what is and what is not an efficient grower. This should be a dynamic industry, and any benchmark set in concrete by legislation would be very counterproductive.

Contrary to the honourable member's views, I am informed that standard growing contracts have, to date, contained efficiency criteria for determining the price paid to growers and that growers are regularly rated for efficiency by

processors on the relative performance for each batch. As a government, we would encourage the expansion of such schemes as long as they are reasonable and there is adequate reward for the grower. The Hon. Caroline Schaefer stated:

> . . . nowhere in this bill is the real issue addressed, which is continuity of supply, or even guaranteed minimums of supply.

I am uncertain what the Hon. Caroline Schaefer meant by this statement:

> I will finish by saying that nowhere in this bill is the real issue addressed, which is continuity of supply, or even guarantee of supply.

I assume that the honourable member was referring to a legislative scheme that guaranteed growers a continuous supply of chickens. If this is the case, it is the government's view that it would not be commercially appropriate for the government, by legislation, to make such a watertight guarantee to growers. As previously indicated by the honourable member, the chicken industry is undergoing a period of restructuring, and the government considers that mandating the supply of chickens between growers and processors will not in any way facilitate this process—in fact, it would operate as a direct disincentive for change, and it would certainly not encourage a dynamic industry.

The bill encourages genuine negotiations between growers and processors. It is only through acknowledging their co-dependence, and through negotiating sound and sustainable agreements, that processors and growers will be able to meet the future challenges to the industry. The bill does address the issue that I assume is at the heart of the Hon. Ms Schaefer's concerns—namely, the protection of the growers' long-term investment in the industry—by providing that any participating grower who has been unreasonably excluded from the next round of growing agreements can have access to compulsory mediation and arbitration through the scheme in part 8 of the bill. That scheme gives due weighting to efficiency and commercial concerns, including conduct on the part of the grower leading to breach of contract or causing commercial losses to the processor. Thus, inefficient or dud growers are not protected.

The aims of this bill are to strike a balance between the need for the chicken meat industry to be dynamic and commercially viable and the imbalance in bargaining power between chicken growers and processors that arises from the structural arrangements in the chicken meat industry, including the tied nature of the relationship between processor and grower; the growers sinking investments into their farms; the power of the processors through their vertical integration; and the lack of an auction market for meat chickens.

This bill gives growers the choice whether to negotiate with the processor individually or collectively, and it supports collective negotiations by allowing both growers and processors access to compulsory mediation and arbitration. If the objective is to provide equity in the relationship between growers and processors, whilst allowing for change, compulsory mediation and arbitration is the least costly and least restrictive way of achieving that goal. Further, a commercial and efficiency imperative is imposed on that arbitration. The alternative is to return to the centralised controls exercised by the old Poultry Meat Industry Committee, an option which would represent a step backwards for the industry and which the government believes would be viewed negatively by the National Competition Council, thereby adversely affecting the state's competition reform payments.

I believe that a number of amendments have been filed for when we move into committee, which perhaps will be next week. I will foreshadow some of these. They include deletion of any reference to the concept of tied growing agreements; deletion of the concept of individual agreements in the transition measures; and a provision whereby a grower who has voluntarily left the negotiating group cannot have access to part 7 mediation and arbitration. I commend the bill to members, and I again thank those members who have contributed to the debate.

Bill read a second time.

STATUTES AMENDMENT (ROAD SAFETY REFORMS) BILL

Adjourned debate on second reading.

(Continued from 19 March. Page 1775.)

The Hon. NICK XENOPHON: I support the second reading of this bill and I congratulate the minister on introducing a legislative reform package that will ultimately reduce the road toll and the cost to the community both in financial and particularly in human terms in this state. As members are aware, last year I introduced a bill which, in many respects, was similar in the sense that it contained a number of reforms such as ensuring that there are demerit points for speed camera offences, something that I have strongly supported, and South Australia has been out of kilter with other jurisdictions in this regard, and also to ensure that those who go through a red light and are speeding get a double whammy, as I believe they deserve, both in terms of points and a financial penalty, given the enormous risks to public safety involved.

I will be moving some amendments to this bill. The government has not gone as far as I would have liked it to with regard to mobile phone usage. Other jurisdictions have a demerit point penalty for mobile phone usage and, if this package is about road safety and making a difference to the road toll, the studies indicate that there is a clear link between the use of a hand-held mobile phone while driving and the risk it imposes for accidents. Some studies indicate that using a hand-held mobile phone is equivalent to driving with an alcohol level of .08, and at the committee stage I will refer to those studies.

I will also put on file an amendment establishing a speed camera advisory committee, a provision that was contained in my private member's bill. In this regard I pay tribute to the Hon. Terry Cameron who has been a persistent critic of speed cameras. I admire my colleague's persistence on this issue. Whilst I believe that if someone is caught speeding they ought to be penalised for it, I concede that the Hon. Terry Cameron has a point about the issue of road safety rather than revenue raising, and that is why I will be filing an amendment that I believe will make the use of speed cameras in the community much more accountable, with the emphasis on road safety rather than revenue raising. I hope that members will be able to favourably consider that amendment.

I also note that the opposition has filed a number of amendments but, before I speak to them, I will comment on the proposal for mandatory loss of licence for a blood alcohol level of from between .05 and .08. I am attracted to this amendment. I have spoken to the opposition, I understand its concerns in relation to this, and the fair thing to do is to get feedback from people I respect in the field of road safety, namely, independent experts such as Jack McLean from the

Road Accident Research Unit, and, if necessary, to speak to people at the Monash Road Accident Research Unit in Victoria, which, along with our unit, has a national and international reputation.

I believe that we need to send the strongest possible message to the community that alcohol and driving do not mix at certain levels, but I will be speaking to those experts before this is considered in committee. I will speak to my colleagues in both the government and the opposition because of their concerns. It is important that we send a message about having an effective package with respect to alcohol and road safety, but I do take on board the concerns of the opposition and I will be speaking to those experts and get back to my colleagues to discuss it further. That is an appropriate step to take.

The opposition has filed a number of amendments and, although I will not go through all of them, I commend my colleagues the Hon. Caroline Schaefer and, in another place, the Hon. Malcolm Buckby for a number of the proposed reforms. I consider that a number of the propositions strengthen the government's bill, and I believe they will make it more effective.

The Hon. Diana Laidlaw: You voted for them when the Liberal government introduced them. I am glad to see your consistency.

The Hon. NICK XENOPHON: Yes, I did, in the sense that I note that the government, for some reason, has not indicated its support for issues such as the driver education amendment. I would have thought that sending the message home to those who have done the wrong thing, to educate them to point out the dangers of poor driver behaviour, is something the government should embrace, so I indicate now that I will be supporting that. I cannot see why the government will not embrace it as part of the package.

The Hon. Diana Laidlaw: Because they think they have got exclusive knowledge in terms of road safety?

The Hon. NICK XENOPHON: In response to the Hon. Diana Laidlaw, I think that the more people who work together on this the better the result we will get as a community, because we all want to have safer roads, we want to see the road toll reduced, we want to see the cost to the community reduced and, ultimately, we want to have fewer knocks on the door in the middle of the night by police officers telling a family that their loved ones have been injured or killed in a road accident. We all want that and, in so far as the opposition's amendments strengthen the package, they should be embraced.

I note the concern by the opposition on the issue of random breath tests, particularly with respect to the use of unmarked cars. As I understand it, there are some safety concerns in relation to that. That should be explored in committee and it is something that I will be discussing with my colleagues opposite and with the minister. I commend the opposition for its proposal about producing a licence and signing off to verify a particular licence. I think that is a very sensible proposal and, given some of the alarming statistics that we hear on the number of unlicensed people driving on the road, this will weed out those who are using someone else's licence unlawfully. The current system is open to abuse and that is why I believe that the opposition's proposal has great merit.

I have not gone through all the clauses or all the amendments but I indicate that I support the broad thrust of the government's bill. The opposition is concerned about some issues and it is appropriate to speak to experts and get their advice and be guided by them. In relation to a number of the opposition's amendments, I believe they have considerable merit. I hope that colleagues on both sides of the chamber will be sympathetic to my amendments about mobile phones attracting demerit points and also in respect of having a speed camera advisory committee that will at least make the use of speed cameras more accountable to the community and get the message across that speed cameras ought to be about road safety rather than revenue raising. I indicate my support for the second reading of the bill.

The Hon. A.L. EVANS: I support the bill. This is very important because it seeks to introduce measures that will have an immediate and direct impact upon current and future road users. South Australia has before it a challenge to reduce the number of road fatalities as part of its commitment to the National Road Safety Action Plan. By 2010, we must reduce the number of fatalities in our state by 55 per cent. In 2001, 154 people died on our roads. By 2010, we must reduce this number to fewer than 86 deaths.

I am pleased that the bill proposes a wide range of changes across a number of areas. I agree with the statement of the Hon. Sandra Kanck that the opportunity to drive on our roads is a privilege and not a right. Like every parent, I encourage and support my children to obtain their driver's licence and, with this, I also experience the stress and worry of seeing my children drive away from home, hoping they will return at the end of the day without incident. My hope is that they will treat others as they wish to be treated. The only difficulty with this philosophy is that not every person holds to the same values.

Increasing penalties on its own will not reduce the number of fatalities and accidents on our roads, though it is a measure that has merit as part of our road safety package. The best approach is a multipronged approach. I believe that providing drivers' education programs is just as important as having a regime where those who break the law incur demerit points for offences such as speeding. With this in mind, I support measures such as a minimal period of holding a learner's permit and that those on provisional licences hold their licence for two years. The government is saying that South Australia cannot boast of one significant piece of road safety law where its penalties are higher than those applied in any other state. If we have lower penalties comparatively to those in other states, but if our statistics of road fatalities and accidents are higher, then changes need to occur.

It is true that the paying of penalties can be a detriment to some and not to others. The location of speed cameras is broadcast daily on all major news programs as a way of letting drivers know that they need to slow down in certain areas. If people still speed then they take the risk of incurring a fine and a loss of demerit points. I wish to consider further the matter of a person incurring double demerit points, as well as other fines, for both red light and speeding offences. I am concerned that penalties could have a dramatic effect on families, in particular, if the offender is the sole income provider. I support the government's provision to add demerit points to speed cameras. The widening of police powers to conduct mobile random breath testing is a very contentious issue. I take on the comments made by the Hon. Sandra Kanck on behalf of the Democrats that young people, Aboriginals and drivers of old vehicles could become a target. It is also a measure that will impact on people living in rural and remote areas of South Australia.

Currently, police can ask a driver to pull over if they have reasonable grounds to believe that the driver is under the influence of alcohol. I would certainly not support a measure that could be used to indiscriminately harass certain members of the community. I support other measures in the bill, including amendments to the Harbors and Navigation Act.

The Hon. R.K. SNEATH secured the adjournment of the debate.

ADJOURNMENT

At 3.58 p.m. the council adjourned until Wednesday 26 March at 2.15 p.m.