HOUSE OF ASSEMBLY

Tuesday 18 August 1998

The SPEAKER (Hon. J.K.G. Oswald) took the Chair at 2 p.m. and read prayers.

ASSENT TO BILLS

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

Appropriation,

Statutes Amendment (Young Offenders).

VALUATION OF LAND (MISCELLANEOUS) AMENDMENT BILL

The following recommendations of the conference were reported to the House:

As to Amendment No. 1:

That the Legislative Council do not further insist on its amendment but makes the following alternative, additional and consequential amendment in lieu thereof:

Clause 3, page 1, after line 23—Insert paragraph as follows:

(c) by striking out from subsection (4) 'Institute of Valuers Incorporated' and substituting 'Property Institute Incorporated or a body prescribed by regulation and has practised as a land valuer (whether in the service of the Government or privately) for a period (whether continuous or in aggregate) of at least five years'.

New clause, page 1, before line 24—Insert new clause as follows:

Insertion of s.6A

3A. The following section is inserted after section 6 of the principal Act:

Independence of Valuer-General

6A. The Valuer-General will, in valuing any land or performing any statutory function as Valuer-General, exercise an independent judgment and not be subject to direction from any person.

Consequential Amendment:

Schedule, page 6, line 17—Leave out the item:

Section 6(4) Insert 'and Land Economists' after 'Australian Institute of Valuers'.

Schedule, page 9, line 4—Leave out 'Insert "and Land Economists" after "Australian Institute of Valuers"' and insert 'Strike out "Institute of Valuers (S.A. Division)" and substitute "Property Institute"'

and that the House of Assembly agree thereto.

As to Amendment No. 2:

That the Legislative Council do not further insist on its amendment but makes the following amendments in lieu thereof:

Clause 5, page 2, line 4—Leave out 'not exceeding' and insert 'of'.

Clause 5, page 2, line 6—Leave out 'not exceeding' and insert 'of'

and that the House of Assembly agree thereto.

As to Amendment No. 3:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 4:

That the Legislative Council do not further insist on its amendment.

POLICE BILL

The following recommendations of the conference were reported to the House:

As to Amendment No. 2:

The House of Assembly no longer insist on its disagreement.

As to Amendment No. 3:

The Legislative Council amend its amendment by leaving out 'paragraphs (c) and (d)' and inserting 'paragraph (d)'

and the House of Assembly agree thereto.

As to Amendment No. 4:

The House of Assembly no longer insist on its disagreement.

As to Amendment No 5:

The Legislative Council no longer insist on its amendment.

As to Amendment No. 6:

The House of Assembly no longer insist on its disagreement.

As to Amendment No. 7:

The Legislative Council amend its amendment by leaving out proposed new subclause (5)

and the House of Assembly agree thereto.

As to Amendments Nos 8 to 11:

The House of Assembly no longer insist on its disagreement.

As to Amendment No. 12:

The Legislative Council amend its amendment by leaving out proposed new subclause (3) and inserting:

(3) The term of an appointment under this section may not be extended so that it exceeds five years and a person may not be reappointed under this section so that the terms in aggregate exceed five years.

and the House of Assembly agree thereto.

As to Amendment No. 13:

The Legislative Council no longer insist on its amendment but make the following alternative amendment:

Page 11, lines 21 and 22 (clause 27)—Leave out subclause (1) and insert:

(1) Subject to this section, a person's appointment to a position in SA Police will be on probation for a period determined by the Commissioner not exceeding—

(a) in the case of a person who, immediately before appointment, was not a member of SA Police—two years; or

(b) in any other case—one year.

and the House of Assembly agree thereto.

As to Amendment No. 14:

The Legislative Council no longer insist on its amendment but make the following alternative amendment:

Page 11, lines 34 and 35 (clause 27)—Leave out 'two years' and insert:

the maximum period allowed in relation to the person under subsection (1)

and the House of Assembly agree thereto.

As to Amendment No. 15:

The Legislative Council no longer insist on its amendment.

As to Amendments Nos 16 and 17:

The Legislative Council no longer insist on its amendments but make the following alternative amendment:

Page 12, lines 17 to 22 (clause 29)—Leave out 'must not resign or relinquish official duties unless the member—'and all words in lines 18 to 22 and insert:

may resign by not less than 14 days notice in writing to the Commissioner (unless notice of a shorter period is accepted by the Commissioner).

(2) A member of SA Police (other than the Commissioner, the Deputy Commissioner or an Assistant Commissioner) must not relinquish official duties unless the member—

(a) is expressly authorised in writing by the Commissioner to do so; or

(b) is incapacitated by physical or mental disability or illness from performing official duties.

Maximum penalty: $1 250 or three months imprisonment.

and the House of Assembly agree thereto.

As to Amendments Nos 18 and 19:

The Legislative Council no longer insist on its amendments but make the following alternative amendment:

Page 14, lines 11 to 16 (clause 35)—Leave out 'must not resign or relinquish official duties unless the police cadet—' and all words in lines 12 to 16 and insert:

may resign by not less than 14 days notice in writing to the Commissioner (unless notice of a shorter period is accepted by the Commissioner).

(2) A police cadet must not relinquish official duties unless the police cadet—

(a) is expressly authorised in writing by the Commissioner to do so; or

(b) is incapacitated by physical or mental disability or illness

from performing official duties.

Maximum penalty: $1 250 or three months imprisonment. and the House of Assembly agree thereto.

As to Amendment No. 20:

The Legislative Council no longer insist on its amendment but make the following alternative amendment:

Page 18, line 5 (clause 42)—After 'seniority' insert:

or, without the member's consent, relocation to a place beyond reasonable commuting distance from the member's current place of employment

and the House of Assembly agree thereto.

As to Amendment No. 21:

The Legislative Council no longer insist on its amendment but make the following alternative amendment:

Page 18 (clause 43)—After line 24 insert the following:

(3a) The member to whom an application for review under this section must be made—

(a) must be the occupant of a position specified in the regulations or determined according to factors specified in the regulations;

(b) must not be selected according to the discretion of the Commissioner or any other person;

(c) must not have been involved in the informal inquiry or investigations leading up to the informal inquiry.

and the House of Assembly agree thereto.

As to Amendment No. 22:

The Legislative Council amend its amendment by leaving out 'permanent' and inserting 'for an indefinite period'

and the House of Assembly agree thereto.

As to Amendments Nos 23 to 25:

The House of Assembly no longer insist on its disagreement.

As to Amendments Nos 28 and 29:

The House of Assembly no longer insist on its disagreement.

As to Amendments Nos 30 and 31:

The House of Assembly no longer insist on its disagreement and the Legislative Council make the following additional amendment:

Page 23 (clause 53)—Before line 22 insert the following:

(2) In proceedings on an application for a review of a selection decision under this Division—

(a) no evidence may be given or submissions made as to the qualifications or merits of an applicant for the position other than by a party to the proceedings or representative of a party to the proceedings; and

(b) no documentary material may be produced as evidence of the qualifications or merits of an applicant for the position other than material that was made available to the panel of persons who made the selection decision.

and the House of Assembly agree thereto.

As to Amendment No. 32:

The Legislative Council amend its amendment by inserting after proposed new section 54 the following:

(2) The Tribunal must hear and determine an application for a review of a selection decision under this Division within the period prescribed by regulation.

and the House of Assembly agree thereto.

As to Amendment No. 33:

The Legislative Council no longer insist on its amendment.

As to Amendment No. 34:

The Legislative Council no longer insist on its amendment but make the following alternative amendment:

Page 25—After line 2, insert new clause as follows:

Appointment and promotion procedures

60A. Members of SA Police, police cadets and police medical officers must be appointed and promoted in accordance with the procedures prescribed by the regulations.

and the House of Assembly agree thereto.

As to Amendment No. 35:

The Legislative Council amend its amendment by leaving out 'two' and inserting 'three'.

and the House of Assembly agree thereto.

VICTORIA SQUARE

A petition signed by 680 residents of South Australia requesting that the House urge the Government to declare Victoria Square and its immediate precincts a dry zone and to provide adequate funding for appropriate support services was presented by the Hon. M.H. Armitage.

Petition received.

CRIMINAL LAW (SENTENCING) ACT

A petition signed by 54 residents of South Australia requesting that the House urge the Government to amend the Criminal Law (Sentencing) Act to take into account the safety of the community when sentencing convicted criminals and releasing persons under sentence of indeterminate duration was presented by Mr Meier.

Petition received.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 166 and 198; and I direct that the following answers to questions without notice be distributed and printed in *Hansard*.

DOMESTIC VIOLENCE

In reply to **Mrs GERAGHTY (Torrens)** 7 July.

The Hon. I.F. EVANS: I am advised by the police that there is not, nor has there been, a Domestic Violence Unit, attached to the Holden Hill CIB.

In 1991, three Domestic Violence Units were established at Adelaide, Sturt and Elizabeth.

The Elizabeth Domestic Violence Unit, attached to the Elizabeth CIB, has the responsibility for the needs of both the Elizabeth CIB and Holden Hill CIB with respect to domestic violence issues including breaches of restraint orders pursuant to the Domestic Violence Act.

There are four Family Violence Investigators at Holden Hill CIB responsible for investigating all serious instances of domestic related violence, including child abuse matters.

A Victim Contact Officer is also attached to the Holden Hill CIB and is responsible for contacting, supporting and advocating on behalf of victims of crime.

The respective roles of these positions will be examined by Focus 21 as part of the Local Service Area model, with a view to increasing SAPOL's service levels to Domestic Violence victims.

LEAR CORPORATION

In reply to **Mrs GERAGHTY (Torrens)** 23 July.

The Hon. J.W. OLSEN: The Department of Industry and Trade has provided the following information:

Officers of the Department of Industry and Trade have had discussions with local management of Lear Corporation seeking information on the recent announcements concerning closure of part of its South Australian operations.

The decision to close the cut and sew operations was made by the United States parent company. This decision was based on losses incurred by the cut and sew operations and the current advantages of establishing this type of operation in Asia.

Company management has advised that there will be a loss of contract and casual labour in the first instance and every effort will be made to retrain permanent labour to fill the jobs currently held by either contract or casual labour.

The final assembly operations will be maintained in South Australia and a significant number of jobs will be required for this part of their operations. Through Industry and Trade we will continue to liaise with the company.

Lear Corporation did not receive financial assistance to establish its operations in South Australia. At the time there were negotiations between the State Government and Lear Corporation to assist with the establishment of the company but no assistance was provided at that point. Therefore there are no guarantees required as no funds were provided to Lear.

The company has received an enterprise improvement subsidy of $5 500 to assist it to gain Quality Assurance Accreditation. This subsidy was paid in arrears of Lear completing the Quality Assurance program, which was in March of this year.

SA WATER

In reply to **Hon. M.D. RANN (Ramsay)** 9 July.

The Hon. M.H. ARMITAGE: This Government as a matter of policy has ensured that the government business enterprises are operated in a sound commercial manner. Accordingly, the Liberal Government corporatised SA Water to give it a commercial charter and appointed a Board whose members had strong commercial credentials.

The Board of SA Water introduced performance incentives for senior executives such that their total potential remuneration includes an at risk component and for which payment is dependent on performance.

Since SA Water was corporatised on 1 July 1995, the Corporation has contributed a total of $328 million to the Government by way of dividends and State Tax Equivalent payments.

HOUSING TRUST TENANTS

In reply to **Ms THOMPSON (Reynell)** 7 July.

The Hon. DEAN BROWN: In October 1997 the Housing Trust made a change to its Private Rental Assistance Program as a measure aimed at ensuring the funds available under its Bond Scheme are directed to those who genuinely need assistance.

The change now means that people who choose to leave Trust housing will not be eligible for a bond guarantee or rent in advance for the four weeks immediately following the date they vacate, unless they are able to demonstrate very strong grounds for leaving secure, affordable housing. Such grounds would include substantiated domestic violence, severe health or social circumstances or similar issues. This change is entirely consistent with the general direction of the housing reforms I announced earlier this year, that are intended to improve the targeting of limited resources to those in the greatest need.

The purpose for implementing this change was the Trust became concerned at the number of people who, while under no pressure from the Trust to leave their homes, were vacating to move to more expensive private rental accommodation, often receiving financial assistance of up to $1000 each from the Trust for the move. While people can choose to vacate, perhaps because they do not like the house or the neighbourhood, the Trust considered it inappropriate that it should continue to provide financial assistance in such cases. People vacating in these circumstances need to take some responsibility to fund their own establishment costs unless there are priority grounds to provide them with financial assistance.

In her question the member for Reynell mentioned she knew of two constituents who had left their Trust homes and been denied bond assistance 'despite their low income and difficult personal circumstances'. I repeat my offer to investigate those two cases, as outlined in my initial response to the question, but to date the honourable member has not given me the details of the two constituents concerned.

WEST BEACH BOAT HARBOR

In reply to **Ms KEY (Hanson)** 17 March.

The Hon. J.W. OLSEN: The Government has taken seriously its commitment to the Joint Resolution of both Houses of Parliament of 11 December 1997, which guaranteed support for the West Beach boat launching facility. I can advise the House that the Government has met its commitments and provide the following information to the Parliament.

Review and redesign of the boat launching facility has occurred to ensure optimum sand management outcomes whilst providing the best functional and structural solution for the facility.

The breakwaters have been redesigned by the engineers, Connell Wagner Pty Ltd to meet a revised criteria for overtopping for a one in 10 year storm event whilst retaining structural stability for a one in 100 year storm. This has provided a reduction in height of the breakwater by about lm. Development approval for the reduced breakwater height has been obtained, and has previously been discussed in the other house.

The consultant designers have advised that the breakwater length is a minimum length needed to produce sand management outcomes and hence there is no change to the length of the breakwaters required for this facility. There is also no intention of unnecessarily deepening the harbour. Independent certification of the design has been undertaken by Maunsell Pty Ltd, a company acceptable to the Institution of Engineers and the Coast Protection Board.

Assessment by an independent environmental consultant, Woodward-Clyde, has been obtained to meet the Parliament's resolution and to ensure the correct environmental and construction decisions for the facility have been made.

Woodward-Clyde has reported its findings to a community based construction forum established by Government to monitor the project and a full copy of the report is available for public scrutiny. A copy of the Report has previously been tabled for the House's information.

The Government has acted to meet the Parliament's resolution that the sand management plan for the facility is available for public scrutiny. The Government previously has made, and will continue to make, every document prepared on sand management available to the public.

Additionally, sand management and monitoring reports have been presented to the community construction forum meetings and newsletters have been widely distributed to the public explaining the sand management strategy.

The future management of sand along the beaches in the Glenelg/West Beach area is assured in legislation by way of amendments made to the Local Government Act. This legislation will ensure the beaches are maintained and protected as a responsibility of the Crown. The Crown Solicitor has advised that this legislation achieves everything that was sought through the Parliament's resolution to indemnify the Charles Sturt Council against any damage caused to the beach by the boat launching facility.

I can advise that the offer of the Opposition to support the compulsory acquisition, if necessary, of Glenelg Sailing Club has been noted and appreciated. However, a compulsory acquisition has not been required as satisfactory arrangements for the relocation of the Club to West Beach have been negotiated successfully by the Development Consortium.

The Government is providing boating facilities at Barcoo Road for the South Australian community. We are constructing those facilities in such a way and incorporating such measures that the environment will be protected. Natural assets such as the West Beach swimming beaches will not be adversely affected. We have met the Parliament's requirements and the communities expectations for intelligent, considered development with rigorous environmental scrutiny and we are providing an asset which will provide better boating and recreational facilities for all South Australians.

WATARRU HOMELANDS SCHOOL

In reply to **Ms BREUER (Giles)** 28 May.

The Hon. M.R. BUCKBY: Officers from the Department of Education, Training and Employment (DETE) visited Anangu and Far North sites in November 1997. Watarru Homelands School was visited on 10 November 1997.

I am advised that the two immediate issues identified were electrical problems and asbestos content.

As a result, and in consultation with the Coordinating Principal, an electrician visited the site on 27 November 1997 to rectify electrical problems including removing existing switchboards and installing earth leakage breakers.

The Asbestos Management Unit report indicated remedial work in the range of $20 000 to replace the asbestos in the building. The report recommended that this asbestos should be removed as soon as practicable. However, in consultation with the Coordinating Principal, it was agreed that the work would not be undertaken until an investigation of a possible replacement building being supplied was completed by DETE.

I am further advised that a replacement building for the Watarru site has been approved as part of the 1998-99 Programmed Maintenance Minor Work Program. Consultation is currently being undertaken for the construction and design of the building. The building is expected to be on site and operational by 16 September 1998.

PAPERS TABLED

The following papers were laid on the table:

By the Deputy Premier, for the Minister for Industry, Trade and Tourism (Hon. J.W. Olsen)—

District Councils—By-Laws—
Mid Murray—
No. 11—Permits and Penalties
No. 12—Council Land
No. 13—Moveable Signs
No. 14—Flammable Undergrowth
No. 15—Caravans
No. 16—Straying Stock
Port Pirie City & Districts—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Council Land
No. 4—Flammable Undergrowth
No. 5—Dogs
No. 6—Bees
No. 7—Animals and Birds
No. 8—Taxis

By the Minister for Human Services (Hon. Dean Brown)—

Passenger Transport Act, Review of—June 1998
Regulations under the following Acts—
Motor Vehicles—
Accident Towing Roster
Trade Plates
Road Traffic—
Clearways—Henley Beach Road
Prohibition on Fishing from Bridge

By the Minister for Government Enterprises (Hon. M.H. Armitage)—

Evidence Act—Report relating to Suppression Orders, 1997-98
Liquor Licensing Act—Regulations—Dry Areas—Long Term—Various
Rules of Court—District Court—District Court Act—Obtaining Evidence Interstate
Supreme Court, Judges of—Report, 1997

By the Minister for Education, Children's Services and Training (Hon. M.R. Buckby)—

Regulations under the following Acts—
Education—Non Government Schools Registration
Financial Institutions Duty—Principal.

POLICE COMPLAINTS AUTHORITY

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I table a ministerial statement made by the Attorney-General in another place.

PROSTITUTION

The Hon. I.F. EVANS (Minister for Police, Correctional Services and Emergency Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. I.F. EVANS: Prostitution is a topic that has received much attention over many decades. It is an issue which all countries and communities have debated and to which varying approaches have been taken. There is little doubt, however, that it is a topic that elicits deep emotional responses in members of Parliament and the community alike. In our own State over the past 20 years many members of Parliament have attempted by way of private members' Bills to reform what some would say is an outdated and ineffectual legislation governing prostitution. The Hons Robin Millhouse MP, Carolyn Pickles MLC, Ian Gilfillan MLC, Mark Brindal MP and Stewart Leggett MP, have all attempted and failed to bring about reform to this vexed area. Currently, the Hon. Terry Cameron MLC has introduced a proposal in another place.

The law remains, as it has been for decades, ineffectual and unworkable. On 2 March 1994 the then Minister for Police, the Hon. Wayne Matthew MP, tabled in this House 'A Police Assessment of: 1) Contemporary Prostitution in SA and 2) Current Prostitution Laws'. This report was prepared by Detective Senior Constable Adrian Ransom from the Strategic Development Branch of the South Australian Police Department. In October 1996 the ninth report of the Parliament's Social Development Committee titled 'Inquiry into Prostitution Final Report' was tabled. I now table the further report into prostitution in South Australia recently prepared by the Strategic Development Branch of SAPOL.

All reports, whether from a policing or social development viewpoint, are consistent in their conclusion that the current laws governing prostitution in South Australia are simply not working and are in need of reform. Since first being elected in December 1993, this Government and indeed the Parliament has twice and separately been advised by consecutive Police Commissioners, Commissioner Hunt and Commissioner Hyde, that the law is inadequate. Regardless of the various views about prostitution reform, I believe that, faced with recent reports through two Commissioners about the state of the law, the Government has no option but to endeavour to assist in bringing the matter to a final but perhaps controversial conclusion. As part of that endeavour and on behalf of the Government I announce today the establishment of a ministerial working party on prostitution.

The working party consists of the Minister for Human Services, Hon. Dean Brown MP; the Minister for the Status of Women, Hon. Di Laidlaw MLC; the Minister for Local Government, Hon. Mark Brindal MP; and the Attorney-General, Hon. Trevor Griffin MLC; and as Minister for Police I will Chair the working party. The task of the working party will be to consider the options for dealing with the issues; have draft Bills prepared reflecting those options which may include making the criminal law more workable on the one hand or, on the other hand, removing some criminal sanctions and regulating the industry; and offer strategies for dealing with issues in a way which retains the ultimate right of members to deal with issues as a matter of conscience.

The working party will seek to distil the policy basis for action with a view to preparing draft legislation to achieve either a more workable legislative framework or a regulatory model so that Parliament will have a choice. It is expected that the Bills will be debated in Government time but, importantly for Government members, including Ministers and other members of Parliament, this issue will ultimately remain a conscience issue. Given the complex and sensitive nature of this issue, I am particularly keen to meet with other MPs to hear their views. The Parliament's social development report into prostitution raises many important social justice issues that the working party will need to consider, including, but not limited to, reviewing the law in relation to child prostitution, drugs and prostitution, health standards, migrant prostitution, advertising, penalties, location and planning, ownership, and exploitation of women and children.

From a policing perspective the latest report requests that, regardless of whether or not prostitution is regulated, the following be considered:

1. strengthening police powers to gain entry to brothels (including the power to break and enter);

2. removing the emphasis on cash payments for prostitution services;

3. clearly defining what constitutes an act of prostitution;

4. redefining the evidentiary provisions to ease prosecution of offences;

5. the prescription of minimum penalties for offences; and

6. removing the emphasis for acts of prostitution to take place in brothels.

This police report provides two models for broad legislative reform: the criminal sanction model and the regulation model. It outlines broad police requirements under both models. The report does not recommend a preferred model of prostitution law for South Australia but quite rightly leaves that decision to the Parliament.

After 20 years and six attempts at prostitution law reform the law remains unsatisfactory. It is my view that if the law is to be successfully reformed one way or another it will require ministerial leadership. This is the first time in 20 years that a Government has led law reform in this area. We must not retreat from our duty to lead the debate on this difficult issue. Each of us will bring to the debate our own views, ideals and deeply held convictions. Whatever our beliefs and however different those beliefs might be about this issue, we must find common ground and seek a workable solution.

PUBLIC WORKS COMMITTEE

Mr LEWIS (Hammond): I bring up the seventy-sixth report of the committee on the botanic wine and rose development and move:

That the report be received.

Motion carried.

The Hon. R.G. KERIN (Deputy Premier): I move:

That the report be printed.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE

Mr CONDOUS (Colton): I bring up the eighteenth report of the committee and move:

That the report be received and read.

Motion carried.

Mr CONDOUS: I bring up the nineteenth report of the committee and move:

That the report be received.

Motion carried.

Mr CONDOUS: In accordance with the preceding report, I advise the House that I no longer wish to proceed with Notices of Motion: Private Members Bills/Committees/Regulations Nos 5 and 9 to 16 standing in my name.

QUESTION TIME

GOODS AND SERVICES TAX

Ms WHITE (Taylor): Will the Minister for Education, Children's Services and Training confirm that the $18 million paid by parents for school fees, services and materials will be subject to the Howard GST, and how much will a 10 per cent GST add to the cost of educating a child in South Australia's public schools? The charges levied by Government schools for services and materials and other costs such as excursions, books and computer equipment fall outside the Howard tax plan which lists only tuition fees as being tax free. Other school costs which will incur a GST include lunches sold in the tuck shop, school bus fares, school uniforms, books and stationery, Internet access charges, and sports and musical equipment.

The Hon. M.R. BUCKBY: As the member for Taylor has indicated, the GST proposed by the Federal Government will not apply to tuition fees—that is, fees paid to preschools, primary schools and secondary schools (private or public)—and neither will it apply to books purchased by a school and distributed to students. With respect to the materials and services school fee that currently exists, my department is investigating with the Federal Government exactly how that fee will be broken down and whether or not the GST will apply.

BEVERLEY MINE

The Hon. G.M. GUNN (Stuart): Will the Deputy Premier answer some of the recent criticisms which have been levelled at the trial in situ leaching mining process which is under way at the Beverley mine in my electorate?

The Hon. R.G. KERIN: The honourable member is well aware of what is going on at that mine. This is a major opportunity to create jobs and regional development in what is a quite remote area.

Recently, a number of myths have been spread about what is going on up there. They are, basically, coming from people who have a deep-seated opposition to uranium mining and, having lost that debate, they tend to be trying to raise some of the side issues and to make them into major issues. In particular, a spokesman for the Australian Conservation Foundation has made many misleading public statements and we need to address a few of the issues he has put forward.

Today, another company, Palladin Resources, was claiming that the north of the State and, in particular, the Lake Frome area has vast potential for development—development which we cannot ignore. At the moment, a few anti-uranium people are trying to cause a misconception amongst the public by raising side issues to cause alarm within the general community.

Myth No. 1 is that the leak of radioactive liquid from a split in the pipe is a danger to the environment and to humans and the Government and the company have unsuccessfully attempted to cover it up. To put the spill into context, the terminology used by opponents of mining is that it is uranium-bearing solution—which is true in a technical fact. But what actually had leaked was the water which was being pumped out of the ground and which has about 340-odd parts per million of uranium. It is the water out of the aquifer with a mild acidic solution added to it, so there is very little uranium in it. It is the water from the aquifer which was actually spilt.

Despite the incident being well short of anything that needed to be reported, Heathgate advised both the Department of Primary Industries and Resources and the South Australian Health Commission of the incident, which occurred on 13 March. Radiation readings from the site of the spill were negligible, as to be of no environmental or health consequence. Radiation experts say that, even if workers had remained on the site of the spill for the full year, they would receive less than 10 per cent of what is considered to be the allowable dose. Heathgate immediately modified the design of the water distribution pipeline to ensure that similar events do not occur again. This incident actually demonstrates the value of carrying out field leach trials prior to design of the

operational plant to test that the procedures are appropriate. In a normal operating situation, this incident would not be something that would necessarily be advised to Government and is certainly not something that would warrant any sort of public notification.

In relation to the incident, the company well and truly exceeded international best industry practice by recording the event, and that well and truly reflects the commitment of Heathgate, which is a good corporate citizen. There was absolutely no attempt to hide the incident. In fact, Heathgate representatives spoke openly about the leak at the public meeting which was held. There is no expectation under the Radiation Protection and Control Act or in international standards that this level of incident should be expressly notified to the public.

Myth No. 2 is that the mining of uranium by pumping acid solutions into the Beverley ore body will penetrate and contaminate the Great Artesian Basin aquifer. That ignores reality. Those who know the Great Artesian Basin will know that it is under pressure. The aquifer, which we will call the Beverley aquifer, is well and truly confined by a large distance of clay rock between the two, so there is virtually no chance of a crack occurring between the two aquifers. If there was, the Beverley aquifer would not enter the Great Artesian Basin because of the pressure coming from the other direction. The Beverley aquifer is hypersaline and radioactive, anyway.

Myth No. 3 is that there are no approved acid *in situ* leaching mines for uranium in the US and, hence, it must not be safe; there is no precedent for ISL in Australia and, hence, it is untried technology. That ignores reality as well. *In situ* leach of uranium is a common and well-established practice for the extraction of uranium in the US. At this stage, acid for leach *in situ* uranium mines is not used in the US not because the process has been banned but, rather, because alkaline leach processes are more appropriate for the geochemistry of the aquifer and the ore zones. However, the Australian company, BHP, is currently evaluating the use of acid for ISL for copper in Florence in the United States, and that is in an aquifer which is potable water. Acid leaching is a commonly used practice for the extraction of other metals from ore *in situ*, and there are cases in Australia, such as the extraction of copper at Gunpowder mine, north of Mount Isa.

Myth No. 4 is that mining is taking place at Beverley without proper environmental assessment and the public have not had the opportunity to comment. Once again, that is incorrect. The field leach trials are being conducted under approved environmental conditions to test the viability of a commercial mining operation and to provide information for the assessment of the impact of the project on the environment. It is standard practice for a mining proposal to test the feasibility of mining the resource. We know the EIS is essential for determining the conditions required for the full scale operation of the project, and the public have been invited to comment on the EIS.

GOODS AND SERVICES TAX

Ms HURLEY (Deputy Leader of the Opposition): My question is directed to the Minister for Government Enterprises. Would the Howard 10 per cent GST apply to the contract with United Water to operate our water and sewerage systems and, if so, would the new tax cut out the savings forecast by the Premier to be made under the contract after 2001? A 10 per cent GST on the $1.5 billion contract with United Water would cost about the same as the predicted annual savings from the contract over 15 years. Section 8.5 of the water contract, which was leaked to the Opposition, provides for United Water to be reimbursed for any additional cost resulting from the introduction or amendment of any law.

The Hon. M.H. ARMITAGE: This is pretty standard stuff from the Opposition, and it is eminently predictable. The Opposition is attempting to set up the thesis for a scare campaign in relation to the goods and services tax. Of course, what they will not do—

Members interjecting:

The Hon. M.H. ARMITAGE: The member for Spence says they are good at that; yes. They are not very good at getting out decent policies on anything, but they are pretty good at muddying the water. What they will not tell people is that a large number of taxes will be abolished, that the present tax system consists of far too many different and, indeed, overlapping taxes, that it is very complex, and that it makes compliance very difficult. Frankly, for a lot of people it makes it expensive. What they also will not be telling the people of South Australia—

An honourable member interjecting:

The SPEAKER: Order! The honourable member will come to order.

The Hon. M.H. ARMITAGE: —in anything which they say in South Australia is that this new tax regime is likely to see an added $50 per family in their hands.

Mr FOLEY: I rise on a point of order, Mr Speaker. I may be wrong on this matter, but is the Minister quoting from a Government docket? If so, will that docket be tabled? You have a docket there, Minister. I have asked the question, that is all.

The SPEAKER: Is the Minister quoting from a Government docket?

The Hon. M.H. ARMITAGE: No, Sir, I am quoting from a photocopied sheet of paper that has my writing all over it.

Members interjecting:

The SPEAKER: Order!

The Hon. M.H. ARMITAGE: What my writing says—and it is written in a big box—is '$50 per family.' That is what the people of South Australia will benefit by from this new tax regime. For the member for Hart's benefit, I have also written on this photocopied document that, in my view, it is always better to allow people to decide themselves how they will spend the money they have earned. That is exactly what this taxation system will do. What they also will not tell South Australians is that family assistance, under this new tax system, will be increased by over $2 billion per year. I bet they will not say that. I bet they also will not say that significant income tax cuts will occur from 1 July 2000 that will benefit Australians by about $13 billion every year. I wait for them to say that.

In relation to the South Australian water outsourcing contract, I am informed that payments to United Water will be GST free or refundable. I am also informed that direct savings from abolition of the wholesale sales tax are small, but savings to United Water from the embedded indirect tax effect—in other words, the indirect taxes which suppliers of materials to United Water pay—are likely to flow through to SA Water subject to negotiation.

SOUTH-EAST REVEGETATION PROGRAM

Mr WILLIAMS (MacKillop): Will the Deputy Premier explain the implications to and the benefits for land holders in the South-East of the State from the revegetation program which he launched at Keith last Sunday? In the course of my previous position as a member of the South-East Water Conservation and Drainage Board, I had considerable input into the drainage aspect of the amelioration program to address the ravages of dry land salinity impacting on large areas of my electorate. It has long been my understanding that the drainage scheme was, indeed—

Members interjecting:

The SPEAKER: Order! The honourable member is starting to comment.

Members interjecting:

The SPEAKER: Order! The honourable member still has the call but I caution him against commenting. He can explain his question.

Mr WILLIAMS: It has long been my understanding that the drainage scheme was to be only a part of the multifaceted approach to this problem.

The Hon. R.G. KERIN: I thank the member for MacKillop both for the question—

Members interjecting:

The SPEAKER: Order! The House will come to order!

The Hon. R.G. KERIN: —and for the assistance in answering it. Indeed, on Sunday I joined the member for MacKillop and quite a band of very dedicated people at Keith in the Upper South-East to launch what is regarded as a first in Australia for land management, particularly for the integration of the various programs within land management, the basic four components of which are: revegetation, drainage, wetlands and pasture.

As many people would know, the Upper South-East has faced some particularly tough natural resource and economic issues. The problem of dry land salinity, which has accompanied the clearing of that land over the years, has posed to the people of that area an enormous challenge. As the honourable member mentioned, he was previously a member of the drainage board. The drainage board and other groups in that area have worked together very well in bringing together what is very much a first for Australia and sets a new standard for integrated land management.

We have long recognised these issues, and Ian McLachlan, my predecessor (Dale Baker) and the current member are aware of the enormous amount of time and effort contributed by community members to ensure that these issues are addressed. That has been tough but there is no doubt that the only way ahead is to use an integrated approach, and that has come about through a philosophy of shared responsibility. The community, the three levels of government and industry have combined to put in place a groundbreaking model, which comprises a works program which outlines what needs to be done with revegetation, with drains (through the drainage board), with salt land agronomy and with the management of the very important wetlands in the Upper South-East.

The State and Commonwealth Governments are able to make the investment in the revegetation component in the region because of the extensive work, thought and discussion undertaken by community bodies such as the Upper South-East Regional Revegetation Committee and the South-East Natural Resource Consultative Committee (SENRAC). That has taken place in combination with officers of my own department, the officers of DEHAA and the staff of Forestry SA. That has been a very productive partnership, and the result is the excellent plan launched on Sunday which will certainly help that area initially, and the same strategy will be spread across the State so that other communities will also benefit.

HOUSING TRUST RENTS

Mr CONLON (Elder): Can the Minister for Human Services guarantee that Housing Trust rents, especially for people on low and fixed incomes—

An honourable member: Boring!

Mr CONLON: —you'd be the expert, wouldn't you—will not increase as a result of the GST, which will increase the costs of providing housing through input taxing?

Mr Brokenshire interjecting:

The SPEAKER: Order! The member for Mawson will come to order.

The Hon. DEAN BROWN: As I understand the honourable member's question, he is asking whether, when pensioners, part-pensioners and other people get a boost to their family payments or their pensions as a result of the compensation for GST, the State Government will ask for 25 per cent of that as part of the rent.

Mr Conlon: No. Do you want me to ask the question again?

The SPEAKER: Order! The honourable member has asked his question: the Minister is now answering it.

The Hon. DEAN BROWN: That is what I understood the question to be. It is an issue that I have already raised with the Federal Minister, who has not formally responded, and so I cannot give a detailed answer. My view is that, if people are receiving an increase in pension to make allowance for GST, it would be quite wrong to take 25 per cent of that as rent. My answer is that that position should not apply. The clear facts will be, when the Federal Government puts out a position on this matter, that it will not apply and that, therefore, 25 per cent of any additional GST compensation payments should not be taken as rent.

Members interjecting:

The SPEAKER: Order! The member for Hart and the member for Elder will come to order.

VICTORIA SQUARE

The Hon. R.B. SUCH (Fisher): Can the Minister for Aboriginal Affairs say what action is being taken to deal with behavioural issues arising from alcohol consumption in Victoria Square?

The Hon. D.C. KOTZ: I thank the honourable member for his question on what is a very serious matter. The Government recognises the problems of alcohol abuse and its antisocial effects. To address these issues the Government has taken a number of steps in consultation with the City of Adelaide and the relevant sectors of our community. I have met with the Lord Mayor on two occasions in recent times to promote a cooperative approach in finding solutions to which I am sure we all recognise are very complex issues. From that initiative a working party was set up at that time. It should also be pointed out that a number of services for Aboriginal people in Adelaide are provided by Government, including a number of accommodation and rehabilitation support programs costing several millions of dollars. However, a need

has been identified to adopt what will be a more coordinated and targeted approach for assistance provision.

A joint agency approach within the Government has also been adopted, and the Division of State Aboriginal Affairs and the Department of Human Services have been working together to address these important matters. As a result of my meeting with the Lord Mayor and the joint agency approach adopted by Government, a scoping paper on Aboriginal services for the central business district of Adelaide has been prepared. The paper proposes a three part project. The first initiative was the collation and documentation of historical approaches to the issue, the range of services, funding sources and other resources already available in the CBD, including information on related services elsewhere. Secondly, that information meant that we could move to an analysis of services and identify the gaps in those services and the needs to link and realign the services. Thirdly, it meant that now we can move to greater service coordination targeted to those very specific needs.

The Lord Mayor has been quoted in the *Advertiser* lamenting what she considers to be a lack of action in this area. It is unfortunate that officers of the Division of State Aboriginal Affairs were not invited to attend the forum at which the Lord Mayor is reported to have made her comments, because they would have been able to inform her of the measures being taken as a result of the scoping report. Although the Lord Mayor has a representative on the working committee preparing the scoping paper, apparently she has not been thoroughly informed. I am pleased to inform the House that, at this stage, out of the scoping paper a project officer has been appointed for a period of up to 18 months to carry out the tasks outlined in the scoping paper. That officer has already begun examining services currently provided by the Department of Human Services to address a much more efficient and effective way of delivering these services.

Work is also being undertaken by DOSSA to research the various initiatives proposed by and through the Aboriginal community. This process is guided by the consultative committee set up through those first meetings with the Lord Mayor, and it includes a representative from the Adelaide City Council. I am advised that the council's Chief Executive Officer, Ms Jude Munro, attended its most recent meeting.

Members should also be aware that the Government, through the Department of Human Services, provides funds for the employment of a full-time project officer, based at the Adelaide City Council, to work on issues related to the health and welfare of Aboriginal people within the City of Adelaide. This Government's commitment to finding real solutions to those extremely complex social problems is clearly demonstrated by the actions I have just outlined. We are not walking away from what are very difficult social issues: we are working cooperatively with all those involved in an effort to make sure that there is an implementation of real and lasting solutions to these very difficult issues.

GOODS AND SERVICES TAX

Mr FOLEY (Hart): My question is directed to the Minister for Administrative Services. How much—

Mr Brokenshire interjecting:

The SPEAKER: Order! The member for Mawson will remain silent.

Mr FOLEY: Thank you, Sir; I was somewhat distracted. How much of the assumed annual savings under the EDS contract would be lost as a result of the Howard Government's GST after the year 2000, and can the Minister outline to the House precisely what components of the EDS contract for services would be subject to a GST?

The Hon. W.A. MATTHEW: I am pleased that the member for Hart has finally stood up in this House and acknowledged that the EDS contract is delivering savings. Every other time the member for Hart has stood up in the House he has complained that the contract will cost the Government money. I am pleased that the member for Hart has finally recognised that there are savings to be made from the contract: it is a refreshing change indeed. As to the detail of the member for Hart's question and its relationship to the Federal Government policy, we do not even have a GST in place yet, but I am prepared to take the member for Hart's question on notice, to have it considered in detail, to speak with the Federal Minister concerned and to bring back a detailed answer for him.

COUNTRY DOCTORS

Mr MEIER (Goyder): Can the Minister for Human Services outline what the State Government is doing to help overcome the problem currently being experienced in rural areas involving a shortage of doctors? On Friday 7 August I was very pleased, when as guest speaker at Port Broughton in my electorate, at the Annual General Meeting of the Combined Flinders and Wakefield Groups of the Hospitals and Health Services Association of South Australia, the Minister was able to outline many of the positive achievements of this Government over the past 4½ years.

The Hon. DEAN BROWN: I have previously raised in this Parliament some of the longer term initiatives we are taking in terms of trying to get more doctors into rural areas of South Australia. This is a problem that occurs throughout the whole of Australia—

Mr Atkinson interjecting:

The Hon. M.H. Armitage interjecting:

The Hon. DEAN BROWN: The member for Adelaide, as then Minister for Health, understood this problem and introduced the rural enhancement package, which is a particularly good package indeed. In fact, it is one of the initiatives I was going to talk about, and I am glad that the issue has been raised, because the rural enhancement package puts about $6.5 million out there to help keep doctors, general practitioners, in country areas. The important issue is this: although a number of initiatives have been taken in the medium to long term, there is a crisis developing in the short term and, by that, I mean over the next two or three years. Although we have these long-term measures in place to train more people and to encourage doctors who are going through now to take their internships and registrar training positions out in country areas, that will not come through for at least another two or three years. We have a dilemma on our hands: there is a shortage of doctors at Mount Gambier and a shortage developing at Port Lincoln, and two of the four doctors on Kangaroo Island have indicated that they intend to leave in the next 18 months.

About 10 other locations in South Australia would like to take up an extra GP immediately. So, the Government is moving to look at ways in which it can immediately try to meet that demand. I have asked SARRMSA, which is the newly formed body to deal with general practitioners in rural and remote areas, to look immediately at engaging or recruiting from overseas suitably trained overseas doctors who could be provided immediately with a provider number

from Canberra and become GPs in rural areas of South Australia. We are looking at recruiting 20 to 30 if we can. That is our target. I am not saying we will be able to achieve it, but we will certainly get out and try to recruit as many as we can. We are trying to facilitate rapid recruitment and approval, including getting a visa for these people to come into South Australia. I will certainly ensure that their applications are processed rapidly by the Medical Board by providing any State Government approval that is required.

We are taking a number of other initiatives, and I will touch on some of those. We have a scholarship scheme for up to 10 new health professionals to be trained each year. Those scholarships run over a three-year period and provide $5 000 for each participant. In addition to that, the State and Federal Governments are introducing a new scheme from the beginning of next year which will offer a scholarship to overseas trained doctors who need additional training. For their one or two years of extra training they will receive a payment from the Federal Government, and under that scholarship arrangement they will then be required to go out into country areas for up to five years.

A number of initiatives like this are being taken, but I am concerned by the fact that there is a significant shortage of doctors in country areas now. I believe that this is a fundamental, basic right and that we should be making sure that rural communities have reasonable access to GP and other health services in rural parts of South Australia. This Government is committed to that, and we want to make sure that we are recruiting enough doctors to meet those needs.

GOODS AND SERVICES TAX

Mr FOLEY (Hart): I direct my question to the Minister for Government Enterprises—or perhaps the Minister for Racing—about TAB gambling. Given that the Howard Government plans to impose a GST on all gambling, how will punters be compensated for a 10 per cent reduction in the size of winning pools on the TAB that will cut dividends? What action has the Minister taken to protect both the racing and hotel industries? Off-course totaliser tax in South Australia is currently 14.25 per cent for win and place bets; and a 10 per cent GST could cut returns to winning punters from 85 per cent to 75 per cent of the pool. On 11 August the Treasurer said that he did not know what effect the GST would have on the TAB and the allied racing and hotel industries.

The Hon. M.H. ARMITAGE: This is similar to the previous question, and the member for Hart's question makes absolutely no mention of the benefits of the new tax system. For his benefit and that of other members opposite, who I know are interested in this matter, I repeat that under the new taxation system family assistance will be increased by over $2 billion per year and, from 1 July in the year 2000, significant income tax cuts will deliver benefits of over $13 billion a year to Australians. So, that is a huge benefit to everyday Australians and, as I have identified in response to a previous answer, it is suggested that there will be about $50 extra per family. So, that is an enormous benefit. The TAB informed me earlier today that it is making inquiries, and its information is that in fact the TAB will pay the GST, not the punters, so this will be a lot more—

Members interjecting:

The Hon. M.H. ARMITAGE: That is the information with which I have been provided, but it is very early.

Members interjecting:

The Hon. M.H. ARMITAGE: This is where the members for Hart and Spence just jump in where angels fear to tread. The members for Hart and Spence both interjected that this will see a reduction in profit, but what they do not acknowledge to members of the media, their Party and everybody else is that the GST comes back to the States. It does not stay federally. It has been identified that the tax comes back to the States.

Members interjecting:

The Hon. M.H. ARMITAGE: The members for Hart and Spence say, 'Yeah, yeah,' so at least they acknowledge that that is what will happen. The TAB is identifying and discussing these matters to clarify them but, on the information I have at the moment, that is the best I can supply.

Mr SCALZI (Hartley): Will the Minister for Government Enterprises advise the House on how the tax package might affect water and sewerage rates? I have been asked by constituents as to the effect of the package on—

Mr Clarke interjecting:

The SPEAKER: Order! The member for—

Mr CLARKE: I rise on a point of order, Sir. This question has already been answered by the Minister today and there is a Standing Order against that.

Members interjecting:

The SPEAKER: Order! The House will come to order. If the member for Ross Smith had had the courtesy to at least wait until the Chair had finished speaking, I would have heard the point of order. As it is, the Chair has not the slightest idea what point of order was raised by the member. Does the honourable member wish to make it again?

Mr CLARKE: Yes, Sir; I apologise. Standing Orders prevent the same question being asked twice on the same occasion. The Minister has already answered the question fully in answer to an earlier question from the Opposition.

The Hon. M.H. ARMITAGE: I rise on a point of order, Sir.

The SPEAKER: Order! We will have one point of order at a time. The Chair will need to look closely at the previous question. I cannot say at this stage whether or not they are identical questions. The Chair proposes to call on the next question and we will come back and compare the questions concerned.

The Hon. M.H. ARMITAGE: I rise on a point of order, Sir. It is all very well for the member for Ross Smith to say that I have answered the question before. The fact is that I have not; I have not addressed the effect on water and sewerage rates.

The SPEAKER: Order! The Chair will pick that up when I check the subject of the question. I ask the member for Hartley to bring his question to the Chair.

PELICANS

Mr HILL (Kaurna): What actions has the Minister for Environment and Heritage taken following the wanton destruction of two pelicans by a wildlife ranger at Renmark recently? A wildlife officer recently shot two of the five pelicans resident in the Renmark area following a complaint by New South Wales tourists.

The Hon. D.C. KOTZ: I thank the honourable member for his rather 'wanton' question. The honourable member seems to imply that there was wanton destruction of some of our wildlife. I advise the honourable member that in fact two birds were euthanased some three weeks ago.

Members interjecting:

The SPEAKER: Order! I caution the member for Ross Smith.

Mr Conlon interjecting:

The SPEAKER: Order! I warn the member for Elder.

The Hon. D.C. KOTZ: To imply that the euthanasia of these two pelicans—this wildlife that we do consider to be imperative to South Australia—was wanton is quite incorrect. The fact of the matter is—

Mr Conlon interjecting:

The SPEAKER: Order! I remind the member for Elder that he has been warned. The Chair has cautioned members continually over recent sitting days about this constant barrage of interjections from my left which set out to disrupt Ministers. If that pattern continues—and members have been cautioned and warned—the Chair will take the obvious course open to it.

The Hon. D.C. KOTZ: In trying to deal with this in a sensible and rational manner and, again, to disclaim the suggestion of wanton destruction, I suggest that the member for Kaurna has been reading newspaper articles which, as usual, do not provide the correct information about the situation at the time. The article focused on a great deal of emotion, rather than facilitating a discussion about what was a rather complex management issue regarding wildlife. As the honourable member will recognise, often pelicans will readily accept food from human beings and, over time, can become reliant on human interaction for food and, indeed, their well-being. Wildlife such as the pelicans in question can certainly show a reduced fear of people and become domesticated very quickly. Once this behavioural shift starts to occur, it makes it extremely difficult and almost impossible for that type of behaviour to be altered.

There are dozens of pelicans which frequent the Renmark foreshore where these incidents took place. In this particular instance, two pelicans became very reliant on hand feeding and were unable to change that behaviour. The consequences were that they became confident in approaching people for food and, ultimately, became aggressive to adults and to children, which was of concern to the local council and the local people in the Riverland area. It was the judgment of the officer of the department that in this instance relocation was not feasible as pelicans are in fact capable of flying thousands of miles, and therefore can return to the spot from which they may have been relocated and, inevitably, return to the place where they would continue that particular behavioural pattern.

Pelicans are wild animals. People should refrain from feeding pelicans and should make them dependent upon themselves for food gathering. Where pelicans are regularly fed by people, these consequences are the end result. It was extremely unfortunate, because most officers of our department try to protect wildlife. In this instance, the officer, who has many years of experience protecting wildlife, had no option—

Mr Hill interjecting:

The Hon. D.C. KOTZ: The honourable member obviously does not want to hear the end of the answer. The officer in question had no choice but to make this decision in respect of these pelicans. In the meantime, I am sure the members of the House who are so interested in this question would also want to know that one result of this whole set of circumstances is that rangers from this area of the Riverland will place signs to counsel the human factor about feeding pelicans in the future, because if there was no interaction between people and wildlife the pelicans would not have developed the behavioural problems that, unfortunately, resulted in officers having to destroy what are very beautiful birds.

GOODS AND SERVICES TAX

Mr HAMILTON-SMITH (Waite): Will the Minister Assisting the Premier for Information Economy advise the House of the likely impacts of the introduction of a GST on the information economy?

The Hon. M.H. ARMITAGE: I thank the member for Waite for his very important question about an area of significant growth in the economy of South Australia, particularly given the Government's focus on encouraging the development of a sustainable information economy and information industry. On a number of occasions I have identified to the House just how vibrant is the information economy, and I have told the House the results of the Government's push in that area. I do stress 'results', because that is really what matters. Recently, the latest quarterly survey conducted by a leading recruitment consultancy firm, Morgan and Banks, showed that South Australia continues to be the major State in terms of plans to employ people in the IT industry area, with 67.6 per cent of local IT companies identifying that they will be hiring. That is a terrific result and is enough reason in itself as to why the Government should concentrate on the information economy.

Results of this kind are even likely to be enhanced and to continue if and when a GST is introduced. Clearly, exports are a key factor in the development of any successful industry—and none more so than in the information economy. I constantly meet firms which are involved in the South Australian information economy and which in fact export the bulk of their product outside the State. Nationally, the Australian Information Industries Association estimates that IT&T exports last year were valued at $5.9 billion. Clearly, that is a fantastic result and something of which South Australia wants to be a part. That is likely to increase as a result of the Federal Government's new tax system, because the proposed new GST will alleviate exporters from having to face a myriad of existing hidden costs.

Obviously, the major hidden cost is the wholesale sales tax regime which currently exists and which Federal members of the Labor Party ramped up on a regular basis at the same time they talked about how terrible a GST was. The introduction of a GST will remove this outdated, anti export tax and, hence, be a great bonus for the information economy. As I have said, exports will be GST free, and IT exporters will receive credits on the GST paid on their inputs. So, that means that South Australian IT companies and the information economy area will be even more internationally competitive, underpinning growth in exports and employment. That is very positive.

However, the most important component of the information economy is the consumers. At the moment, computers, printers, modems and so on are slugged with a 22 per cent wholesale sales tax. I ask members to think of the number of people in South Australia alone who have purchased a computer, a printer or a modem either for home or for business and who have paid that 22 per cent outmoded wholesales tax. The GST will reduce the cost of these products. So, it means that thousands more South Australians will be able to afford to be connected. Thousands more South Australian businesses will partake of the international

information economy, and that means an enormous bonus for the South Australian information economy sector. I know that that is a matter of import to the member for Waite, and I thank him very much for his question.

SCHOOL RE-ENTRY PROGRAM

Ms WHITE (Taylor): Why has the Minister for Education, Children's Services and Training targeted re-entry schools for a cut of $1 million from the $1.12 million school re-entry program when high rates of unemployment and changes to the Howard Government's common youth allowance are expected to lead to a massive increase in enrolments at re-entry schools in 1999? South Australia has the highest youth unemployment rate in Australia and the highest adult unemployment rate of the mainland States. Education department documents confirm that, out of the State's 640 public schools, this $1 million cut will be borne by the State's nine re-entry schools which bring many long-term unemployed people back to finish school to improve their chances of finding work.

The Hon. M.R. BUCKBY: Part of the strategy for meeting the targets under my budget this year involved the reduction of funding for adult re-entry schools. When those schools were started in 1991 under the previous Government, because they were new they were provided with an excess allocation of teachers to assist with the starting up process. Those schools have now been operating for seven years, and I think that the seed funding that has been provided has enabled them to become well and truly entrenched in their programs.

Regarding the point raised by the honourable member about the common youth allowance and the re-entry of students, those schools will not be affected because they will operate on the same formula that applies to every other school: if more students are enrolled, additional teachers will be appointed. Funds have been allocated within the budget to ensure that re-entry adult students are not disadvantaged. I am advised that no programs will be cut, that students will be able to access all programs that are currently operating, and that these schools will not be affected in any disastrous way.

SCHOOL COMPUTERS

Mr CONDOUS (Colton): Will the Minister for Education, Children's Services and Training explain what progress has been made towards achieving the Government's objective of having at least one computer for every five students in our schools?

The Hon. M.R. BUCKBY: Considerable progress has been made towards putting computers into our schools. More than 8 000 curriculum computers have already been installed as a result of the Government's injection of $8 million under the 1997-98 budget strategy. A further 5 700 computers will be installed in South Australian schools through a further injection of $4 million under the 1998-99 budget. This latest funding is part of the Liberal Government's five year, $85 million commitment to embed information technology in all teaching and learning programs in our State schools by the year 2001.

This will overcome the burden on schools left by the previous Labor Government, which was prepared to let parents go it alone. In fact, Labor contributed a miserly $360 000 in its last budget to help schools purchase computers—a mere drop in the ocean which would not have bought too many computers. In stark contrast, our $85 million program for information technology in schools represents the first time that any Government in South Australia has been prepared to provide significant resources for the provision of computers and computer networks in our schools.

This computer subsidy scheme has brought our schools to the forefront of information technology. Our target is to have one computer for every five students by the year 2001. This emphasises the fact that the Government is focused upon creating an IT smart State and an IT smart future work force through education. Not only does this computer subsidy scheme address the number of computers in schools but also it gives a greater subsidy of $1 000 per computer to schools which have the highest number of School Card enrolments, whereas wealthier schools receive about $500 per computer. Alternatively, through the Government's rental-purchase scheme, schools can obtain a computer for as little as $300 per year.

Parents and schools recognise this scheme as timely and highly relevant and as a response to a growing demand for quality and reliable information technology which will enable students to enter the twenty-first century confidently and competently. The Government is taking seriously its commitment to ensure that young people are well prepared for jobs and life in the twenty-first century.

GUARDIANSHIP BOARD

Mrs GERAGHTY (Torrens): Will the Minister for Human Services inform the House whether the review into the processes of the Guardianship Board has been completed and when the report will be presented to Parliament? I understand that the Minister initiated the review into the processes of the Guardianship Board some months ago. Several of my constituents have approached me about this review and informed me of some significant and concerning events that have taken place recently in the courts regarding the Guardianship Board. This review is obviously important not only to the Guardianship Board but to my constituents who seek reform.

The Hon. DEAN BROWN: Two reviews have been carried out, one relating specifically to requirements under the Act and the other to the administration of the Guardianship Board. Both those reviews have been completed and the reports handed to me in recent weeks. I have not had a chance to go through them in detail but I expect to do so in the very near future. As a result of these reviews, we will look at longer term changes to the Guardianship Act.

As there are quite a few groups in the community who are concerned about this issue, I am only too willing to brief the Opposition on the findings that have been made so that we can reach a common understanding about how to tackle some of these problems. Problems have been experienced by members of Parliament on both sides of the House. I think it is important that we come up with solutions to some of those problems, which have not been easy to deal with. We are dealing with the rights of individuals, and it is important that we get the right balance. So, I am only too willing to share these reports with members opposite.

MARINE ENVIRONMENT

The Hon. D.C. WOTTON (Heysen): Will the Minister for Environment and Heritage advise the House of the

positive steps that are being taken by both the Federal and the State Governments to improve the marine environment and, in particular, will she say what stage has now been reached in the preparation of the South Australian marine strategy?

The Hon. D.C. KOTZ: I thank the honourable member for his question, particularly as this is the International Year of the Ocean. The Federal Liberal Government's Coasts and Clean Seas Program provides $125 million nationally. This program provides communities across Australia with a vehicle for focusing governmental and community energies on the care and protection of our oceans and coastal environments. The strategy of the Coasts and Clean Seas Program is to target specific areas. For example, the Federal Government will allocate $51 million to projects specifically targeting the reduction of pollution in marine and coastal environments; $8 million will be allocated to help protect marine species at risk; and $4 million will be allocated for the management and eradication of introduced marine pests, which will greatly assist this task. Further funds will be allocated to accelerate the development of a coastal resource atlas, which will be of assistance in disaster response situations through enabling the rapid identification of ecologically sensitive marine environments.

Additional work will be conducted on further developing the national representative system of marine protected areas which will aid the retention of biodiversity and which, importantly, will see a further $27.3 million specifically allocated for community initiatives within the coastal zone. Members may recall that the 1997-98 funding grants for the Coasts and Clean Seas Program were recently announced for South Australia. It is pleasing to see that Federal and State Governments and local government are working together with a committed local community to deliver some worthwhile environmental benefits for South Australia.

The initiatives in South Australia include the installation of pollutant traps to assist the Patawalonga; the development of a waste management strategy for the fishing industry; the scientific examination of gulf seal populations, which we would all recognise as being very fragile at the best of times—and I am quite sure most people in South Australia with an interest in our wildlife, marine life and environment would be pleased to see that particular scientific assessment being undertaken; and a project to look at the treatment of effluent and stormwater in Port Vincent and St Kilda respectively.

All these significant projects will greatly benefit our coastal and marine environments. As Minister, I welcome the initiatives that have been presented in conjunction with the Federal Government and local government, and I also acknowledge the fact that many of these projects would not be undertaken to the greatest means unless members of the community in their thousands across the State were thoroughly involved in developing projects and making sure those projects were implemented on the ground. It is a great recognition of the people of South Australia who are committed to their environment and who now have the opportunity, through many of the integrated funds that we have across Federal, State and local government areas, to initiate the projects that they now work on so solidly and so optimistically to support and to help reduce the pollutants within our whole environmental range.

I welcome these initiatives and the many others that we will see operate in South Australia over the next few months. The Coasts and Clean Seas Program is certainly an excellent example of the Federal and State Governments and local government working in collaboration with our volunteers to deliver some very worthy outcomes in our coastal and marine environments. I am sure that all members in this House will welcome these initiatives. I urge them, in each of their different electorate areas, to acknowledge the fact that there are projects in which they themselves can become involved and also to encourage assistance and acknowledgment of these projects, which I know local communities will certainly support.

PASSENGER TRANSPORT ACT

The Hon. DEAN BROWN (Minister for Human Services): I lay on the table the ministerial statement relating to the review of the Passenger Transport Act made in another place by my colleague the Minister for Transport and Urban Planning.

SPRINGWOOD PARK DEVELOPMENT

The Hon. DEAN BROWN (Minister for Human Services): I lay on the table the ministerial statement relating to 'no major project status for Springwood Park development' made earlier today in another place by my colleague the Minister for Transport and Urban Planning.

GRIEVANCE DEBATE

The SPEAKER: The question before the Chair is that the House note grievances.

Ms THOMPSON (Reynell): I wish to congratulate the staff, the students, the parent community and the wider community involved in the Morphett Vale South Primary School, because yesterday this school was presented with a cheque for $1 000 by the Association of Community Service Organisations for winning the schools community projects award. The school won that prize because of its creation of a village school concept, as part of which the school community is meeting tonight to identify ways of overcoming a particularly nasty case of serial vandalism and abuse of the school grounds.

Morphett Vale South Primary School is one that is very vulnerable under the review of small schools that is part of the budget strategy of this Government. Yet it is an extremely valuable school in our community and it would be good if there were more schools adopting the principles of the village school introduced in Morphett Vale South. The future of this school should be in its own hands, and this is the way all reviews of small schools should be conducted.

Last year, Morphett Vale South Primary School, through the availability of a school counsellor position, recognised that it needed to develop an overall strategy for identifying the many problems that its school community faced. The area around Morphett Vale South includes a number of emergency accommodation complexes. It is also an area where there is much poverty, much unemployment and transience connected with temporary accommodation. The teachers have identified poor health and nutrition as a problem, as well as sometimes the low educational, confidence and skills levels of some in the parent community. This was not producing an environment where students could succeed.

A very formidable team including Richard Baxter (the Principal), Julie Symons (the School Counsellor), Helen Stone (now School Council Chairperson), Pat Knight and Peter Coulter (both parents) set about involving the wider community, as well as the whole school community, in addressing the issues faced by the school. Hence, the concept of a village school drawing on the African proverb: 'It takes a village to educate a child.'

Some members of the wider community who came forward were Mobil Refinery, once again a consistent contributor to the south through both jobs and educational and social programs; Foodtown at Morphett Vale; Government departments; Rotary; and Zonta. They developed a set of 23 projects in all, linked together to form a positive vision for a new school that connected clearly with the community. Each project addressed specific needs identified and specific areas of learning and the curriculum. Each project involves the school and community members, usually a parent, and many of the projects are coordinated by a parent. When I visit the school, I am overwhelmed by what appears to be a huge staff but which is, in fact, so many parents contributing on almost a full-time basis to the development of the school.

I have with me today a teddy bear which was a kind gift of the school as part of its blue badge day presentations whereby achievements of the students through the blue badge brigade project are recognised. It is realised that, in this community, rewards and recognition are very important in encouraging a spirit of entrepreneurship, team work and the creation of enterprising individuals.

The SPEAKER: Order! The honourable member's time has expired.

Mr SCALZI (Hartley): Today, I wish to comment on the proposal for a referendum on the sale of ETSA. Some members would say, given the margin I have, that I should keep quiet on this issue. However, I see it as my responsibility to act in the best interests of the State. I am very concerned that one or two members can hold up a Government program on such an important issue as the sale of ETSA, which would get this State out of its terrible debt situation and provide a sound economic base for our future.

There are basically two types of democracy: participatory democracy and representative democracy. Participatory democracy involves getting as many people as possible to participate in decision making, and obviously a referendum is the best example of that. However, we are a representative democracy; in other words, members are elected to this place and another place to make decisions. Once elected to this place we cannot abdicate our responsibility and say, 'Take the decision back to the people.' We do that at election time. That is the appropriate time and place for people to express their opinion on where they wish us to go. They do that by either endorsing the Government or saying, 'It's time for a change.' That is the basis of our democracy. We cannot abdicate our responsibility and say, 'We want a referendum', when it does not suit a certain Party.

I am concerned about what it would cost the South Australian community to have a referendum: it would cost between $4 and $5 million. A cheaper way could be by having a secret ballot of both Houses involving all 69 members of this Parliament who could make up their mind on whether or not they support the sale of ETSA and Optima. Let all 69 members decide in a secret ballot. That would be far cheaper than having a full referendum at a cost of up to $5 million. As a member of Parliament, I have to take into account what my electorate wants and what is best for the State. There is no question that a significant number of people in my electorate would prefer not to have ETSA sold: there is no question about that. A significant number of my electors would want capital punishment introduced but, as members opposite would know, no-one would advocate that we bring back capital punishment.

We cannot rule or govern by referenda. In order to govern by referenda, we would have to change our system. When we are elected, we are elected to make decisions. I agree with Chris Kenny, who in last weekend's *Sunday Mail* stated:

> Governments are elected to govern, politicians are expected to lead, and voters have the ultimate sanction—getting rid of governments and politicians who let them down. These are simple truths that underpin our democracy. But you wouldn't have known that last week.

I agree wholeheartedly: the time for having a referendum is at an election: that is when you decide whom you want to support, whom you want to be in government. I challenge the Leader of the Opposition to allow his members to make up their minds on the sale of ETSA in a secret ballot.

The SPEAKER: Order! The honourable member is now starting to breach Standing Order 120 by referring to debates in another place. Up until now, he has kept marginally away from doing that, but he is now starting to get perilously close to it.

Mr SCALZI: Thank you, Mr Speaker. I would like the two Houses of Parliament to have a secret ballot, which would be an alternative to a referendum and which would save the State $5 million.

The SPEAKER: Order! The honourable member's time has expired.

Ms STEVENS (Elizabeth): Two years ago in its 1996 budget the Federal Government saw fit to cut entirely the Commonwealth dental scheme. It was a scheme that was worth $100 million across Australia, and it had been successfully operating for about three or four years. It was a scheme that enabled health care card holders—that is, pensioners, the unemployed, those on a disability pension and a range of other disadvantaged groups—to access free preventative dental care. That scheme, which was cut without warning, was worth $10 million to South Australia, and it has made a huge hole in dental services in our State. There are now 90 000 people waiting for dental care in South Australia, and the average waiting time for those 90 000 people is two years. At this time, it is the most critical and significant dental health issue in our State.

A few weeks ago, the Opposition received a copy of a memo that had been written by Dr David Burrow, the Director of the Statewide Dental Service in South Australia. In that memo, Dr Burrow talked about a concern of the Statewide Dental Service that a further $1.2 million of State funding that had been granted on a one-off basis last year would be lost to the service. I will quote a couple of sentences from that memo, as follows:

> . . . based on current knowledge it is anticipated that the community dental service (CDS) will need to lose resources (salaries, goods and services) to the value of approximately $1.2 million in 1998-99 unless the South Australian Dental Service (SADS) receives additional funding or revenue.

The Minister says that he got it wrong, but that is what the memo states. A week and a half ago, I gave the Minister the opportunity in this House to assure us that there was not to be any cut to dental services in South Australia. The Minister

gave no such assurance and simply referred to a review that he was establishing to examine ways in which the South Australian Dental Service could see more people.

That is interesting for two reasons. It is interesting, first, because the Minister did not rule out any cut. I would have thought that, if there was no cut in mind, he would have been on his feet immediately to rule it out, because we all know how serious the situation is. Secondly, the Australian Dental Association spoke with me yesterday about the program and said that it had heard nothing about any review. That also surprises me, because I would have thought that, if a review was being conducted of dental services in South Australia, the ADA would be involved.

Yesterday, following our press release highlighting the fact that, if a further $1.2 million was going to be cut from the budget, this would mean a further cut of 10 dentists and 10 dental assistants, and waiting lists blowing out within the next few months to 110 000 people, the Minister put out his own press release saying that there would be additional funding by the State Government. Unfortunately, he did not say how much additional funding would be involved nor over what period this additional funding would occur. Will it be for one year or two years, or will it be ongoing? The only thing he said was that there would be no further budget cuts to dental services. We do not know how much will be involved.

We know that the Minister has been forced to put in some money, and I am pleased about that. The problem is, however, that the State Government still refuses to do anything about the Commonwealth dental program and the fact that it has been cut. Certainly, it was not its fault that it happened: it was a Federal Government decision. However, it was two years ago, and South Australia is the only State in this country to have done virtually nothing in response to this. Other States have plans in place and have put funds in. South Australia has done nothing.

Mr HAMILTON-SMITH (Waite): I rise to talk about the proposed food, wine and tourist development at Springwood Park, put forward by Mr Garrett. Minister Di Laidlaw has today advised that Mr Garrett's proposed development in the hills face zone will not be declared a major development by the State Government. This decision follows meetings I have held with the Minister and written representations I have made as the local MP, advising that the matter ought to be determined in the courts, after due consideration by Mitcham council and thorough local consultation. My position was also made clear to constituents and the media in recent weeks. I welcome this decision by the State Government. We in the local community must now examine Mr Garrett's proposal in detail and assess its impact upon the hills face zone, and in particular Brownhill Creek.

The courts, when considering the merits of the proposed development, will not give regard to emotive or subjective argument opposed to the development. The courts will consider both the merits and the weaknesses in the application in light of the hills face zone objectives. Mitcham council and community groups opposed to the development will need to prepare well informed and thoroughly researched arguments to present as evidence. Now that the process to be applied to the proposed development has been resolved, we can concentrate on the substance of the matter.

I appeal to Mr Garrett to now inform us of the full detail of his plan. As I have repeatedly made clear, my view is that any proposal must show, first, that it will improve and not damage our hills face zone environment; and, secondly, that any disadvantages to the community are outweighed by advantages. I doubt that this can be shown by Mr Garrett. However, he now has an opportunity to argue his case with all of us in Waite and, like all citizens, he deserves a fair hearing.

Nothing is more precious to South Australians than our environment. In the electorate of Waite we hold in trust for present and future generations an important parcel of the hills face zone. This area is a State treasure. Let there be no doubt that I will do all I can to help preserve it, and I feel confident that I will be joined in this endeavour by the many local people who share my view. Our Government respects the hills face zone, while also undertaking, as a responsible Government, to ensure that consultation is an open process and that all parties involved in a development application have a fair go to put their case.

I note with disappointment that the Australian Democrats have on this issue, as on so many others, shown their usual willingness to jump in without knowing the facts and without any genuine commitment to a fair and mature outcome for all involved, but simply to try to score political points. Fortunately, the Democrats will never be called upon to form a Government in this State or any other, for that would require that they act responsibly. Minister Laidlaw's decision today is good news for the hills face zone, good news for our environment and good news for our community in the electorate of Waite. I look forward to a vigorous community consideration of Mr Garrett's proposed development, and I invite any constituent to contact me for assistance and support as they prepare their detailed assessment. I am not against development: I keenly support it. But development must coexist with a higher goal, which is to ensure that our foothills zone continues to enjoy a special place in our heart and in our plans for the future.

Ms WHITE (Taylor): I want to comment on what I regard to be a very important issue, and I am sure that it is an issue of much importance to all members of this House. During Question Time today, I asked a question of the Minister for Education about the cuts he is making in relation to re-entry schools. I have the Education Department's documents, which outline the way in which these cuts are to progress. The $1 million cut this year to re-entry schools was outlined in the budget—not by the Minister, of course, but by way of my own release of documents leaked from the department. In fact, it was a process of slowly drawing the Minister to admit that he was cutting the adult re-entry program.

Those cuts are to total $2.5 million over the next three years—so, it is a $1 million a year cut to adult re-entry. Of the 640 public schools in this State, nine are to share a cut of $1 million. During Question Time today, the Minister said that re-entry students would not be affected. How can they not be affected, when nine schools are to take a cut of $1 million? I have spoken to the principals and many of the staff of those nine schools, and it is quite clear that, when you are losing $1 million of a $1.12 million program, that program will be affected. The effects will be different in each school but they will be extensive. Sir, with your permission, I would like to have inserted in *Hansard* some statistical data which outlines the proposed cuts for each of those nine schools.

The DEPUTY SPEAKER: Is it purely statistical?

Ms WHITE: They are statistical tables.

Leave granted.

Option 1
Adult Re-entry Schools
Staffing Allocation (updated)

School	Staff Allocation	Cost $	Percentage	Required Budgetary Cut $
Charles Campbell SS	1 Coordinator 15 hours security 10 SSO hours	80 124	7.13	71 300
Christies Beach HS	2 Coordinators 15 hours security 37.5 SSO hours	164 965	14.67	146 700
Para West Adult Campus	3 Coordinators 15 hours security 37.5 SSO hours	226 137	20.11	201 100
Edward John Eyre HS	15 SSO hours	11 371	1.01	10 100
Hamilton SC	1 A. Principal 1 Coordinator 15 hours security 37.5 SSO hours	169 313	15.06	150 600
Le Fevre HS	1 Coordinator 5 SSO hours	64 963	5.78	57 800
Marden SC	1 A. Principal 1 Coordinator 15 hours security 37.5 SSO hours	169 313	15.06	150 600
The Thebarton SC	1 A. Principal 1 Coordinator 15 hours security 37.5 SSO hours	169 313	15.06	150 600
Open Access College	1 Coordinator 10 SSO hours	68 753	6.12	61 200
Total		1 124 252	100	1 000 000

Option 2
Adult Re-entry Schools
Student Enrolements (updated)

School	Average Student Ceiling	Percentage	Required Budgetary Cut $
Charles Campbell SS	95	3.56	35 600
Christies Beach HS	235	8.79	87 900
Para West Adult Campus	600	22.46	224 600
Edward John Eyre HS	45	1.64	16 400
Hamilton SC	475	17.78	177 800
Le Fevre HS	37	1.38	13 800
Marden SC	555	20.77	207 700
The Thebarton SC	415	19.09	190 900
Open Access College	120	4.49	44 900
Total	2 577	99.96	999 600

Ms WHITE: These two tables outline the extent of the cuts to each of the schools involved. The Minister has said that this will not affect our re-entry students but each of those schools has said something to the contrary. How can a $1 million cut across nine schools not affect the programs they run? Some of the staff of these schools have told me that, when they lose staff as a result of these cuts, they will provide fewer classes—there are no two ways about it—and that is less tuition for our students. They have also told me that they cannot possibly avoid offering these programs, and that those high schools that are high schools in their own right will offer fewer programs across the board. So, the Minister's claim that students will not be affected is quite clearly incorrect and shows an ignorance of the way in which schools operate.

These schools are in areas of high unemployment. There is one in Whyalla, one in the northern suburbs (Para West) and one in the southern suburbs at Christies Beach. Many long-term unemployed people attend these schools. They are people who go back to school but do not want to go back to those schools they left. They left school for a reason, they did not fit into the environment of other schools, they attend these re-entry schools and they need this support. South Australia has the highest unemployment and youth unemployment in the nation, and at this crucial time, when the Howard Government's changes to the common youth allowance will mean that 16 and 17 year olds who have left school will be returning to school, the State Government is compacting the damage that the Federal Liberal Government is doing by forcing these schools to cut their offerings. That is exactly what they will have to do because, when there is a $1 million cut across nine schools, together with a total education budget cut of $50 million across 640 schools plus eight TAFE

institutes, how can that not affect adult re-entry schools? I ask the Government to reconsider.

Mr LEWIS (Hammond): I have made remarks to the House in recent times about the effects of drugs, because I believe that we need to be much tougher on drugs than we have been. Today I want to talk about ecstasy. It is the name commonly given to MethyleneDioxy-MethAmphetamine (MDMA). Ecstasy is chemically related to both amphetamines and some hallucinogens. Amphetamines and other stimulants directly affect the central nervous system by speeding up, if you wish, the activities of certain chemicals in the brain. Hallucinogens are drugs which alter people's perceptions about what they see, hear or feel, and they feel things that do not exist. Ecstasy is commonly sold as tablets, which vary in size and colour, according to whoever it was who made them. They are trafficable. It can also come in powder form, which can be inhaled through the nose or injected.

As with any other trafficable substance, ecstasy is often mixed with other substances, which can have a range of unpleasant and, indeed, harmful or destructive effects. The drug may not be MDMA at all: often it is a mixture of common analgesics in more concentrated form. Stimulant drugs can make the user feel full of energy and confident. Ecstasy has some stimulant properties, although the primary effects of euphoria, feeling of intimacy and closeness to other people are different from those of amphetamines. Ecstasy seems to lead to loving and warm feelings between people and often—but not necessarily—to sex. There is no evidence that it improves sexual performance, although it does enhance the sensual aspects of sex. Hence people who take it are referred to either as nymphomaniacs or suffering chronic bulls' bolt. Ecstasy by itself can often cause people to indulge in risky sexual activity, and some people use it to enhance sexual enjoyment, which is not what Divine Providence intended. More likely, ecstasy will cause you to have a hangover effect, including loss of appetite, insomnia, depression, muscle aches and difficulty in concentrating on the day after you have taken the drug, extending for up to 36 hours or more.

The short-term effects include increased blood pressure and pulse rate, raised body temperature, increased feelings of confidence, feelings of closeness with other people, sweating, dehydration, jaw clenching and grinding teeth, nausea and anxiety, all of which are involuntary. If you take it on a daily basis it will lead to psychological and physical problems. Most likely you will not sleep or eat properly, you will feel paranoid, very confused and irritable. These effects may not clear up even when you stop taking the drug. As with the use of most drugs at high doses over a long time, particularly ecstasy, it will cause health problems and will eventually destroy the immune system. There is an uncertainty about the long-term effects of ecstasy, although there is plenty of evidence to suggest that regular use of a significant amount over a long time will cause damage to your brain, your heart and your liver. If that is not bad enough, I do not know what is.

The other two drugs to which I have yet to draw attention in the course of these remarks are heroin and cocaine. Heroin belongs to a group of drugs called narcotic analgesics or opioids. Morphine is another one of them. These drugs are all very strong pain killers. Opium, morphine and codeine come from the opium poppy, while pethidine and methadone are synthetically produced. Heroin is usually manufactured from morphine or codeine by a chemical process and can be a much stronger drug. Heroin usually comes in powder form and it can come in different colours, depending on how it is refined. It can be a white powder, which is generally more common than the brown or pink powder or pink rocks which look like lumpy sugar. Heroin can be injected, inhaled, snorted or smoked, and it is very quickly absorbed into the blood stream. Because it is a depressant drug it slows down the central nervous system. Some immediate effects can be relief of pain, a feeling of well-being, nausea and vomiting, the pupils of the eyes become smaller, shallow breathing, constipation, itching and sleepiness.

With large doses the pupils of the eyes narrow to pinpoints, the skin is cold and breathing and other central nervous system activity can slow down to the point where a person can slip into a coma and die quite easily. With regular use over time some people may experience health problems such as collapsed veins, abscesses, tetanus, hepatitis B and C, heart, chest and bronchial problems and loss of appetite, among other things.

The DEPUTY SPEAKER: Order! The honourable member's time has expired.

Mr HAMILTON-SMITH: Mr Deputy Speaker, I draw your attention to the state of the House.

A quorum having been formed:

SITTINGS AND BUSINESS

The Hon. R.G. KERIN (Deputy Premier): I move:

That Standing and Sessional Orders be and remain so far suspended as to enable the timetable for Private Members' Business adopted on 3 December 1997 to be amended by leaving out subparagraphs (i) and (ii) and inserting in lieu thereof:

(i) 10.30 a.m.—12 noon—Bills, motions with respect to committees (except reports of standing committees) and motions for disallowance of regulations;
(ii) 12 noon-1 p.m.—Other Motions; and
(iii) after Grievance Debate on Wednesdays for one hour—motions relating to standing committee reports.

Motion carried.

POLICE BILL

The Legislative Council intimated that it had agreed to the recommendations of the conference.

VALUATION OF LAND (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council intimated that it had agreed to the recommendations of the conference.

Consideration in Committee of the recommendations of the conference.

The Hon. W.A. MATTHEW: I move:

That the recommendations of the conference be agreed to.

I advise the Committee that the conference of managers conducted itself in a way in which the Parliament would expect. It was a productive and amicable conference. Essentially, the issues of concern raised in another place that were addressed were, first, whether or not there was the potential for government to influence the decisions of the Valuer-General over the valuation of land and properties and, secondly, whether the legislation provided for the appoint-

ment of a suitably qualified person to the position of Valuer-General. I believe that the amendments agreed to by the conference of managers ensure that those concerns no longer apply in that the Valuer-General, through the amendment suggested in valuing any land or performing any statutory function as Valuer-General, can now exercise an independent judgment and not be subject to direction from any person.

That wording was agreed to by the conference of managers unanimously and as a consequence now comes before this place. As to ensuring that the person who is appointed to the position is suitably qualified, the amendment before us provides that the person must be a member of the Property Institute Incorporated or a body prescribed by regulation and has practised as a land valuer, whether in the service of Government or privately, for a period whether continuous or in aggregate of at least five years. I am pleased to commend the amendments to the Committee, and in so doing urge that the recommendations of the conference of managers be agreed to.

Motion carried.

POLICE BILL

Consideration in Committee of the recommendations of the conference.

The Hon. I.F. EVANS: I move:

That the recommendations of the conference be agreed to.

I wish to place on record the amicable nature of the conference and the way in which the various participants worked together to get what we think is a very balanced outcome on a difficult Bill. It was obviously controversial, so to get the reform through within 17 sitting days is a great effort, and I congratulate all those involved in the conference on the manner in which the conference was undertaken. I will touch briefly on some of the amendments that are before the Committee at the moment.

Amendment No. 2 relates to which directions should be tabled. The amendment provides that all directions to the Commissioner from the Minister will need to be tabled before the Parliament. Not just those in relation to operational matters but all directions to the Commissioner will now be tabled. Amendment No. 3 relates to what should go into general orders and what should go into regulation in regard to appointment and promotion processes. The conference agreed that anything that related to a process would go into regulation and anything that related to qualifications would go into general orders, and that principle has been adopted in other amendments throughout this Bill.

Amendment No. 4 relates to clause 13 in relation to whether the Commissioner's performance standards should be consistent with the Act. The Government is of the view that the words are superfluous, but if it secured agreement to the rest of the Bill we had no objection to that. Amendment No. 5 relates to clause 16, which deals with the question of with whom the contracts with the Deputy Commissioner and Assistant Commissioner are held. There was some debate in respect of this provision. The other place required them to be with the Premier, and this House required them to be with the Commissioner. After some debate it was resolved that they should remain with the Commissioner. Amendment No. 6 relates to performance standards for the positions of Deputy Commissioner and Assistant Commissioners, and it has been agreed that they be printed in the *Gazette*.

Amendment No. 7 also relates to clause 16 and deals with what happens at the end of a contract of appointment of Assistant Commissioners. After some debate it was resolved that Assistant Commissioners will have a fall-back position if they are appointed from within SA Police. If they are appointed from outside SA Police, they will not have a fall-back provision. Amendment No. 8 is minor and does not need to be dealt with. Amendment No. 9 allows the Commissioner to divide ranks but also to consolidate them. The Government was of the view that that power already existed but we simply clarified it by providing that wording.

Amendment No. 10 relates to clause 23, which provides for terms of appointments or contract provisions. That was certainly one of the more contentious points of the Bill. The Committee will recall that during the debate in this Chamber I gave a commitment to negotiate with the Police Association over that clause. We agreed with the Police Association that we would not require contracts for non-commissioned officers and would use them only where special expertise was required. The Democrats in another Chamber required that a similar provision apply to commissioned officers, and it is resolved in that way.

Amendment No. 12 also deals with contract appointments, and I have dealt with that. Amendment No. 13 deals with the period for probationary appointment. It has been resolved that a person who immediately before appointment was not a member of SAPOL will serve a two year probation period and for all other members it will be a one year probation period. Amendment No. 15 deals with the performance standards of all the ranks. There was some debate about whether all the performance standards should be placed in the Government *Gazette*, and that would involve putting the performance standards for some 3 000 members of SAPOL in the Government *Gazette*. We saw that as overly bureaucratic, and it has been agreed that the Deputy Commissioner's and Assistant Commissioners' performance criteria will be put into the *Gazette* but those of other ranks will not. We think that is probably an appropriate outcome.

Amendments Nos 16 and 17 deal with clause 29, which relates to resignation without leave. This is all about what penalty should apply to someone who resigns or relinquishes duty. The conference resolved that if someone resigns without leave they should not suffer a penalty, but it was resolved that for relinquishing a duty the penalties that apply in the current Act will still apply.

Amendment No. 20 deals with transfers. The Bill provides the Commissioner with the power to transfer officers for up to four months on matters of minor misconduct. The Hon. Mr Gilfillan wanted an amendment to the clause to provide that, in relocating a member, the Commissioner must take into consideration whether it is to a place so distant as to unduly disrupt the member's family life. There was some debate about exactly that meant. That has been amended so that the Commissioner cannot transfer a member without their consent to a place beyond commuting distance from the member's current place of employment, so at least there is some check for the person being transferred.

Amendment No. 21 ensures that, where there is a review of the informal inquiry under clause 43, the person selected to undertake that task should be chosen in a non-discretionary way. There was some debate as to what a 'non-discretionary way' means. The proposed amended clause is a reflection of what the conference believed 'non-discretionary way' meant, and we think that is probably a balanced outcome. Amendment No. 22 relates to clause 47, which simply clarifies that the Commissioner has the power to transfer people for a period which is both indefinite and specific rather than the

word 'permanent' in the original amendment from the other place. That amendment simply clarifies that issue.

Earlier I referred to processes being put into regulation rather than general orders, and amendments Nos 23, 24 and 25 simply pick up that principle. Amendments Nos 30 and 31 relate to clause 53, which deals with selection on the basis of merit and whether there should be appeal on the basis of merit. The outcome from the conference is that there is now a much clearer focus on the rights under which a merit based appeal can be undertaken. It is also proposed to put a regulation before the House at a later date to impose a limit so that those appeals will be required to be resolved within two months, and that will be a positive reform for police. Many country police officers find themselves caught up in promotion appeals that last for nine months or two years, and it is proposed to restrict that through regulation to about two months, which we see as a positive reform.

We also wanted to ensure that an onus was placed on the tribunal to deal with these matters quickly and also to make sure that it was not a *de novo* hearing but a hearing based on information available to the selection panel. So, that has tidied up merit based appeals quite considerably. Essentially, the other amendments are consequential, and there really does not need to be any further comment on those. Again, I thank those on the conference for the way in which it was handled.

Mr CONLON: I shall make a few comments on the conference, the Bill and the outcome. First, let me echo the remarks of the Minister. I thank the Minister for his participation in the conference. There is no doubt that those opposite talk about the Minister as leadership material; he did very well. I also thank the Hon. Mr Gilfillan in another place. Certainly, Mr Gilfillan and the Labor Party did not agree on everything, but our cooperation did result in a much better Bill than the one first put before this place. It is very clear that the Labor Party in the Parliament brokered a good deal to protect the police force and the people who work as police officers. That is something with which we are pleased. It might have been said in the past that the relationship between the police force and the Labor Party was not as good as it is now. Certainly, I want to pay tribute to some people in this regard, because it was the case that some people on this side were perhaps not as convinced as I of the need to oppose and to amend this Bill.

It is a good speech that stiffens the backbone and the resolve of people. That speech was provided by Mr Martin Hamilton-Smith, the member for Waite. It would have been a great speech if that were his intention, but when he spoke of the need for discipline, order and so on he did more than I ever could to stiffen the backbone of the people on this side who might not have been as sure as I. I want to thank the member for Waite for that. I also want to thank the member for Mawson, who followed on from the member for Waite and who in a very apologetic and stumbling way pointed out that he liked the Bill even though he did not really like it. With that, our people were further convinced that there was a need for change.

Most of all, I would like to thank the fiercely independent member for MacKillop, because he had no doubts at all. The honourable member stood up in this place, told us that we were confused, that we had it completely wrong and that he would stand by this Bill, which was a good Bill. This was while the Minister was saying, 'Maybe we can have further talks in a minute.' But not the fiercely independent member for MacKillop: he was more hairy chested than was the Government. In fact, it is a bit like the family dog that keeps barking at guests long after you have told them that it is all right and that they are welcome. So, I thank the member for MacKillop for that.

All in all, we have a good outcome. A proper balance has been struck in the control of the police force between the Parliament and the Commissioner. I will say no more, except to thank all those members who took part in the conference, in particular Paul Holloway and Ron Roberts from the Upper House and Jennifer Rankine. I commend the recommendations to the Committee.

Motion carried.

STATUTES AMENDMENT (MOTOR ACCIDENTS) BILL

Received from the Legislative Council and read a first time.

The Hon. M.K. BRINDAL (Minister for Local Government): 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 *Motor Vehicles Act* and the *Wrongs Act* in relation to aspects of the Compulsory Third Party bodily injury insurance scheme. The Bill is aimed at reducing pressure on Third Party bodily injury insurance premiums by containing the increase in the cost of claims.

In May, the Third Party Premiums Committee forwarded a determination to the Minister for Transport and Urban Planning which provides that as from 1 July 1998, the premium for third party bodily injury insurance for class 1 vehicles should be increased from $225 to $254 which is an increase of 12.9 per cent . The Treasurer subsequently issued a direction to the Board of the Motor Accident Commission that for the time being the premium for class 1 vehicles should be increased only to $243 an increase of 8 per cent.

That direction was based on the belief that the Parliament would agree to the measures proposed in the Bill as originally drafted and prior to being amended in the other place. Those measures are designed to contain the increase in the cost of third party bodily injury claims. If the Bill remains in its current amended form, that direction will need to be reviewed and indeed if the Bill is rejected entirely, the direction will need to be withdrawn and class 1 premiums will be raised by the full 12.9 per cent .

This increase is well in excess of the rate of inflation. In this instance however, the rate of inflation is largely irrelevant. The Motor Accident Commission is required to meet the cost of claims awarded by the courts. These awards are made mainly by South Australian courts but in some cases including the recent Blake case, they are made by courts in other States. The trend over time has been for these awards to increase by much more than the rate of inflation and prudent insurers are therefore obliged to estimate their claims liability on the assumption the trend will continue.

The CTP Fund is exposed to the irresponsibility of motorists and increasing damages awards. The Government takes the view that CTP premiums must be retained at a reasonable level while providing a fair level of compensation to motor vehicle accident victims. Therefore, consideration must be given to the competing interests of the affordability of premiums for the motoring public and those who experience the consequences of motor vehicle accidents.

In 1996 MAC had the lowest solvency level of any CTP Fund in Australia. It was barely half the Insurance and Superannuation Commission minimum of 15 per cent for the private sector insurers and less than half the weighted average solvency of Government owned schemes.

A number of reasons can be cited for the low solvency including a low start point in 1988-89, poor investments returns until 1994-95 and a premium reduction in 1989 followed by static premiums from 1989-1996.

It must be remembered that compensation is made from the CTP fund and not from Government revenue. Therefore, contributions must meet the liabilities of the scheme and cover relevant costs. In 1997, there was a general 5 per cent increase in CTP premium, effective from 20 July, 1997. This was less than the 8.2 per cent determined by the Third Party Premiums Committee on the basis that

legislative reform to the CTP scheme would contain claims costs. Due to the announcement of the state election the legislative reform package was not introduced.

In response to the financial position of the Fund, the Motor Accident Commission has adopted measures aimed at ensuring tighter control on the management of claims, fraud and legal fees and faster settlements.

It has also recommended that legislative action is required if premiums are not to increase significantly. The proposed legislative amendments correct anomalies, improve the existing legislation and introduce new initiatives to protect the CTP fund. Some of the amendments build on, or modify, the amendments made in 1986.

The Government accepts that the scheme must provide an equitable range of benefits for accident victims. However, it also believes that it is possible to fine tune the scheme to ensure that money is available to compensate accident victims who are seriously injured and entitled to compensation.

The proposed amendments will place greater responsibility in the hands of road users for their own actions and in so doing should reduce pressure on the CTP Fund. The degree to which predicted premium increases can be moderated in the future will be determined by the extent to which the proposed changes are implemented. MAC has recently produced new estimates of the savings which could result from full implementation of the Bill, based on 1998 data and obtained a check calculation from Brett & Watson, consulting actuaries on the largest component, being non-economic loss. The total savings are now estimated at approximately $16.75m per year to the CTP Fund.

The changes provided for in the Bill:

- increase accountability of owners, drivers, passengers, and cyclists by penalising those who take unnecessary risks (eg drink driving) and imposing obligations on road users to take appropriate measures to reduce the effects of injuries sustained in accidents by the use of seat belts and helmets;
- cap high risk heads of damages
- remove anomalies from existing legislation;
- address fraudulent and exaggerated claims and permit action to defend and discourage claims where such activity is suspected.

The Bill contains proposals aimed at controlling at benchmark levels, medical and other costs. As originally drafted and before amendment in the other place, the proposal was to link the fees payable for CTP Fund claimants to the levels payable on behalf of people with claims against WorkCover. The Government believes it is important that both of the major statutory funds which incur medical and treatment expense reimbursement costs on behalf of compensable injured parties, should be put on an equal footing as far as is practicable. The amendments proposed in the other place would create an entirely different regime for the establishment of medical costs compared with the system applying to WorkCover.

Motor Vehicles Act

The amendments to the *Motor Vehicles Act* deal with the extent of cover provided by the CTP Fund, the relationship between insurer and insured, fraud control and some procedural aspects of the CTP scheme.

In 1987 the definition of "caused by or arising out of the use of a motor vehicle" was amended to limit the scope of CTP cover. Some concern has been expressed that the current definition may be too wide and that use of the word "collision" may include some loading accidents that should not be covered by the Act. Therefore, clause 5 amends the coverage of the Act to "death or bodily injury caused by or arising out of the use of a motor vehicle which is a consequence of the driving of the vehicle, the vehicle running out of control or a person travelling on a road colliding with the vehicle when the vehicle is stationary, or action taken to avoid such a collision".

Clause 6 inserts a new provision requiring the owner, the person in charge or the driver of the motor vehicle involved in an accident to cooperate fully with the insurer in respect of a claim made arising from an accident. This includes a duty to give access to the vehicle and possession, if necessary.

On occasions, the position of MAC has been prejudiced through the lack of cooperation of the insured. In order to be able to determine a position on liability, MAC needs to rely on information from the insured. The right to inspect the vehicle offers an opportunity to obtain information regarding the circumstances surrounding the accident. It is consistent with normal insurance practice to require an insured person to cooperate with his or her insurer.

To maintain and improve the focus on fraud control, MAC has also recommended that specific powers should be introduced into legislation relating to CTP claims in relation to false and misleading statements. Other States have legislated in this area.

The insurance industry has generally acknowledged that up to 10 per cent of claims have a component of fraud, which, in CTP claims may range from an exaggeration of injury symptoms to 'staged accidents'. MAC considers inclusion of specific legislative powers in the *Motor Vehicles Act* would assist in deterring fraudulent conduct, and provide MAC with a more effective mechanism to reduce claims costs and recover the costs of investigation.

Therefore, clause 6 also includes provisions aimed at fraud control. New section 124(6a) will make it an offence to provide false or misleading information in relation to a claim for personal injuries arising from a motor vehicle accident. New subsection (6b) will allow recovery from the claimant of the amount of any financial benefit that the claimant gained as a result of committing the offence of providing false or misleading information.

Clause 7 inserts a new subsection to section 124A so that a finding of a court regarding an insured person's incapacity to exercise effective control of a vehicle owing to the influence of intoxicating liquor or a drug or a blood alcohol reading will be treated as determinative of that issue for the purposes of an action for recovery by the insurer. This facilitates proof where the insurer is seeking recovery under section 124A and avoids the need for duplication of matters that have already been the subject of a court decision. A similar provision is included in clause 10*(d)* to facilitate proof in relation to matters arising under new section 35A(1)*(i)* or *(jb)* of the *Wrongs Act*.

Clause 8 contains two amendments providing for an offset of compensation against an amount recoverable by the insurer in another accident and to allow appropriate credit for amounts paid by the insurer.

There are occasions where MAC is pursuing a recovery action against an insured person while the same person is a CTP claim beneficiary as a result of another accident. At present, MAC is unable to off-set the debt owing in the recovery action against the amount which may be paid in compensation for the injuries in the other accident. As a result, the proceeds from the compensation award may be disposed of despite an obligation by the person to meet a debt owing to MAC. This makes any recovery action difficult when the person claims to be without funds. New section 124AC avoids this problem by enabling the debt amount to be deducted from a compensation award which relates to another accident. This provision as it emerged from the other place does, however, have a deficiency that off-setting can only occur where the compensation award is owed by MAC directly to the person owing money to MAC whereas in most cases the damages payment is owed to an insured person. The Government proposes a rewording of this provision to correct that deficiency.

New section 124AD has been included to deal with the situation where the insurer pays expenses on behalf of a claimant on an ongoing basis. For example, credit for amounts paid progressively by MAC for hospital/medical treatment should be given automatically rather than MAC having to stipulate an intention in each and every claim where liability may be an issue.

Improved efficiency in the management of claims will follow from this provision with savings in administration costs for both the insurer and claimant.

Clause 9 of the Bill deals with the issue of medical and other similar expenses incurred by injured persons following a motor vehicle accident. Those expenses are currently susceptible to a wide range of factors which result in inconsistencies and an inability to control charges made by providers. By comparison, the other major statutory compensation fund, WorkCover is able to regulate charges for medical services under section 32 of the *Workers Rehabilitation and Compensation Act 1986*.

New section 127A provides that rates for the payment of CTP medical expenses should be regulated. Although the insurer is not legally obliged to pay treatment accounts until settlement of claims, it is the practice to do so on a progressive basis.

Prescribed services are defined to reflect the position in section 32(2) of the *Workers Rehabilitation and Compensation Act 1986* and include medical, pharmaceutical or rehabilitation services. Currently such matters can only be challenged if the relevant personal injury claim proceeds to trial. This is unsatisfactory as it interferes with an objective assessment being made about the merits of the personal injury claim and eliminates any capacity to act in the majority of cases where a reasonable compromise has been reached under all other heads of damage.

The Government proposes that the insurer be able to challenge directly the cost of services of medical providers as a separate action to any personal injury claim. The existence of such a right should act as a deterrent.

An amendment moved in the other place results in this provision expiring on 1 October 1999. CTP insurance is in a class known as long tail insurance which means that claims are paid out over a long period of time. To ensure the Fund remains viable, it needs to be able to project its costs into the future with some degree of accuracy. Potential elimination of measures to bring stability to what is a major cost component of CTP claims run counter to the objective of financial stability of the CTP Fund.

New section 127B provides that the insurer must notify interested parties whether it accepts or rejects liability within 90 days after receiving any information reasonably required by it and further provides that payment must be made within 30 days unless liability is disputed. This is an amendment incorporated in the other place and the Government proposes to move an amendment to the Bill to delete this provision.

The Bill also makes a minor amendment to the Act to require CTP premiums to be gazetted. This amendment is contained in clause 4 and will ensure proper public notification of CTP premiums on an ongoing basis.

The Government proposes to amend the Bill to reinstate the amendments originally proposed by the Bill to the Motor Vehicles Act and introduce some technical amendments to achieve the following outcomes.

Exemplary or aggravated damages can be awarded to an injured person as a result of the intentional or reckless wrongdoing by an insured. These damages are in addition to compensation awarded for actual losses and for which insurance protection is intended. Although one of the principal purposes of these damages is to punish reckless behaviour, the damages are actually paid by the CTP Fund.

Therefore, the Government will seek to introduce an amendment to exclude awards for exemplary or aggravated damages being made against the CTP Fund but preserves the right of an injured person to receive these damages from the insured personally. This proposal was included in the Bill as originally drafted and was negatived in the other place.

The Government proposes to introduce a new technical amendment which will clarify the liability of the Nominal Defendant to accept liability for the payment of medical and funeral costs for a claimant entitled to compensation and for associated matters.

Another new technical amendment to be introduced will replace section 124(6a) to clarify that the giving of false evidence to the insurer may also come about from the giving of false evidence to an agent of the insurer. The Bill as currently drafted does not clearly deal with cases involving agents of the insurer.

As previously discussed, a further amendment of a technical nature which the Government proposes to introduce will clarify the intention of section 124AC.

Provision in the original Bill for acquisition of a motor vehicle involved in an accident was negatived in the other place and the Government proposes to move an amendment to restore the intent of the Bill as it was originally drafted as well as to allow for access to and possession of a part of a motor vehicle. This is considered an important investigative and anti-fraud measure, although its use is likely to be necessary only in extreme circumstances.

Clause 10 of the Bill, as stated above, deals with the issue of medical and similar expenses. It was substantially amended in the other place and the Government proposes to amend it back to its original wording for a number of reasons.

The first reason is that the original Bill dealt with the issue of overservicing and the amended Bill does not make any provision for MAC to deal with overservicing.

The second reason is that the original Bill provided for commonality of rates between the two major Government users of these services, being WorkCover and the CTP Fund. The Government believes that in the vast majority of cases, commonality is important to ensure that there is not one class of service provided to those injured in motor vehicle accidents and a different class of service at a different price provided to those injured at work. Clearly, such an outcome would be highly inequitable.

The third reason is that MAC will require a strengthened ability to combat overcharging and overservicing in view of the possibility of abuse of the medical cost threshold to obtain non-economic loss awards under section 35A(1)(a) of the Wrongs Act.

Wrongs Act

The amendments to the *Wrongs Act* deal with the principles to be used by courts when assessing damages in relation to injuries arising from motor vehicle accidents.

Awards for past and future economic loss are unlimited under the present common law. This exposes the fund to extraordinary awards. For example in the recent case of *Blake v Norris* a total of $45.9 million (reduced by 25 per cent for contributory negligence) was awarded at the trial, much of it for loss of earning capacity. If the judgment had not been corrected on appeal, and in the absence of reinsurance protection, the payment would have equated to approximately $30 for each vehicle registered in South Australia. Whilst the Blake award was ultimately reduced to $8.9m, the risk has not been eliminated. In fact the growing number of high net worth tourists visiting South Australia, accentuates the risk. Therefore, the Government has decided to introduce a cap on these awards and so limit the exposure of the CTP Fund.

Clause 10*(a)* of the Bill provides that damages for loss of future earning capacity must not exceed the prescribed maximum. The Bill sets the prescribed maximum at $2 million (indexed). Amounts above that figure will not be recoverable. Persons in this category are likely to be high income earners and many will have access to other funds for example superannuation and life insurance policies.

An issue of major concern to the Government and many in the community is alcohol consumption and road use. It is arguable that the common law has been slow to reflect the community's disapproval of “drink driving” or, indeed, of travelling with “drink drivers”.

A review of the cases involving contributions from drivers and passengers, where alcohol induced negligence is the cause of the motor vehicle accident, demonstrates a degree of inconsistency in the determinations made. Arguably, there is a degree of unwarranted leniency shown towards some claimants notwithstanding the involvement of alcohol.

A more streamlined approach to the handling of alcohol related cases is proposed in relation to drivers and to passengers travelling in vehicles with a driver who has been drinking. New section 35A (1)*(i)* and *(jb)* set out reductions from awards in accordance with mandatory percentages, at levels of 25 per cent or 50 per cent depending on the alcohol level. Such a change could act as reinforcement to other drink-drive counter measures. It would also reduce legal argument as the decision would be based on an objective and clearly defined test.

Presently, the *Road Traffic Act* requires persons travelling in motor vehicles to wear seat belts, properly adjusted. If a person 16 years or older fails to do so, his or her CTP claim is reduced for contributory negligence by at least 15 per cent by virtue of section 35A(1)*(i)* of the *Wrongs Act*.

Given community concerns and the degree of awareness of the importance of reducing the severity of injuries, the Bill increases the minimum contribution for failure to wear a seat belt from 15 per cent to 25 per cent .

The *Road Traffic Act* also requires cyclists (pedal or motor) to wear safety helmets. However, the failure to wear a helmet does not currently result in an automatic reduction in a CTP claim for contributory negligence.

Thus, motor car occupants are penalised for failing to wear a seat belt, but motor cyclists and cyclists do not suffer a similar penalty for failing to apply what could be argued to be a similar and probably more important protective measure. Therefore, new paragraph *(ja)* has been included to provide for a minimum reduction to apply to claims by persons 16 years and older who fail to wear a helmet, if a causal link is established between the extent of the injury and the failure to wear the safety helmet.

Another factor identified by MAC as significantly increasing the risk of injury is when persons travel in vehicles outside of the passenger compartment (for example in the rear sections of panel vans and trays of utilities) or not in seats designed to accommodate passengers in vehicles which do not have a passenger compartment. Therefore, section 35A(1) is amended by the inclusion of new paragraph *(jc)* to provide a statutory reduction of 25 per cent where a person was the passenger in a motor vehicle but was not at the time within the passenger compartment and there is a causal connection between the injured person's position in or on the vehicle and the extent of the person's injury.

Section 35A(3) makes it clear when courts should calculate the statutory reduction and reflects the current practice, new subsection (3a) offers some flexibility in relation to the statutory reduction in paragraphs *(jb)* and *(jc)* if the person could not, in the circumstances,

have reasonably been expected to avoid the situation giving rise to the reduction.

Section 35A(1)*(a)* of the *Wrongs Act* currently provides that no damages shall be awarded for non-economic loss unless:

(i) the injured person's ability to lead a normal life was significantly impaired by the injury for a period of at least *seven* days; or

(ii) the injured person has reasonably incurred medical expenses of at least the prescribed minimum in connection with the injury…". The prescribed minimum is currently set at $1,400.

Paragraph *(g)* of clause 10 increases the prescribed minimum on medical expenditure to $2,500, subject to annual CPI adjustments.

A number of proposals in the Bill as originally introduced into the other place were deleted or amended in that place. The Government proposes to reverse those amendments. Details of the key amendments are provided below.

The first relates to section 35A(1)*(a)* of the *Wrongs Act*, the current provisions of which I have just described.

The Government has been advised that claims which are relatively trivial often satisfy the current legislative requirement of seven days significant impairment or $1,400 for medical expenses. The Bill, as originally drafted, before amendment in the other place increased the threshold from 7 days to 6 months. This was deleted in the other place. The Government's position is that this amendment is the major generator of savings under the Bill and believes it is essential that a reasonable extension to the 7 day threshold must be agreed if appropriate savings are to be achieved through this legislation. The Government therefore proposes to move an amendment to the Bill to restore the original proposal that the threshold should be increased from 7 days to 6 months and that the impairment definition should include the word "seriously" in addition to the wording in the current Act which provides for the definition to include only the word "significantly".

In addition, as explained above, paragraph *(g)* of clause 10 increases the prescribed minimum on medical expenditure to $2,500, subject to annual CPI adjustments.

Satisfaction of either the medical test or the threshold period of impairment allows payment of pain and suffering damages. The proposal to increase the threshold period to 6 months has been described by some as being mean spirited, and yet in NSW in 1995, the threshold was increased to 12 months from 6 months.

It is important to note that this provision does not impact upon the rights of claimants to be compensated for medical and care costs, loss of earnings and other economic loss heads of damage.

The second is for nervous shock which is a recognised psychiatric illness which may be compensable even though no physical injury has been sustained. The difficulty with these cases is that the limits of entitlement to damages are not easy to set and there is potentially a grey area between nervous shock and grief. Section 35A(1)*(c)* of the *Wrongs Act* was inserted in 1986 and amended the law relating to nervous shock caused by or arising out of a motor vehicle accident.

The provision limits the class of claimants to:

(i) parents, spouses or children of persons killed, injured or endangered in motor accidents, or

(ii) persons actually present, injured or endangered at the scene of a motor accident.

However, despite these limitations, it is considered that the CTP Fund remains unreasonably exposed. For example, there is doubt as to whether or not damages for nervous shock can be awarded where a communication about the accident was the only link between the accident and the nervous shock. It is also arguable that damages could be awarded not only to those who witness an accident personally or receive news of the accident personally, but also to those who receive news via the media. If damages can be awarded in such a situation, there would be a significant increase in the number of potential claimants who were not previously considered in premium setting calculations.

The Bill as introduced to the other place proposed to amend the current provision to tighten the law so that compensation is limited to persons at the scene, or, family members who sustained nervous shock as a result of being at the scene or immediate aftermath of a motor vehicle accident. The Government will propose an amendment to restore this provision.

The third deals with assessment of the loss of earning capacity of an injured person. Courts rely on assessments being made of an individual's employment prospects following an injury. Where it is uncertain or hypothetical that such a loss may eventuate, the High Court has determined that a court must assess the degree of probability that an event would have occurred or might occur and adjust the award for damages to reflect the degree of probability,

Thus, even if an event is not likely to have occurred, a court must assess the degree of probability and make an allowance for the possibility. The consequence of this has been the payment of substantial damages for future economic loss awards in claims where the degree of probability for such losses is slight or remote. The NSW *Motor Accidents Act 1988* includes a provision so that an award for future economic loss or loss of earning capacity is only made where there is a 25 per cent likelihood that losses may occur. The Bill as introduced to the other place included a new paragraph *(ca)* of section 35A(1) to provide that in assessing possibilities for the purposes of assessing damages for loss of earning capacity, a possibility is not to be taken into account in the injured person's favour unless the injured person satisfies the court that there is at least a 25 percent likelihood of its occurrence. The Government will introduce an amendment to restore this intent.

The fourth amendment relates to damages for loss of consortium which are paid pursuant to section 33 of the *Wrongs Act, 1936* and compensate a spouse for the loss of services which would have been rendered by the injured person. The amount of compensation that can be awarded for loss of consortium is unlimited, but damages awarded to an injured person for non-economic loss are capped by the 0-60 *Wrongs Act* scale.

The Bill as originally introduced into the other place provided for awards for loss of consortium, relating to motor vehicle accidents, to be regulated by section 35A of the *Wrongs Act* and not to exceed four times State average weekly earnings as a lump sum. The Government proposes to restore this provision through an amendment.

Another series of amendments will restore the intent of the Bill before it was amended in the other place. This intent related to the reductions for drink driving, seatbelts, safety helmets, and passenger compartments. The original intention was that the prescribed percentages should apply unless the court believed that a higher percentage should apply. It is considered by the Government that the courts should have this discretion and that the measure is necessary to achieve the level of claims cost savings and hence premium reductions considered appropriate by the Government.

The provisions previously described are considered to be integral to an overall package of cost saving measures—a package relied on by the Government when it directed MAC to hold the premium increase effective 1 July at 8 per cent instead of the 12.9 per cent approved by the independent Third Party Premiums Committee. Accordingly the Government will be seeking to have the amendments introduced in the other place negatived.

The Bill and proposed amendments will not operate retrospectively and will apply to causes of action that arise after the commencement of the Act.

I commend the Bill.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement on a day to be fixed by proclamation.

Clause 3: Interpretation

This clause is the standard interpretation provision included in Statutes Amendment measures.

PART 2

AMENDMENT OF MOTOR VEHICLES ACT 1959

Clause 4: Amendment of s. 5—Interpretation

This clause amends the definition of "premium" to require premiums determined by the insurance premium committee to be published in the *Gazette*.

Clause 5: Amendment of s. 99—Interpretation

This clause amends the meaning of "caused by or arising out of the use of a motor vehicle" for the purposes of Part 4 and schedule 4 of the Act.

Clause 6: Amendment of s. 124—Duty to co-operate with insurer

This clause imposes a duty on a person who was the owner, driver or person in charge of a motor vehicle at the time of an accident caused by or arising out of the use of the vehicle and resulting in death or bodily injury to a person to co-operate fully with the insurer in respect of a claim in respect of the accident. In the case of the owner, the duty includes giving the insurer access to the vehicle and,

if required, possession of the vehicle, on reasonable terms and conditions.

The clause also makes it an offence for a person to give any information to the insurer that the person knows is material to such a claim and is false and misleading. If an amount is paid to a claimant in connection with a claim and the claimant is found guilty of the offence of giving false or misleading information to the insurer, the person who made the payment will be entitled to recover from the claimant the amount of any financial benefit that the claimant gained from the commission of the offence together with such costs in connection with the claim as the court considers appropriate.

Clause 7: Amendment of s. 124A—Recovery by the insurer

This clause amends the Act to provide for a finding of a court in proceedings for an offence as to—

- the insured person's incapacity to exercise effective control of the vehicle at the time of the motor accident owing to the influence of intoxicating liquor or a drug; or
- the concentration of alcohol present in 100 millilitres of the insured person's blood at the time of the motor accident,

to be treated as determinative of the issue in an action by the insurer to recover from the insured person any money paid or costs incurred by the insurer in respect of any liability incurred by the insured person against which the insured person is insured under Part 4 of the Act where the insured person has contravened or failed to comply with a term of the policy of insurance.

Clause 8: Insertion of ss. 124AC and 124AD

124AC. Offset of compensation against amount recoverable by insurer

The proposed section allows an insurer to apply the whole or part of an amount that would otherwise be payable by the insurer to a person in respect of a claim in respect of death or bodily injured caused by or arising out of the use of a motor vehicle to meet an amount recoverable by the insurer from the person under Part 4 of the Act in relation to another accident.

124AD. Credit for payment of expenses by insurer

The proposed section provides for the amount of any damages payable to a claimant as expenses incurred as a result of death or bodily injury caused by or arising out of the use of a motor vehicle to be reduced by the amount paid by an insurer to or on behalf of the claimant for such expenses.

Clause 9: Insertion of s. 127A

127A. Control of medical services and charges for medical services to injured persons

The proposed section provides for scales of charges to be prescribed for prescribed services (being services of a kind referred to in section 32 of the *Workers Rehabilitation and Compensation Act 1986*) rendered to persons who have suffered bodily injury caused by or arising out of the use of a motor vehicle. The section makes it an offence for a person who provides prescribed services to an injured person, knowing that the injury has been caused by or arisen out of the use of a motor vehicle, to charge more than the amount allowed under the prescribed scale for the services. Proceedings for an offence may not be commenced unless liability to damages in respect of the injury has been accepted by or established against an insured person or the insurer. Proceedings for an offence may be commenced at any time within 12 months after liability to damages has been so accepted or established. The section will expire on 1 October 1999.

PART 3

AMENDMENT OF WRONGS ACT 1936

Clause 10: Amendment of s. 35A—Motor accidents

This clause amends the rules that apply in the assessment of damages for personal injury caused by or arising out of the use of a motor vehicle.

PART 4

TRANSITIONAL PROVISION

Clause 11: Transitional provision

This clause provides that an amendment made by this measure does not affect a cause of action, right or liability that arose before the commencement of the amendment.

Ms HURLEY secured the adjournment of the debate.

SOUTHERN STATE SUPERANNUATION (MERGER OF SCHEMES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 July. Page 1436.)

Mr FOLEY (Hart): The Opposition supports the Bill. We were briefed by Government officers on this piece of legislation some weeks ago but, nonetheless, it is still fresh in my mind. In short, the Bill is a further reform of superannuation legislation in South Australia. Effectively, we are (I should not be presumptuous and say 'we', because it is still 3½ years before I will be able to say that—

The Hon. M.R. Buckby interjecting:

Mr FOLEY: Bad luck about the redistribution, Malcolm. As you are a former economics lecturer, I will probably offer you a consultancy or two; your expertise as a former Minister could be of use to me as Treasurer. I refer to the Government's existing scheme, the SSBS scheme, which has been with us for some time. Members would recall that some years ago now (but not that long ago) we introduced the Triple S scheme, the new superannuation scheme in South Australia, which is a market based superannuation fund. The membership of that scheme is roughly 4 500 public servants. The vast bulk of members have been members of the SSBS scheme. With this legislation, the Government is endeavouring to merge the two schemes so that there is one market funded scheme—the Triple S scheme—and so that members of the SSBS scheme can roll over into the Triple S scheme, something which the Opposition believes to be eminently sensible. Although investors in the SSBS scheme had a guaranteed rate of return, they will be moving into a scheme which is market based. This will make that scheme consistent with other superannuation funds and products on the market.

I assume, pending the Federal Government's legislation in respect of investment choice, that at least three products will be available under this new scheme: a capital guaranteed fund, a balanced fund and, for those who are prepared to back the market a little more, an aggressive fund. I assume that there will also be the opportunity for a spread of those funds. At this stage, I indicate that the Opposition does support the Bill.

There is one other element of the fund which is very useful and which is a very good initiative, namely, new section 33A, which provides a new disability pension. I understand that employees of the Public Service who are members of this scheme and who are off work for more than one month will be able to apply to the superannuation scheme and receive up to two-thirds of their salary for a period of up to 18 months. That will be at a cost to the scheme—a relatively reasonable cost, I would argue—of $1.30 a week. That is a very good initiative and something for which the Government should be congratulated. It adds to the benefits available to employees of the Public Service and I think—

Mr Hill: Don't get too carried away.

Mr FOLEY: No—

Members interjecting:

Mr FOLEY: We won't move into that one. It is a useful addition. It is quite an affordable disability pension and it is a useful reform. This might not be exciting legislation for my colleagues and the community but it is an important piece of reform legislation. Superannuation policy is changing rapidly around the nation. We need to have in our State superannuation products and schemes that are at the leading edge in terms of what they offer. Public servants in the employ of the

State should be able to access a scheme that offers a good return on their investment. The least we can do in government is to ensure that we provide a good scheme, one which is competitive and which, hopefully, is operating in the top percentile of the performing funds. Of course, I am mindful of the need to be aware of the Government guarantee that is implicit in the scheme and the underwriting of it. I think it is a useful reform, and the Opposition has no trouble in supporting it.

Mr LEWIS (Hammond): As the member for Hart has said, this debate is not likely to excite many people anywhere. It is not my intention to cause any further excitement than the honourable member has already caused by his contribution. However, let me make it plain that as, in a general way, the matter of superannuation in this State is before the Parliament now, this is an appropriate occasion for me to make some remarks about it. In particular, I draw attention to what I consider to be a rort by those longer serving members of Parliament. We were all invited to transfer from the old superannuation fund to the new fund, and I believe that we ought not expect to receive any increase in pay as members of Parliament unless we do. I suggest to members that they should do so and that the amendments to the legislation that will enable that to happen ought to be made to extend the date for their transfer.

I do not think members of Parliament ought to expect that they can stay in the privileged position that they have currently made for themselves. I have held those views privately, and I now put them on the public record. I put members of Parliament on notice that, if they have been here for longer than two terms, they will be invited, if they want more pay rises, to shift into the new scheme under the terms of the legislation that I will introduce.

The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training): I thank the Opposition for its support for this Bill. I agree that it is a move in the right direction. The Bill provides for a market determined rate of return to be paid on all accounts held in respect of members. That will be of particular advantage for SSBS members, because until now they have been locked into the South Australian Finance Authority 10 year bond rate of return on their superannuation. By moving into this merged scheme, those members should see an improved rate of return.

Another advantage of this scheme is that members can choose the investment that they wish to undertake. There will also be a removal of the underlying guaranteed investment return of CPI plus 4 per cent over the period of membership. As the member for Hart indicated, there will be the introduction of a disability pension for contributing members of two-thirds of salary paid for a period of up to 18 months. Thirdly, there will be a common level of insurance benefit upon death or invalidity irrespective of whether the member contributes. The amount of insurance available will be prescribed in regulations and at a level that is consistent with private sector schemes. That is also an advantage to members of this merged scheme.

Members will also be able to purchase additional levels of insurance, if required, and that will give them some flexibility. There will be the future introduction of a post-retirement investment facility to assist members of the scheme and any other scheme established for public sector employees in providing retirement income options. All in all, I believe that this measure will be of real benefit to those public servants who have been members of the SSBS scheme, in particular, which numbers 100 000 (70 000 active members and 30 000 preserved members). It will give them some choice in their decision making and how their investment is to be structured, and I believe it will provide a real benefit to those members. I thank the member for Hart for his contribution and support.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3.

Mr FOLEY: I say at the outset that the Minister may not be able to answer my questions today: perhaps they can be taken on notice and Mr Owens or a member of the board of Funds SA can provide the answers later. During the Estimates Committee, I asked the Treasurer, in respect of the Triple S scheme, what was the weighting in the various investment classes. From memory, I think he said that, at that stage, the scheme was approximately 83 per cent weighted in equities. I do not think I asked whether they were Australian or international equities: I suspect it would have been a mixture of both.

Whilst I am mindful of the fact that superannuation schemes are long-term investments and that one should not shy away from equities markets based on the long-term nature of these funds, given that we are on most assessments of investment communities entering a difficult period where we have already seen extreme volatility on the Dow Jones and the All Ordinaries—we are perhaps in some eyes ending what has been a fairly lengthy solid run on the market in terms of growth in recent years—I wonder whether Funds SA has given some thought to reducing the exposure in equities. If so, is the Minister able to advise the Committee of the proposed re-allocation of the investment profile in the light of what could be uncertain times in Asia and the full value of markets in perhaps America and elsewhere?

The Hon. M.R. BUCKBY: As the honourable member indicated, I do not have that information with me at this stage, but I will take that question on notice and seek an answer from the manager of the fund.

Mr FOLEY: It seems to me that the Triple S scheme has had a small membership in comparison with the SSBS scheme. This has not necessarily been an issue but, as I indicated in my second reading contribution, at the end of the day Funds SA had the benefit of a Government guarantee with the Government being ultimately the underwriter of the fund. It may be, particularly in the light of the guaranteed return on the SSBS scheme, that Funds SA could afford to be a little more aggressive than normal. I am not questioning Funds SA: I am merely exploring the fact that, at the end of the day, Funds SA is underpinned by a significant Government guarantee.

I would like some further comments from the board of Funds SA (through the Minister) on how it will manage a very large market fund which ultimately the taxpayer is underwriting or sustaining with a guarantee. How aggressively will it pitch its products? Whilst I support a market based fund, one that is able to offer an aggressive format, I would be interested in hearing how it will manage that without unnecessarily exposing taxpayers.

The Hon. M.R. BUCKBY: Similarly to the honourable member's last question, we will seek some advice from Funds SA and provide an answer in due course.

Clause passed.

Clause 4.

Mr FOLEY: Clearly, there is a lot in the Bill on which I have been briefed. I understand that the Public Service Association has been intimately involved with the preparation of this piece of legislation and, indeed, is quite supportive of it. I feel confident that there is nothing else in the legislation which requires my further scrutiny.

Clause passed.

Clauses 5 to 21 passed.

Clause 22.

Ms KEY: Unless I have missed something, I was not aware that there was a retrenchment policy in the Public Service. Is this an indication of a new industrial affairs provision which will be available in the State Government, or are we talking about people who take so-called voluntary retirement? I note that there is a retirement provision in the Bill, and I know that targeted separation packages are very common in the Public Service, especially with today's Government in office. Could the Minister explain the status of 'retrenchment' in relation to this Bill and State public sector employees?

The Hon. M.R. BUCKBY: In answer to the honourable member's question, it is not introducing any new benefit in terms of retrenchment. But, under Commonwealth legislation when a roll-over occurs and there is retrenchment, the employee can be paid out under the scheme. All superannuation schemes have a retrenchment factor within them. This is not introducing any new retrenchment factor at all.

Clause passed.

Clause 23.

Ms KEY: I wonder whether I could get clarification about how this will work in relation to someone on WorkCover on a long-term basis. Also, if a public sector employee were injured on the way to or from work—what used to be covered as a journey accident, involving someone injured or delayed from work—would that person, if a member of the scheme, be eligible for disability pension under this clause?

The Hon. M.R. BUCKBY: It is payable on an accident or a disability, but new subsection 7(b) refers to 'a period in respect of which the member is entitled to weekly payments of workers compensation', so the person concerned cannot receive both. Those receiving workers compensation through WorkCover cannot receive the entitlement through here as well.

Ms KEY: If a person were receiving a Centrelink payment or had a payment available through what was the social security system, how would that affect this clause and pay-out?

The Hon. M.R. BUCKBY: That has no impact at all.

Clause passed.

Remaining clauses (24 to 33) and title passed.

Bill read a third time and passed.

NATIONAL PARKS AND WILDLIFE (BOOKMARK BIOSPHERE TRUST) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 August. Page 1674.)

Mr HILL (Kaurna): The Opposition supports this legislation. As I understand it, the amendments are technical amendments to make the Act do what people in the past thought in fact it could do. The Bookmark biosphere, as members will no doubt know, is named after the Bookmark River in the Riverland area of the State, and the Bookmark River is named after an Aboriginal word; 'Bookmark' is, in fact, a corruption of 'black mud', for the benefit of members, who I am sure will be grateful for that piece of information.

The biosphere, as the second reading explanation states, is a concept rather than a piece of land. It may take members a little time to understand this, but a number of pieces of land are associated with the biosphere, some of them reserves operating under the National Parks and Wildlife Act, others involving private property and others under different sorts of tenure. So, it is a concept, an idea, dealing with a large tract of land which has multiple owners. It was established, as I understand it, in the 1970s under the non-PC title, 'Man and the Biosphere', which was a United Nations program. It is a unique piece of South Australia which is contributing a great deal to the protection of the environment in that area. Those associated with it, in particular the trust, should be congratulated on the work they are doing.

As I understand it, the amendments seek to do two things: first, to allow the trust, which has been established under the Act, the power to operate in relation to land other than that which is national parks or reserves land. I gather there is a limit under the current Act that would prevent it from doing things that are beneficial to the overall biosphere if they did it in relation to land which is not part of national parks land. If it is there to deal with the whole biosphere, it should be able to deal with all those pieces of land.

Secondly, the Bill amends the Act so that it makes clear that any trust established under the National Parks and Wildlife Act is able to enter into a contract for the purchase of land. I understand that trusts have contemplated doing this in the past, but some Crown Law advice suggests that they may be doing it illegally. This would clarify what hitherto everyone assumed trusts have been able to do, that is, acquire land. It is of particular moment in the case of the Bookmark biosphere because, as I understand it, the Chicago Zoo—and it surprised me when I learned this—is wanting to give $1 million to the trust to purchase land to construct an interpretive centre outside the biosphere. In order for it to be able to do that, the amendment to the Act needs to go through. The Opposition supports the Bill, and I intimate that I shall ask some questions in Committee.

The Hon. D.C. WOTTON (Heysen): I, too, strongly support this legislation. As I have explained to the House on a number of occasions, I am supportive of the excellent work being carried out at Bookmark. In fact, I had the pleasure of being there last Wednesday whilst on my way to a significant function at the Scotia Sanctuary. I was able to hitch a ride, as it were, with members of the staff from Bookmark, and they kindly gave me a bed at some ridiculous hour of the morning when we were returning. However, it was an excellent opportunity to again be informed of what is being achieved at Bookmark.

As I have said before, they are very fortunate in that they have extremely dedicated staff. The number of staff has grown significantly. They are all very dedicated and experienced people. Bookmark has about four trainees who are helping, and it seems to be a place where young people from overseas come to learn and contribute as well. I was interested to learn that one of the young people at Bookmark became aware through the Internet of what the biosphere was about and what the trust and the staff were doing and made some inquiries and, as a result, that person is now spending some time there helping.

As I have indicated previously, one of the success stories—and it is a huge success story for Bookmark—is the fact that they have been able to attract a significant amount of support from overseas and from foundations within Australia. It is to the credit of Pamela Parker, Pat Foreman and others who have been involved and who have gone out seeking this funding. As the member for Kaurna indicated, it goes back to the early days of Bookmark, when the McCormick/Deering Foundation in the United States, associated with the Chicago Zoological Society, made a contribution of some $US400 000 towards the purchase of the Calperum pastoral lease and at that time expressed an interest in contributing to the environment centre. In fact, the foundation agreed to contribute $US800 000 to this project. Since that time, three foundations—the Potter Foundation and I am not sure of the other two—have contributed significant funds as well. They have received funds through the NHT, and altogether it is very promising for the centre that will be able to be built as a result of these amendments being passed.

I do not want to take up the time of the House other than to again commend the trust—an excellent group of people who work in a voluntary capacity. It always impresses me when I learn of the distance that many of the members of the trust have to travel from Adelaide up to Renmark and to other places to participate in trust meetings. They are certainly dedicated. The other great thing is that the centre will be built just out of Renmark. It is an excellent site, and I will leave it to the member for Chaffey to explain the benefits that will come to the local district and the Riverland, because it will be a great asset for the area. It will be a great tourist asset and a great educational asset. It will be great not only for the State but also for Australia, because I find amazing the amount of interest that is being shown in Bookmark from countries all around the world, particularly those that have biospheres within their own boundaries. One of these days when I retire I will make it my business to travel around the world and to look at and learn more about the biospheres that are developing in different parts of the world. Indeed, I am looking forward to doing that.

Lastly, it would be remiss of me not to say that—and I was just explaining this to the Minister—while I was up at Bookmark last week, I was given a number of copies of the Bookmark biosphere brief that was put together by the *Murray Pioneer*. Deciding that it would like to tell the community more about Bookmark, it put together an excellent publication, simply slipping it into the edition of the *Murray Pioneer* that went out in April this year, as an endorsed information guide to the Bookmark biosphere reserve as it stands today. The *Murray Pioneer* is to be commended for that. I have a whole pile of copies in my office and will distribute them afterwards. I am sure that any member who has any interest in Bookmark and what it is about would be very welcome to make inquiries or to visit the site. Indeed, it would be a worthwhile exercise for members to visit Bookmark, where they would be made very welcome. I strongly support this legislation.

Mrs MAYWALD (Chaffey): I also rise to support this legislation and commend those of the Bookmark biosphere who have worked so hard to get this environment centre operating. The environment centre goes back about four years when they first started looking at this project as one that would provide an opportunity for people to know what the Bookmark biosphere was all about. The proposed site for the environment centre is just on the western side of the Paringa bridge in the Paringa paddock. It is an ideal site as it will capture many people on their way into South Australia and also on the way out.

The environment incentive will also go a long way towards promoting the philosophy and the work that is being done by the people from the Bookmark biosphere, the Bookmark Trust and all the volunteers from the community who have put in an exceptional effort out at the Bookmark biosphere. It will be a gateway to what we are doing here in South Australia in relation to environmental rehabilitation and it will show that we in South Australia, and particularly the Riverland area, are committed to the rehabilitation of our environmental areas and also to sustainable development, so that we are able to economically sustain environmental projects not just for the sake of the environment but also for the sake of the communities that live within that environment.

It has been four years and the environment centre still has not been built. However, it is on its way, and we are very happy to see that. The community will be encouraged once construction commences on this environment centre. It has been a long, hard haul for many of the members of the trust—in particular, Bob Twyford and Pamela Parker, who have both worked very hard—and we look forward to seeing the first dirt turned.

Out at the Bookmark biosphere itself, it is remarkable to see a group of people who work so hard for such a good cause, and the philosophy behind the Bookmark biosphere to incorporate not only National Parks and Wildlife and State parklands but also private land owners within the Bookmark philosophy must be commended. It is an area of about 6 000 square kilometres, I believe—

Mr Brokenshire: It's 6 060.

Mrs MAYWALD: It is 6 060 square kilometres, and it encompasses many private properties as well as the national and State park areas. It is remarkable to see that so many people have not only a vested interest but also a very personal interest in maintaining and rehabilitating our environment. Over the years, the Riverland has certainly changed its attitude and, in particular, many of the irrigators and those who are working the land are working harder towards sustainability into the future. Gone are the days when the water used to be poured on and no thought given to the consequences. In addition to the Bookmark biosphere, there are many other local action planning groups—the River Murray Water Catchment Board, Wetlands Care Australia, Land Care; the list is endless—which are working very hard in the Riverland, and I am very proud to represent that area and to be part of a community that has such a responsible outlook to the future of our environment.

As we move along and the years go by, there is one consideration that I believe cannot be overlooked, which is that those members of the Bookmark Biosphere Trust and those who are working out at the Bookmark biosphere really need to make sure that they do not lose sight of the importance of the community involvement in the Bookmark biosphere. I believe it is imperative that that continued community involvement is part of the ongoing biosphere philosophy.

The other aspect of the biosphere—and I know that members of this place briefly mentioned it earlier—is that the Bookmark biosphere is well known in this place and in certain pockets of the Riverland, but it is better known overseas than it is here in our own State. I believe that, if you walked through the streets of Adelaide and asked people what the Bookmark biosphere was, most people would wonder

whether you were talking about a bookmark, or to which book you were referring. There has been a considerable amount of effort to try to increase this publicity, but I believe that it is up to each and every one of us to get out there and really tell people about the good work that is being done at the biosphere and to back up and support that publicity.

I suppose I should not really admit this but, having moved back to the Riverland only 3½ years ago, I had never even heard of the Bookmark biosphere until then. I believe that we need to focus on how we can make people aware of the good work that is being done here in South Australia and the fact that this is a world heritage area. The environmental centre that is proposed is on an extremely busy road, being the main road from Adelaide to Sydney, and I believe that that will be a huge asset in the promotion of the Bookmark biosphere and the work that is being done here in South Australia. I support the legislation and look forward to work on the Bookmark Biosphere Environment Centre starting very soon.

Mr BROKENSHIRE (Mawson): I gather that the member for Kaurna will also be keen to talk on this Bill in respect of the Bookmark Biosphere Trust. I will not spend too much time on it but—

An honourable member: He's already spoken.

Mr BROKENSHIRE: I am very disappointed that I was not present to hear the member for Kaurna's contribution but I will read it with a great deal of interest, because I am sure that the contribution was solid. I had the privilege of being the parliamentary secretary for the past Minister, the Hon. David Wotton, for about 18 months, and during that time I learnt quite a lot about the Bookmark biosphere. In fact, it fascinated me so much when I saw reports coming through the office of the Environment Minister that I took my family and some friends up to the Danggali Conservation Park to have a first-hand look at part of the Bookmark biosphere, and we spent some time camping in that area.

I would recommend to my colleagues that they go up there and look at the facilities that are available in the Danggali Conservation Park and which are continually being improved, through the current Minister, by making sure that adequate accommodation is available. Accommodation is not only available in some of the houses that are there on Crown land but there is also the opportunity to camp in the wonderful shearing quarters at Chowilla, where the citrus orchards are, and where they still do a lot of their shearing on the banks of one of the branches to the main river.

It is a fantastic part of South Australia and it is a magnificent natural environment. As the member for Chaffey has said, there is a partnership now between the environment and natural heritage agency of Government, the community and the friends not only from the area which the member for Chaffey represents but also people from my electorate—and indeed probably a lot of people from the districts of other members go up there as friends of that area to protect and enhance what is offered. Of course, the property owners also make up the other aspect of that partnership.

I refer to the Bookmark biosphere brief printed by the *Murray Pioneer*. I know, from the times that I have spent in the Riverland, that the *Murray Pioneer* does a great job of marketing the region. On the front page there is a quote which I would like recorded in *Hansard*, as follows:

> Tell me and I will forget; show me and I might remember; involve me and I will understand.

I believe that that summarises what the Bookmark biosphere reserve is all about. It allows for sustainable protection and enhancement of the environment. It has continued to clean up waterways and to prevent and improve current degradation in that region so that there can be sustainable farming activities not only right around the biosphere area but further down into South Australia. The building of an interpretive centre near Paringa will be a real asset to the whole of the Australian community, but particularly those people from South Australia who frequent the Riverland area.

I encourage all members of Parliament to visit the area and look at this biosphere reserve. Perhaps we should be setting up some other biosphere reserves in South Australia. I can think of some other areas where this also could be done so that we guarantee long-term opportunities for the protection of the environment and, at the same time, as the Deputy Premier would always be keen to support, guarantee sustainable agriculture to further grow the economic base of South Australia. I have much pleasure in supporting the Bill.

The Hon. D.C. KOTZ (Minister for Environment and Heritage): I certainly thank members for their very positive contributions to the Bill. I certainly appreciate the individual contributions in terms of members' knowledge of the area and therefore their respect for what the Bookmark biosphere is attempting to do. Picking up some comments of the member for Chaffey with regard to the necessity to look at continuing community involvement, this is an extremely important matter because it relates to the future of any conservation project, and its security and longevity will be determined totally on the continued support of members of the entire community involved with any of our conservation programs, particularly in this area of our State which, to a degree, is fairly isolated. It does take the volunteers many hours of travel to participate in aspects of protecting the different conservation aspects of the biosphere.

The second area mentioned by the member for Chaffey is that there are many people within the State who would not be aware of the Bookmark biosphere. I was pleased to look through the list of people that the Hon. David Wotton provided, which was put together by the *Murray Pioneer*, because it talks about the fact that education is playing a big part in the Bookmark biosphere. Riverland schools have been taking children to different areas of the Bookmark and, in some instances, schools have been adopting various areas in the Bookmark, making them their specific projects. I agree with the point made by the member for Chaffey that perhaps a great deal more education and awareness is necessary for people in this State to understand exactly what the Bookmark biosphere is all about. The benefit is that schoolchildren, who are of course the future conservationists, are now being made a big part of what the Bookmark biosphere is doing. I am pleased to recognise that.

The conservation and land management efforts within South Australia's internationally recognised Bookmark biosphere will certainly be advanced and expanded through this piece of legislation. The National Parks and Wildlife (Bookmark Biosphere Trust) Amendment Bill will enable the trust to establish and operate an environment centre in the Riverland for educative and research purposes. The legislation will also enable the trust to develop environmental initiatives in partnership with all the interested parties within the 6 060 square kilometre biosphere.

This is the first time in Australia that a biosphere has been recognised in legislation and, in taking this step, the State Government is demonstrating its very strong support for this concept. The Bookmark biosphere has been heralded as an

international model for the management of sensitive and environmentally significant areas which are subject to a range of private, Government and community land uses. The 6 060 square kilometre biosphere currently comprises some 21 areas of national park reserve, pastoral leases, National Trust land, local government reserves and private land.

It contains some of Australia's most critical Mallee wild life and wilderness and is home to a number of endangered species, including one of the nation's rarest birds, the black-eared miner. This legislation will help ensure the ongoing investment by the Chicago Zoo, about which members have talked, and the Australian Landscape Trust in this environmentally significant part of our State. The Biosphere program aims to promote and foster international networking, conservation of species, environmental research and monitoring, sustainable land use, landscape planning, community involvement, education and training. The trust has gained considerable support for its activities from State, Commonwealth and local governments and certainly from private persons and philanthropic organisations, both national and international.

I acknowledge the extremely hard work of people like Pamela Parker, Pat Foreman, Bob Twyford and the complete network of hundreds of volunteers who spend considerable time ensuring that the biosphere operates to the best possible objective of ecological sustainability. This project is certainly a great example of how we can successfully combine nature conservation with land use for economic gain. I am sure it is a model which will be increasingly adopted throughout Australia and the world. Once again, I thank members for their unanimous contributions and their support for the Bill.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2.

Mr HILL: First, I refer briefly to the *Murray Pioneer* which you circulated a few minutes ago, Mr Chairman, because I wish to correct something I said earlier. I said that the Bookmark biosphere was named after Bookmark River but, according to this, it was named after Bookmark Station. I make that clear for the record. Why was the Minister so particular in naming it the 'Bookmark Biosphere Trust' and not just the 'biosphere trust' so that other subsequent biospheres which may be formed and which have trusts can be caught by the legislation as well?

The Hon. D.C. KOTZ: The Bookmark biosphere is the only biosphere in South Australia. In placing the wording within the legislation, it was a matter of determining that no other areas would be caught by these specific amendments. It identifies clearly the relationship of the amendments to the Bookmark Biosphere Trust.

Mr HILL: I hope the Minister is not saying that there will not be or that there cannot be any other biospheres established in future because, if there were, and they had trusts under this legislation, the Minister or a future Minister would have to come back to Parliament and amend the definition. Is that correct?

The Hon. D.C. KOTZ: In effect, it is a safeguard for the future. There is nothing to stop another biosphere from being nominated. The legislation will ensure that there is a safeguard, and that is the only relativity in relation to the question asked.

Clause passed.

Clause 3.

Mr HILL: I am curious why clause 3 is needed. I would have thought that, once subsection (1a) had been included, the original words 'The functions of a trust are subject to this Act' would include subsection (1a), making the amendment redundant. Will the Minister explain the basis of the amendment?

The Hon. D.C. KOTZ: If I understand the honourable member's question correctly, it was a matter of drafting to make quite clear exactly what we were doing. The striking out of that provision brings in the insertion of the following subsection, which then clearly identifies the very specifics that are required to be adapted to the biosphere program.

Mr HILL: That is a nice, trite explanation, but it is a redundant clause. I do not object to it, but it seems to be a meaningless clause.

Clause passed.

Clause 4.

Mr HILL: I ask a clarifying question for the record; I think I know the answer already. As I understand it, this clause will affect any trust which operates under the National Parks and Wildlife Act, not just the Biosphere Trust.

The Hon. D.C. KOTZ: That is correct.

Clause passed.

Title passed.

Bill read a third time and passed.

PRIMARY INDUSTRY FUNDING SCHEMES BILL

Adjourned debate on second reading.

(Continued from 1 July. Page 1225.)

Ms HURLEY (Deputy Leader of the Opposition): This Bill provides a mechanism by which rural industries may raise funds through a levy placed on members of that industry. Two notably successful industries in South Australia and Australia generally, that is, mining and agriculture, have used research and development to further their industry and create new industries and value add their primary produce. The funding for this research and development has come from both within the industry itself and from Government, particularly in the case of agriculture, which has been strongly supported by Government funding throughout its history. Indeed, I strongly support all sorts of funding for research and development, whether corporate, industry or public. I am still a firm believer in Government's continuing research and development, because there is a great and general public benefit in directing research and development funding wherever it is needed and also in employing scientists to do that research.

Acts have been in place previously for the grains and livestock industries. This Bill enables that method of funding to be extended to other primary industries. It will require the compulsory collection of the levy, but individual members of the industry will be able to opt out and have that levy refunded if they choose not to participate in the scheme. The Opposition is aware that there has been fairly wide consultation on this Bill throughout the various rural industries and that the Bill before us is, in fact, acceptable to those industries. I also understand that Victoria and Western Australia run similar schemes and that other States are considering doing the same. I have before me an amendment which the Minister has tabled and which, after further consultation with the industry and the Opposition, gives wider consultative powers to the industry and makes clear

that pests will be included along with diseases in compensation areas.

The compensation area is particularly interesting. It allows the funds to be used to compensate members of the fund for disease contamination and pests and, naturally, that funding is available only to those who pay the levy. Any who opt out will not be eligible for compensation. That seems to be an eminently sensible plan. As we all know, in instances such as fire blight and so on, difficulties can arise for members of that primary industries group, and it is important that members of the industry be compensated and funded. This seems to be a very sensible and practical procedure. The fund can be administered by the Minister, by an approved society or association or by a board of trustees, depending, as I understand it, on the size of the industry and the sort of mechanism of control that will suit the industry. Regulations will govern the manner in which the funds are to be collected. Again, this is a sensible arrangement, given that the marketing methods within the different primary industries vary widely, and it is only sensible to provide that flexible arrangement.

Another practical arrangement is the management plan which will be determined by the industry after wide consultation and which will be reviewed every 12 months. This enables individual members of the industry to have a say in how the fund will operate and in fairness and equity regarding the way in which the fund is controlled and managed. So, I am particularly pleased to see the amendment, which gives industry members much more scope for consultation. The Opposition will support this Bill. We think it is a useful measure in extending research and development and the compensation fund to other primary industries. It has shown in the past that it assists primary industry and enables it to expand and develop, and we think that making the provisions of this generic Bill available to the industries will facilitate the development of the fund if the industries consider it to be appropriate.

The Hon. R.G. KERIN (Deputy Premier): I thank the Deputy Leader for her comments and the Opposition for its cooperation on this Bill. It has had briefings and been able to raise concerns. It has obviously had a good look at the Bill and we have been able to accommodate the concerns as they have come along. This Bill is welcomed by industry, which has thrown a lot of support behind it. There has been wide consultation, and we have been able to work through any of the problems that industry has had along the way. The Bill will enable industry to empower itself to get on with projects and will provide some very important safeguards with compensation schemes regarding those unfortunate problems that arise from time to time such as diseases, pests and whatever. It is a sign of industry really getting on with the job. It is a pro-active move by industry to support this, and the enormous potential is acknowledged.

This is one of the ways in which industry can reinvest in R&D and industry development schemes. Its support and attitude towards this proposal is well and truly appreciated. It shows that our rural industries are heading in the right direction. They realise that funding and reinvestment are absolutely vital. I thank the Deputy Leader and other members for their cooperation with this measure, and I look forward to the benefits it will bring to industry.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. R.G. KERIN: I move:

Page 1, lines 24 and 25—Leave out subclause (2) and insert:

(2) Before regulations are made under subsection (1), the Minister must consult widely with industry members and give proper consideration to any representations made by industry members.

Ms HURLEY: As I indicated in my second reading contribution, the Opposition supports this amendment to the original Bill. After our consultation with the industry, there was some concern that, although there was a move to include 'consultation', it was thought best that it be changed to 'wide consultation' with the Minister being required to give proper consideration to any representations. I commend the Minister on accommodating that desire. It is just a clarification to include 'pest' under compensation for diseases and contamination. I reiterate our support for this amendment.

Amendment carried; clause as amended passed.

Clauses 5 and 6 passed.

Clause 7.

The Hon. R.G. KERIN: I move:

Page 3—

Line 13—After 'disease' insert:

, pest

Line 21—Leave out 'or other purposes'.

Amendment carried; clause as amended passed.

Remaining clauses (8 to 16), schedule and title passed.

Bill read a third time and passed.

Mr MEIER: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

STATUTES AMENDMENT (MOTOR ACCIDENTS) BILL

The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training): I move:

That the order of the House on the question that the adjourned debate on the second reading of the Bill be made an order of the day for tomorrow be rescinded.

Motion carried.

Adjourned debate on second reading (resumed on motion).

(Continued from page 1772.)

Mr FOLEY (Hart): The Opposition in another place indicated some weeks ago that it was concerned about certain aspects of this legislation and that it was opposed to a number of changes indicated by the Government. The Opposition, supported by the Hon. Nick Xenophon and others, including the Australian Democrats, moved a number of amendments to what we considered to be a fairly harsh piece of legislation, which we felt was unnecessarily impacting on the benefits available to all members of the community when it comes to compulsory third party insurance.

We felt that there were far too many changes in the legislation that would impact unnecessarily harshly on motorists and people covered by compulsory third party insurance. The Liberal Government wanted to hurt motorists in South Australia, but the Opposition was not prepared to sit back. We felt that we could not agree to a number of the proposed changes, although we were prepared to support some elements of the legislation.

Because of the complex nature of this legislation, it impacts on a vast array of interest groups including the legal profession, the RAA, the Australian Medical Association, physiotherapists, the Motor Accident Commission, and many members of Parliament. Many of my colleagues, as practising

lawyers in this field, hold strong views. The member for Mitchell is one who holds strong views that he would like to put on the record and, from my recollection, members of the other place, including the Hon. Angus Redford who is also a lawyer, disagreed with many aspects of the Government's Bill.

This Bill, like few other Bills, is so complex and varied in terms of its impact that the Treasurer and I had a discussion about it some weeks ago. We felt that the best way to achieve an outcome for this legislation would be for it to go to a conference of both Houses. The Treasurer has indicated to me in good faith that he is prepared to allow a formal and an informal process to occur which will enable the interests and views of the wide spectrum of people who are involved to be addressed.

I had hoped that the Government during the past couple of weeks would be able to reach agreement with some of the constituent bodies to enable this legislation to have a quicker passage. However, I hope that when the Bill leaves this place we can form a conference of both Houses as soon as possible to enable broad representation, and that through both a formal and an informal process we can arrive at an outcome which will achieve appropriate reform of the legislation but which, equally, will enable us to defeat what we believe are some of the harsher elements of it.

As shadow Treasurer, I am not at all opposed to the notion that we should constantly reform and review all legislation in this Parliament. There is nothing wrong with having a close look at all legislation which impacts on the community in terms of the cost of a particular program, and I do not think that the Motor Vehicles Act and the Wrongs Act should be quarantined from that process. However, there is a limit to what I consider to be appropriate reform. It is at that point that we have significant disagreement with the Government, and we hope that over the course of the next few days we can encourage the Government to see the wisdom of our views and bring about some worthwhile reforms in this area with, ultimately, the harsher aspects of the legislation being defeated.

Mr HANNA (Mitchell): Just as I prefer my coffee to be strong and short, that is the way many members of this place would prefer my contribution this afternoon. As a starting point, we should ask why we have a compulsory third party personal injury insurance scheme. It is worth bearing in mind that we have such a scheme because, if we were to let the private sector and the market operate freely without any Government assistance or regulation in this area, we would have literally thousands of court actions of injured pedestrians and motorists suing drivers of motor vehicles and motorcycles, and those cases would be dragging through and clogging up our courts.

So, there is a simple and sensible reason for having the Motor Accident Commission. Moreover, the Motor Accident Commission ensures that those people who are injured in a motor vehicle accident are adequately compensated for the harm that is done to them. If we left it to each individual to sue every individual whom they felt was negligent on the road, there would be many cases of deserving plaintiffs being left empty-handed at the end of the day because of people who could not be found, who were bankrupt or who were slow in paying money.

When we talk of seriously injured people, we are talking about sums of money which the average motorist could not possibly afford to pay without appropriate insurance. Our compulsory insurance scheme ensures that there is compulsory and adequate insurance for all motorists and other people using the roads in South Australia. So, we start off with the principle that there should be adequate coverage for people who are injured on our roads. The question is then: what is an adequate level of damages for people who are injured?

Because the Government has underwritten the scheme through the State Government Insurance Commission (now the Motor Accident Commission), there are State financial implications for the operation of the scheme. That is why, for better or worse, in the 1980s the Labor Government introduced a scheme of assessment of damages which considerably reduced the level of common law damages which people would otherwise receive. In other words, that amount of damages which would be considered fair and adequate according to the wisdom of judges in times past has already been moderated by the Parliament quite severely, because it was considered by the Labor Government before this era of a Liberal Government that it was too expensive to run a scheme with perfectly just levels of damages being awarded to people by the courts.

We already have a system with a dramatic compromise in the level of damages available to people who are injured through the negligence of others on the roads. Essentially, this legislation is a strictly economic rationalist approach to the issue. Clearly, someone has had their marching orders from the Government to produce as many cuts as possible so that, on paper, the insurance fund looked to be in a healthy position. It is natural to assume, given the track record of the Government, that this is being done with a view to selling the Motor Accident Commission with a healthier balance sheet than it has at the moment. That is not to concede that the fund is not in a viable position. Adequate proof of the alleged blow-out to the fund has not been provided to this place and, in any case, the answer, if there is a problem in that regard, is to establish what level of damages is just and fair to injured people and then to ensure that enough funds are injected into the fund to meet the level of damages in each case.

The Opposition took the view that some finetuning of the level of damages might be acceptable and, thus, the second reading of this Bill has been supported. But, there are very few provisions which are not unfair or positively harsh and I will make more comment about that in the Committee stage. However, it is not necessary for me to go on too long at this stage, because I understand that after the introduction of this Bill there have been some very shrewd, wise and passionate submissions from a range of knowledgeable and concerned people in this area in relation to people who are injured as a result of motor vehicle accidents. The Government has taken that on board in the face of opposition by the Labor Party and other Parties in the other place.

I understand that many of the problems, as I perceive them and as are perceived by the Labor Lawyers Association and other groups, are largely being addressed by way of negotiation. Of course, that is what should have happened before the Bill was even introduced, and it is a hallmark of many Ministers of the current Government that they will charge in like a bull at the behest of Treasury or some other Government official or their own political apparatus and then have to deal with the consultation which should have taken place before the Bill was introduced.

Comment can be made about the worst clauses of the Bill as we work through it. I am glad to say that in the other place many of the worst excesses have been moderated, and I hope

that that position will be maintained when it comes to a conference between the two Houses.

Mr CLARKE (Ross Smith): I support the comments made by the member for Hart and the member for Mitchell. We will have an opportunity in Committee to go through some of the worst aspects of this legislation in more detail, so I will not take all of my allotted time in my second reading speech. I have managed in the past to live up to my word on that on other opportunities.

Members interjecting:

Mr CLARKE: I would not mind your protection against my own colleagues on this occasion, Mr Speaker. I would like to join with the member for Mitchell, in particular, in condemning a very mean spirited piece of legislation.

An honourable member interjecting:

Mr CLARKE: And the member for Hart, but the member for Mitchell said it with more passion. It is a particularly mean spirited piece of legislation because, basically, we are talking about 22¢ a week; the difference between enacting all this legislation, which will severely impact on a comparatively small number of our fellow citizens, and spreading the cost across all those people who drive motor vehicles is 22¢ a week or $11 a year in the cost of registration of a motor vehicle.

The Government says that the reason behind this cost-cutting measure is to protect the fund and, in particular, to keep it solvent. But, members will see in the second reading explanation that Governments, both Liberal and Labor, effectively froze premiums in this area from 1988-89. There were also questions of poor investment returns until 1994-95. There was a premium reduction in 1988, followed by static premiums from 1989 to 1996, involving both Liberal and Labor State Governments.

The reality is that, because of those decisions, this Parliament is being asked to inflict something on fellow citizens who are unfortunately injured in a motor vehicle accident and for them to have their claims substantially reduced. That is just not fair by any stretch of the imagination. The Minister in another place has also referred to the fact that there has been a need for this legislation to help curb costs and, again, the old State Bank disaster is trotted out as justification. Well, I simply say that it is the responsibility of the whole community to pick up the cost of the State Bank debt, not just those who happen to drive a motor vehicle and who are unfortunate enough to be involved in an accident in that motor vehicle. That is a cost which must be borne by the whole community, not just by a few.

We must also remember this: the people involved in car accidents in many instances are involved in accidents not of their own making or their own choosing. They are, in fact, in many cases passengers in a motor vehicle; they could be stationary at a set of traffic lights and be involved in a collision with another vehicle. All sorts of scenarios come to mind—and I do not need to waste the time of the House by going into them—which show that 83 per cent of persons injured would not be eligible for any claim whatsoever under the Government's original Bill and may not be at fault at all except that they were unfortunate enough to be in the wrong place at the wrong time when they were involved in a collision.

I want to touch on other aspects of the Bill. For example, I remember in this House only a few years ago, when the WorkCover legislation was changed and the Liberal Government cut out journey accidents, that the then Minister, the member for Bragg, said, 'Many of these motor vehicle accidents will be picked up through compulsory third party claims.' That was one of the arguments why journey accidents were knocked out of WorkCover. I never believed for an instance that we should have cut out journey accidents from WorkCover. I recall a number of members opposite waxing lyrical about how it would be picked up under CTP policies. Well, in fact, to a substantial degree they will not be picked up by CTP because of changes this Government wants to introduce to this legislation. Effectively, workers injured travelling to or from work not only will have lost it under WorkCover but in most cases will lose it under CTP policies as well—and that is just not on.

Secondly, in terms of maximum entitlement for claims for non-economic loss, South Australia rates the lowest with $91 800 compared with Victoria, at the top of the scale, with $330 000; New South Wales, $247 000; Western Australia, $209 000; Northern Territory, $141 000; Queensland, unlimited; ACT, unlimited; and Tasmania, unlimited. Now the Government wants to knock off the $91 800 for non-economic loss in South Australia. It is a particularly mean spirited piece of legislation.

Those who will suffer in particular are the disadvantaged members of our society. Those who are not earning an income—children, the unemployed and the elderly—will have no claim, because they will not be suffering any economic loss, which is their only opportunity for any recompense for injury. We must remember that many of those people will have been injured through absolutely no fault of their own, other than being in the wrong place at the wrong time, and they will have no entitlement to compensation for pain and suffering, but their medical expenses will be picked up by Medicare.

I also find other aspects of the Bill harsh. I accept that some consideration must be given to reducing the amount of damages one might be awarded if, for example, one does not wear a helmet when one is riding a motorcycle or a push cycle; and there should be a deduction in the damages awarded to a drink driver. However, there is already a significant reduction on such damages to the tune of 15 per cent, or some such greater amount as awarded by the courts. I understand that the lawyers are happy enough for the 25 per cent to apply—

An honourable member: Not all of them.

Mr CLARKE: Not all the lawyers, but some of them—because that will avoid the argument over 15 per cent or greater. I think that 25 per cent is far too high a figure; 15 per cent is already a significant reduction in the damages one can be awarded if one has been drink driving. What I find even more extraordinary in the Government's original Bill is that a passenger who goes with a driver who is under the influence of alcohol, who is involved in an accident and who is injured likewise loses 25 per cent of their damages because they happen to be with a driver who is under the influence of alcohol.

Mr Lewis: That person is a bloody idiot.

Mr CLARKE: The problem is that this Government is a bloody idiot, because the legislation is drafted in such a way that, if the passenger is also drunk and, therefore, does not know the person who is driving the vehicle is drunk, they do not get any deduction. It is only if you are sober, get into the car with a drunk and the drunk has an accident that you are penalised, because you should have known that that person was too drunk to drive. However, if you are absolutely shickered and you climb in as a passenger, the Government's

original Bill promotes the attitude of, 'Well, it's okay. You won't suffer any penalty because you didn't knowingly get into a car with a drunk as you were too drunk to know the difference.' How is that for a bit of logic? Only the member for Hammond's Government could come up with such a harebrained arrangement.

Given that he represents a rural electorate, the member for Hammond should be aware of the situation out in the country where there is no easy access to taxis. You might be in a hotel somewhere and you might have a particularly belligerent partner who has a few drinks under their belt. The passenger might try to take the car keys but, if the driver refuses to hand them over, you cannot wrestle that person to the ground in an attempt to obtain the keys. If you do not grab that lift, you might not be able to get a lift with anyone at all. It is not as simple as it may seem in the metropolitan area, where you might have access to public transport or a friend you could phone up who can easily nip around the corner and pick you up. In the more remote areas of our State that option is not available to you. Therefore, that passenger would be severely penalised.

I accept the 25 per cent discount, because that seems to be generally accepted. However, if that applies to a passenger, what will the passenger do? Will they take an alcotest to determine whether they are over .05, or .08. Will they think, 'Do I have to have one myself to find out whether I am shickered enough to be able to claim a drunk's defence so that I do not suffer a 25 per cent reduction in compensation if we have an accident?' These are the sorts of real questions that this Government has not thought through at all.

I point out to the member for Hammond that the passenger may be sober and driving with somebody who is not necessarily absolutely shickered or stoned but on .08 or just over. That person might be driving competently, but suddenly somebody might swerve in front of the driver and, through no fault of the driver's, an accident occurs. Somebody could run a red light, or something of that nature, and there could be an accident. In that case, the passenger would be heavily penalised through absolutely no fault of their own, and it could be that the passenger was not aware that the driver was over .08.

Mr Lewis: There's a lot to be said for riding a horse.

Mr CLARKE: I suggest the honourable member read the Bill, because he will see that we are not on primary production but on the Motor Accident Commission. Mind you, given the way the Government is governing this State, the only thing we will be able to afford to drive is a horse and cart. As I said, we can deal with the legislation in more detail when we go into Committee and consider the amendments of another place. I doubt that the backbenchers opposite understand the legislation and what they are letting themselves in for.

Those members who represent constituents in rural areas ought to have a closer look at the legislation, particularly the amendments being put forward in another place, and give serious consideration to telling their Ministers that they will not be party to a mean spirited piece of legislation, all for 22¢ a week, with such a severe impact on a relatively handful of people. That handful of people are being told that they have to bear a disproportionate share of the cost of the State Bank disaster rather than its being shared across the community as a whole.

It is not the fault of those persons that Governments, Liberal and Labor—no doubt for political reasons—never increased the premiums for several years. This Government is now saying that just a handful of people will bear the cost, whatever the extent of their injuries. It is saying that at least 83 per cent of the people under the original legislation would have no claim whatsoever for pain and suffering. We are asking just a relatively small number of people to bear the cost. This Government keeps trotting out the Jon Blake case, where damages of $40 million—which were eventually reduced to about $8 million—were awarded by not a South Australian court but a New South Wales court. That is another furphy, another red herring, to kick the guts out of the majority of people who have claims in this jurisdiction. It is just a red herring to gloss over a very mean spirited piece of legislation. I commend the amendments that have been put forward by another place.

The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training): My words will be relatively few. I thank members opposite for their contributions to this debate. The increase in premiums, which is part of this Bill, has been the result of the Motor Accident Commission's having the lowest solvency of any compulsory third party fund in Australia, half the insurance and superannuation commission minimum of 15 per cent for private sector insurance, and less than half the weighted average solvency of Government owned schemes.

As a result of that, it is required that those premiums increase.

The Bill also looks at increasing the accountability of owners, drivers, passengers and cyclists by penalising those who take undue risks, for instance, as the member for Ross Smith has said, in terms of drink driving and imposing obligations on road users to take appropriate measures to reduce the effects of injuries sustained in accidents by the use of seat belts and helmets. There are amendments to come down from another place, so I will limit my contribution to that. I again thank members for their contributions.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

STATUTES AMENDMENT (FINE ENFORCEMENT) BILL

Received from the Legislative Council and read a first time.

RETAIL AND COMMERCIAL LEASES (TERMS OF LEASE AND RENEWAL) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training): I move:

That the sitting of the House be extended beyond 6 p.m.

Motion carried.

ADJOURNMENT DEBATE

The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training): I move:

That the House do now adjourn.

Ms STEVENS (Elizabeth): Over recent months, and certainly in recent days, I have received a number of letters and had two meetings with the parents of young people with disabilities who are presently at school and who will be leaving school at the end of this year and who face a very uncertain future. I know that I am not the only member to have received submissions on this subject. My colleague the member for Mitchell has contacted me with particular concerns that were raised with him by constituents in his electorate, and I would think that probably many other members have heard about this very serious issue.

As I said, I have received a number of letters, and I wish to quote from one or two of them to give people who do not know what I am talking about some idea of what people are saying. I will then refer to the results of some meetings that I held last week and the week before.

The first letter from which I will quote briefly comes from people with a son who will turn 20 in October this year and who will finish his formal education at St Anne's School in December in 1998. They say:

> Our concern for our son is that we are receiving mixed messages from IDSC in respect to funding next year, that is, in 1999 for post school options. Because of Andrew's disabilities it is unlikely that he will secure a place in the work force and, without day options, Andrew's quality of life will be greatly affected and he will be even more severely disadvantaged.

They go on to say:

> Without the support of day options the stress on our family will increase greatly as we are also the parents of two other teenagers who need our energies and will do so for years to come. We have always been a close family unit, but the strain of this matter is already taking its toll. Unless an appropriate place can be found for our son, then the stress of this will tear our family apart. We believe, as a matter of justice, there should be equal opportunities for us as parents.

Another letter I received states, in part:

> We are the parents of six children, four adults and two young ones. Three of these children have disabilities. Steven, 20 years, with Down's syndrome and other disorders; David, eight years, with attention deficit disorder and other minor disorders; and Stephenie, seven years, with attention deficit with hyperactivity disorder and fine motor dysfunction. Without services to help us with education, social support and school leavers' programs we would be left to burden the health system and social service system more which, in the long run, will cost more. Money needs to be added to the existing services and to help the disabled work within the community and have quality of life. We are finding it harder and harder to cope with our eldest son and his needs and find that, without the help of the Moving On project and other services that are in place, his state of physical and mental health will deteriorate to the point where we would not be able to continue his care at home.

These are just two examples of letters I have received from parents in this position. What is this issue about? Last year, the Parents for Post School Options Lobby Group finally convinced both politicians and service providers of the urgent necessity for recurrent funding for those young adults with severe intellectual disability and high support needs who would be finishing their secondary schooling.

The Intellectual Disability Services Council agreed to appoint a full-time coordinator and the Moving On project was born. Students leaving school in 1996 and 1997 were provided with day recreation and life skills programs of their choice. This program was funded by the Government to the tune of $2.2 million and programs were established for 170 young people. Things did not go completely smoothly and members will recall that at the beginning of the year I raised issues on behalf of a number of parents who were actually faced with turning up to redeem or start the projects that their son or daughter had chosen only to find that the money that had been allocated was not enough to go around. Essentially, the Moving On project, from what people tell me, has been a success in its first year. I understand it is now being evaluated and I am pleased to see that.

However, the problem is that young people are continuing to complete their schooling and, just because we set up a program in 1996 and 1997 to cope with school leavers, it does not mean that is the end of the matter. Young people with intellectual disabilities are still completing their secondary schooling. I understand that there are about 80 young disabled people who will complete their schooling at the end of this year. To date, the only funding that has been made available for these young people is a further allocation of $225 000 in new funds. Unfortunately, that is not going to be enough. Today, we asked the Minister for Disability Services in another place questions about this and, as part of his answer, he said that on average $20 000 was spent for each of the young people in the program this year. As I have said before, there are about 170 young people being catered for this year.

If we divide the $225 000 by the $20 000 per student, we find there is enough funding for about 11 students. As I just mentioned, about 80 young people with a disability will be leaving school in December, and the $225 000 will see programs for only 11 of these people. That leaves a lot of people with nothing. In his answer today the Minister said he was not sure how many people would qualify for these funds and suggested that some would go to supported employment and other activities. I am absolutely certain that there will be many more than 69 students left over because, if we subtract 11 students from the 80, many of those remaining 69 will require programs such as those provided under the Moving On project.

Understandably, parents are very distressed, because we are now nearly at the end of August and these decisions have to be made before the school year starts. In fact, people have to start planning, choosing activities and making arrangements within the next two or three months. It is not good enough to leave these matters so late. If the Minister says he did not have the information in advance, he is just not giving us the whole picture because, in February 1997, a report was put together for the previous Minister, the Hon. Dr Armitage, on the unmet need in disability services in South Australia. In the report 'Making a Difference' and under the heading 'A Future for School Leavers and Lifestyle Options, Unmet Need', the following is stated:

> It is estimated that 50 per cent of school leavers will have high support needs requiring access to day options or a combination of supported employment and day options. These school leavers will include people with severe intellectual disability, people with challenging behaviours and people with severe and multiple disabilities.

In fact, it is estimated that in 1998-99, 87 school leavers and 43 adults over 21 years will require these services. A funding requirement of $1.95 million is estimated. The Minister has had reports since February 1997. Why is it that parents of intellectually disabled young people are always left to the last minute? For these people it means giving up their jobs and giving up everything they are doing in order to care for the young person at home. Also, it is devastating for the young people themselves. They have a right as citizens in our society to have the opportunity to do something useful and productive on a daily basis. At this rate most of them are going to be left with nothing.

Mr LEWIS (Hammond): During the course of the past few days and earlier today in the grievance debate following Question Time, I have continued to draw attention to what I

consider to be a rapidly escalating problem in society arising out of our willingness to be indifferent to the threat which self indulgent behaviour poses not only to the individual who engages in it but, more particularly, to the rest of society. I have been drawing attention in particular to the range of drugs that have become increasingly easy to get in this country in the past 25 years in consequence of this increasing willingness to go soft on enforcement and thereby allow trafficable substances to get onto the streets where young people can experiment with them and end up becoming addicted.

I had most recently been talking about the drug MethyleneDioxyMethAmphetamine (MDMA), otherwise known as ecstasy, and had made the point that, most likely, those people who have taken ecstasy will find that they have a hangover the next day. They will also suffer a loss of appetite, insomnia, depression, muscle aches in the chest, the joints and limbs, and difficulty in concentrating for at least a day and perhaps up to two days after indulging in taking the drug. Short-term effects include increased blood pressure and pulse rate, which is a danger for people who have weak walls in their blood vessels, particularly in their brain: they could end up with a stroke from an aneurism. They may also experience raised body temperature, increased feelings of false confidence, feelings of closeness with other people, sweating, dehydration resulting from that, involuntary jaw clenching and teeth grinding, nausea and not just mild but chronic to acute anxiety.

Taking ecstasy on a daily basis leads to psychological and physical problems. Most likely, you will not sleep or eat properly, and you will feel paranoid, very confused and irritable. These effects may not clear up when you stop taking the drug. The use of most drugs, particularly at higher dose rates over any extended period—that is, on more than two or three occasions—tends to cause health problems where, as a consequence of indulging, the immune system is weakened in particular. There is uncertainty about the long-term effects of ecstasy, although there is some evidence that regular use of a significant amount over a long time will cause damage to the brain, heart and liver.

I have also drawn attention to the problems that people will suffer if they take heroin, which is an opioid. The immediate effects will be the relief of pain, if there is any, and the deadening of any pain that may result from bumping or suffering some contact with a physical object that might otherwise have caused pain. There will be a general feeling of well-being or euphoria. On the other side of it, there will be a sudden feeling of nausea, and vomiting will overtake the person who has been indulging themselves. The pupils of the eyes become smaller; they do not dilate, as occurs with some other drugs. Breathing becomes shallow, the individual gets constipated and they will experience extensive itching as well as difficulty in sleeping. With large doses the pupils of the eyes will narrow down to mere pinpoints; the individual's skin will grow cold, and breathing and other central nervous system activities slow down to the point where the person can slip into a coma and die—that is, an O.D.

With regular use over time—and not very long, at that—most people will experience health problems such as collapsed veins, abscesses on their skin as a consequence of blood not being cleared away, tetanus, Hepatitis B and C, and heart, chest and bronchial problems. They will lose their appetite and that will result in malnutrition. Women experience irregular menstruation and sometimes infertility, pneumonia and chronic constipation; and men experience impotence, often through addiction, leading to overdose.

There is another drug that I have not yet discussed, and that is cocaine. It is an alkaloid and comes from the leaves of a Peruvian shrub. It is powerfully addictive to the central nervous system and is a stimulant—a euphoriant. Most people find that cocaine produces a feeling of euphoria. They become extremely talkative and restless and appear to be very excited, and this is associated with the development of a psychological dependence and a tendency to continued self-administration—that is, they are hooked. Although it can be taken swallowed or even dissolved in water or injected into a vein, most users arrange the powder in a line on a table or any other hard surface at their disposal and snort it into their nostrils through a tightly rolled piece of paper—a bank note or anything else.

In consequence of their taking it, they become over confident. They feel optimistic and energetic; they believe they are more important and capable of greater things than is really the case. There is an enhancement of self esteem and sex drive. There is an overall feeling of exhilaration and happiness after the initial induction of the drug. They feel a reduced need for food, rest and sleep. With excessive doses, again, they will suffer from sweating, dizziness and higher body temperature; their mouth will dry out; their hands and other limbs and extremities will begin trembling; and they will get tinnitus or ringing in their ears. As the trip wears on they will become anxious and irritable and will continue like apes at repetitive skin picking and involuntary grinding of their teeth.

Prolonged use of the drug will probably raise their blood pressure to the point of producing a stroke. It is fairly common for fits to occur, which lead to unconsciousness. The direct toxic effect on the heart may cause it to beat irregularly and be less efficient or stop altogether. In consequence of suffering from those symptoms, many people end up having pacemakers fitted these days at a much earlier age than would have been necessary or even dreamt as being likely 20 years ago. So, young people who end up with pacemakers are usually those who have abused cocaine or something similar to it in the alkaloid range of drugs. They will probably have been told that it was crack or coke at the time they took it.

It is possible that the long-term use may irreversibly damage particular dopamine-bearing nerves or small blood vessels in the brain. The narrowing of those blood vessels in the nose of snorters can lead to chronic runny noses. Such people will invariably be sniffing. They will sniff, say a few words and sniff again; you will know that they are hooked on cocaine. They will end up with ulcerations or collapse of the nasal cartilage, with striking consequences for their appearance. They need to know that before they start out. Smoking crack (a form of cocaine) is extremely damaging to the lung tissue and is associated with severe chest pain where the person is uncertain of its origin. It will cause asthma and bronchitis.

The only other drug that I have not mentioned in the course of these remarks is alcohol. I will not spend much time on that. The effects of its abuse are probably well known by people who take it. It is sufficient to say that it is a depressant, not a stimulant.

Motion carried.

At 6.20 p.m. the House adjourned until Wednesday 19 August at 2 p.m.